



**CORVALLIS
CITY COUNCIL AGENDA**

**February 1, 2010
12:00 pm and 7:00 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

PLEDGE OF ALLEGIANCE

I. ROLL CALL

II. CONSENT AGENDA [direction]

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

- A. Reading of Minutes
 - 1. City Council Meeting – January 19, 2010
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – November 3, 2009
 - b. Bicycle and Pedestrian Advisory Commission – December 4, 2009
 - c. Downtown Parking Committee – December 1, 2009
 - d. Land Development Hearings Board – December 16, 2009
 - e. Planning Commission – January 6, 2010
 - f. Watershed Management Advisory Commission – November 18, 2009
 - g. Willamette Criminal Justice Council – October 21 and November 18, 2009
- B. Confirmation of Appointments to Boards, Commissions, and Committees (Commission for Martin Luther King, Jr. - Rosa; Corvallis Tourism Board - Eastham)
- C. Announcement of Vacancy on Citizens Advisory Commission on Civic Beautification and Urban Forestry (Maudlin)
- D. Schedule a public hearing for February 16, 2010, to consider a street vacation request (MIS10-00002 – OSU)

- E. Approval of an application for a "Full On-Premises" liquor license for Jon Gold, owner of Barking Cow Enterprises, Inc, dba Sunnyside Up, 116 NW Third Street (New Outlet)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. Energy Strategy next steps and City Council Policy on Community Sustainability [direction]
- B. City Legislative Committee – January 27, 2010 [information]
- C. Establishment of an Arts and Culture Commission [direction] (evening meeting)
ACTION: An ordinance establishing the Arts and Culture Commission, amending Corvallis Municipal Code Chapter 1.16, "Boards and Commissions," as amended, to be read by the City Attorney

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
- B. Council Reports
- C. Staff Reports [information]
 - 1. Council Request Follow-up Report – January 28, 2010
 - 2. Corvallis Daytime Drop-In Center Quarterly Report

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

VII. PUBLIC HEARINGS – 7:30 pm

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

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

- A. Human Services Committee – January 20, 2010
 - 1. City of Adair Village Request for 9-1-1 Dispatch Services [direction]
- B. Administrative Services Committee – January 20, 2010 (evening meeting)
 - 1. Transportation Maintenance Fee Review [direction]
ACTION: An ordinance amending Corvallis Municipal Code Chapter 3.05, "Transportation Maintenance Fee," and stating an effective date, to be read by the City Attorney

- C. Urban Services Committee – January 21, 2010
 - 1. Municipal Code Revisions to Chapter 9.01, "Building Code" [direction]
ACTION: An ordinance amending Corvallis Municipal Code Chapter 9.01, "Building Code," as amended, and stating an effective date, to be read by the City Attorney

- D. Other Related Matters
 - 1. *A resolution accepting a grant from the Senior Citizen Foundation of Benton County (\$11,423) to support health promotions at the Senior Center, and authorizing the City Manager to sign grant agreement, to be read by the City Attorney* [direction]
 - 2. *A resolution accepting a grant from the Kiwanis Foundation (\$300) for dining utensils at Senior Center special events, and authorizing the City Manager to sign grant agreement, to be read by the City Attorney* [direction]
 - 3. *A resolution accepting a grant from the OSU Folk Club (\$500) for a laser printer at the Senior Center computer lab, and authorizing the City Manager to sign grant agreement, to be read by the City Attorney* [direction]
 - 4. *A resolution accepting a grant from the Federal Highway Administration (\$732,518) for Airport Industrial Park Improvements to Hout Street, and authorizing the City Manager to sign grant agreement, to be read by the City Attorney* [direction]

X. NEW BUSINESS

- A. Corvallis Sustainability Coalition partnership agreement amendment [direction]

XI. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 541-766-6901 or the Oregon Communications Relay Service at 7-1-1 to arrange for TTY services.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 541-766-6901

A Community That Honors Diversity



CITY OF CORVALLIS
ACTIVITY CALENDAR
FEBRUARY 1 - 13, 2010

MONDAY, FEBRUARY 1

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

TUESDAY, FEBRUARY 2

- ▶ Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Downtown Parking Committee - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Budget Commission- 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

WEDNESDAY, FEBRUARY 3

- ▶ No Administrative Services Committee
- ▶ Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ Library Board - 7:30 pm - Library Board Room, 645 NW Monroe Avenue

THURSDAY, FEBRUARY 4

- ▶ Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Budget Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ Committee for Citizen Involvement - 7:15 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, FEBRUARY 5

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

SATURDAY, FEBRUARY 6

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

TUESDAY, FEBRUARY 9

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

WEDNESDAY, FEBRUARY 10

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

THURSDAY, FEBRUARY 11

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

SATURDAY, FEBRUARY 13

- ▶ No Government Comment Corner

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

January 19, 2010

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Page 27			
New Business 1. Annual MPO Report Presentation Pages 28-31	Yes		
Visitors' Propositions 1. Corvallis Sustainability Coalition Annual Report (Mills, Schuster) 2. Witham Oaks Property Purchase (Marquering, Lindstrom) Pages 31-33	Yes Yes		
Items Removed from Consent Agenda 1. Schedule Public Hearing – Phones Plus, Inc. Page 33		March 15, 2010	• Re-schedule hearing <u>passed U</u>
Unfinished Business 1. Findings of Fact and Order – Martin Page 33			• Adopt Findings and Order <u>passed U</u>
Mayor's Report 1. Appointments: Cascades West Area Commission on Transportation 2. Proclamation: ECL – Karlene McCabe 3. Economic Recessions 4. Jobs Forum Comments 5. Government Comment Corner Schedule 6. Regional Economic Development Discussions 7. Greenhouse Gas Emissions Reductions 8. Electric Vehicle Stimulus Project Pages 34-35	Yes Yes Yes Yes Yes Yes Yes Yes		
Council Reports 1. Parking Districts Around OSU Campus (Daniels) 2. Economic Development Ad Hoc Committee (Brown) 3. South Corvallis Area Refinement Plan (Hervey) 4. Healthy Kids Healthy Communities (Hervey)	Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Council Reports – Continued 5. The Business Enterprise Center Classes (O'Brien) 6. Downtown Pedestrian Enhancements (O'Brien) 7. MLK Celebration (Raymond) 8. Fund-raising Efforts (Raymond) 9. Friends of Witham Oaks Proposal to Purchase Property for City (Raymond) Pages 35-41	Yes Yes Yes Yes		<ul style="list-style-type: none"> • RESOLUTION 2010-02 <u>passed 8-1</u>
Staff Reports 1. City Manager's Report – December 2009 2. Council Request Follow-Up Report – January 14, 2010 3. Corvallis Community Access Television Update 4. Industrial Lands Wetlands Inventory 5. Downtown Transit Center Restroom Pages 41-42	Yes Yes Yes Yes Yes		
Items of HSC Meeting of January 5, 2010 1. WNHS First Quarter Report Page 42			<ul style="list-style-type: none"> • Accept Report <u>passed U</u>
Items of ASC Meeting of January 6, 2010 1. Council Policy Review: CP 97-10.01 - 10.08, "Financial Policies" 2. Voluntary Donations on Electronic Utility Payments Pages 42-43			<ul style="list-style-type: none"> • Amend Policy <u>passed U</u> • Approve staff's proposal <u>passed U</u>
Items of USC Meeting of January 7, 2010 1. Sidewalk Café Review Process 2. Water Demonstration Project Concept Plan 3. Water Conservation Review Scope of Work Pages 43-44	Yes		<ul style="list-style-type: none"> • Approve process and schedule <u>passed U</u> • Proceed with plan <u>passed U</u>

Glossary of Terms

- ASC Administrative Services Committee
- ECL Enhancing Community Livability
- HSC Human Services Committee
- MLK Dr. Martin Luther King, Jr.
- MPO Metropolitan Planning Organization
- OSU Oregon State University
- U Unanimous
- USC Urban Services Committee
- WNHS Willamette Neighborhood Housing Services

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

January 19, 2010

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on January 19, 2010, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

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

Mayor Tomlinson directed Councilors' attention to items at their places, including the Corvallis Sustainability Coalition's 2009 Annual Report (Attachment A); a collection of graphs involving average wages, employment growths, manufacturing employment, and unemployment (Attachment B); the 2009 Government Comment Corner schedule; and the Council's anticipated absences schedule. He asked that the two schedules be completed and returned to Assistant to City Manager/City Recorder Louie.

II. CONSENT AGENDA

Mayor Tomlinson announced that item F was withdrawn from the Consent Agenda. He explained that staff wanted to defer the public hearing to a future date.

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

- A. Reading of Minutes
 - 1. City Council Meeting – January 4, 2010
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Citizens Advisory Commission on Transit – December 9, 2009
 - b. Committee for Citizen Involvement – November 5, 2009
 - c. Corvallis-Benton County Public Library Board – December 2, 2009
 - d. Downtown Commission– December 9, 2009
 - e. Historic Resources Commission – December 8, 2009
 - f. Housing and Community Development Commission – December 16, 2009
- B. Announcement of Vacancy on Corvallis Tourism Board (Bohard)
- C. Announcement of Appointments to Boards, Commissions, and Committees (Commission for Martin Luther King, Jr. - Rosa; Corvallis Tourism Board - Eastham)

- D. Schedule a public hearing for February 16, 2010, to consider a Major Modification and a Conditional Development Permit (collocation of wireless telecommunication facilities) (PLD09-00007, CDP09-00005 – Benton County Health Center)
- E. Schedule a public hearing for February 16, 2010, to consider a Historic Preservation Permit application (collocation of wireless telecommunication facilities) (HPP09-00046 – The Benton Hotel)
- G. Approval of an application for a "Full On-Premises Sales" liquor license for Iain and Tonya Duncan, owners of DK3, LLC, dba Flat Tail Pub, 202 SW First Street
- H. Approval of an assignment of Municipal Court Judge contract from Mark D. Donahue, PC to Mark Donahue
- I. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with the City of Albany for transit services through the Linn-Benton Loop Transit System

The motion passed unanimously.

X. NEW BUSINESS

- A. Annual Metropolitan Planning Organization Report Presentation

Ali Bonakdar, Corvallis Area Metropolitan Planning Organization (CAMPO) Director, provided the Council an update on CAMPO's activities and projects.

- During the past year, the CAMPO participated in several projects:
 - Regional transit service coordination beyond the CAMPO boundaries.
 - Established a unified transit fare between Corvallis Transit System (CTS) and Philomath Connection (PC).
 - Coordinated use of monthly and discount passes between CTS and PC.
 - Re-configured the Linn-Benton Loop (LBL) route to serve NW Ninth Street (Ninth) and the Corvallis and Albany hospitals.
 - Coordinated transit schedules; more will be coordinated.
 - Worked on development of a unified transit ticket or currency that would be accepted by CTS, Albany Transit System (ATS), and LBL.
 - Planned for further coordination of transit schedules and services.
 - NW Ninth Street Improvement Plan.
 - Applied for Transportation and Growth Management grant.
 - Worked with City staff to develop a plan for improving Ninth, including improving safety for all modes of transportation, improving operations, and managing access.
 - The Project Advisory Committee developed recommendations regarding pedestrians, bicyclists, transit, landscaping, intersection operation, access management, and land use:
 - Expand and maintain a minimum sidewalk width.
 - Install pedestrian crossings between traffic signals.
 - Unify and standardize bicycle lane widths.

- Add transit bus shelters.
- Create accommodations for landscaping.
- Improve functionality of intersections and identify needed capacity improvements.
- Consolidate and reduce the number of driveways where opportunity exists.
- Identify possible land use amendments.
- American Recovery and Reinvestment Act "Stimulus Package" funding of more than \$2 million for infrastructure projects.
 - Several roadway preservation projects.
 - Transit projects, including bus purchases, transit facilities, and equipment.
 - Transportation enhancement projects, including improving the multi-use path between Corvallis and Philomath and the Campus Way path.
- CAMPO receives approximately \$600,000 annually for use on transportation projects with the highest priorities and used that allocation to fund several transportation projects.
 - Numerous street improvements throughout Corvallis and the surrounding area.
 - Benton County-sponsored multi-use path between Corvallis and Albany.
 - Camera and traffic controllers in Corvallis.
 - Safety projects, mainly involving railroad crossings.
 - Safe Route to School projects.
 - Transit projects, including bus replacements and transit amenities.
- Transit service to Adair Village.
 - Adair Village does not have public transportation services. CAMPO negotiated an agreement for Corvallis Transit System to extend service to Adair Village. Benton County received transit funding from the State and is able to provide transportation to Adair Village and Monroe.
- Compliance with the requirements of the Oregon Transportation Planning Rule.

Upcoming projects include:

- Update the 2006 CAMPO Transportation Plan.
 - Incorporate all issues heightened since the Plan was adopted:
 - Sustainability;
 - Greenhouse gas emission reduction; and
 - Energy conservation.
 - Make the Plan consistent with City of Corvallis policies.
- Reduce greenhouse gas emissions.
 - House Bill 2186 requires metropolitan areas to strive to reduce greenhouse gas emissions.
 - A task force was developed in response to the legislative directive and developed a proposal for presentation to the next State Legislative Session. The proposal will require MPOs to begin considering greenhouse gas reductions utilizing existing resources. Toolkits and resources will be developed over the next two years to help MPOs implement actions.
 - All future transportation activities must be evaluated against the House Bill 2186 criteria.
- Began developing the Fiscal Year 2010-2013 Transportation Improvement Program of projects to be funded by a Federal allocation.
- Plan for a possible second "stimulus package."

- The same amount of funding is projected with a very tight timeframe for project implementation.
- The "stimulus package" is entitled, "Jobs for Main Street," with an emphasis on job creation.
- CAMPO expects to receive another \$2 million, which must be invested immediately into the highest-priority projects.

Councilor Daniels reported that the Council approved an energy strategy, based upon existing policies, with a transportation component. The Energy Strategy Ad Hoc Committee used information from CAMPO and ODOT to determine that the greatest contributor to greenhouse gas generation and transportation energy use in the Corvallis area involves people commuting to or from Corvallis. CAMPO's work on regional transportation is very beneficial. She thanked Mr. Bonakdar for coordinating planning efforts with other governmental entities. She asked what type of work CAMPO would be able to do that would be publicly visible and when it would begin.

Mr. Bonakdar responded that MPOs must educate the public regarding the need to reduce greenhouse gases, realizing how reduction will impact transportation and energy decisions during the first two years. Programming and planning will consider qualitatively the impacts of projects on greenhouse gas emissions. However, CAMPO must wait for development of the toolkits, which should be available during 2012. Then CAMPO will formally work toward targets for greenhouse gas emission reductions. He commented that much work can be done before 2012, particularly in terms of educating the public and considering qualitative impacts.

Councilor Daniels said she was glad that CAMPO would undertake a public education program. She noted that parking subsidies are an existing resource, and these subsidies are being reduced to encourage car pooling, van pooling, or public transit.

Councilor Brauner, as Council Liaison to the CAMPO, said the Council discussed the opportunity to work with the Corvallis Sustainability Coalition on public outreach efforts. He expressed hope that some of the modeling and toolkit development will occur as the Portland Metropolitan area works through its plans to reduce greenhouse gas emissions. Much information remains to be developed, focused on new ways to improve the environment.

Councilor Raymond thanked Councilor Brauner, Mr. Bonakdar, and Public Works staff for their efforts with the CAMPO and addressing citizens' concerns, such as street conditions and public transit fares.

Councilor Beilstein said he was impressed with the scope of the CAMPO's work and its progress. He inquired whether work had been done to coordinate public transit between Corvallis and the Amtrak depot in Albany.

Mr. Bonakdar responded that this type of public transit is outside the CAMPO's mission; however, the CAMPO worked on the issue with the Transit Coordination Committee, reaching beyond the CAMPO boundary. Previously, LBL did not serve the Amtrak depot;

this connection is now an objective of the CAMPO. Much work must be done regarding coordination of public transit agencies in Benton and Linn Counties.

Councilor Hirsch opined that the proposed medians along Ninth would be beneficial, but he had not heard anything about the amenities for some time.

Mr. Bonakdar responded that 12 planted medians were proposed for Ninth, believing they would bring a sense of calm and order to traffic and ease pedestrian crossing of the street by providing mid-street refuge areas. The median concept was strongly opposed by citizens and business owners along the street, so the Advisory Committee withdrew the recommendation.

Councilor Brauner said he originally liked the idea of medians along Ninth; however, Ninth is different from other areas of town, making medians a difficult concept to implement. Access to businesses is one problem along Ninth. Medians work well in areas with frequent cross-street intersections on both sides of the main street. There are few full cross-street intersections along Ninth, making business access difficult if medians are installed. Small medians will be installed in pedestrian crosswalk areas.

VI. VISITORS' PROPOSITIONS

A. Corvallis Sustainability Coalition Annual Report

Annette Mills reported that the Corvallis Sustainability Coalition (Coalition) addressed four broad areas of sustainability:

- Begin implementing the Community Sustainability Action Plan.
 - Launched 11 Action Teams, which initiated 25 projects, based upon goals and strategies in the Action Plan. Four Teams have reported to the Council since September 2009; other Teams will report in future months.
- Support 145 partner organizations.
 - Increased communication among partners through various social networking technologies.
 - Encouraged collaboration through participation on Action Teams and Committees and through networking at quarterly Coalition gatherings.
 - Hosted "Green Town" at the daVinci Days celebration, with more than 30 exhibitors.
- Strengthen Coalition.
 - Re-structured Coalition leadership to distribute responsibilities more equitably among Steering Committee members and provide greater support to partners and Action Teams through new committees.
 - Became an independent organization separate from the Natural Step Network. Articles of Incorporation were adopted, a Federal tax identification number was received, and the Coalition is awaiting tax-exemption status from the Internal Revenue Service.
- Building relationships.
 - Met with local decision makers and other communities working on sustainability.
 - Served on two key City committees during the past year.

Ann Schuster invited the Council to attend the Coalition's town hall meeting March 11. The meeting will include a sustainability fair and a program, focusing on sustainability efforts for the entire community. The fair will feature local food, entertainment, and exhibits by Coalition partner organizations and Action Teams. The program will include a community discussion regarding how the Coalition is progressing and what else is needed to accelerate efforts to become a sustainable community. A slide program is being prepared to demonstrate many sustainability-related activities and projects from the past year. The town hall meeting will measure and report the amount of energy and water used at the event, the amount recycled and composted, and the sources of food served. The event will have a "no waste" theme.

Councilor Raymond said she was proud of the community coming together under the Coalition's leadership. She thanked Coalition members for their efforts. Councilor Daniels concurred and commended Coalition members for their perseverance.

Louise Marquering distributed a draft resolution regarding the Friends of Witham Oaks' (Friends) efforts to purchase the Witham Oaks property (Attachment C). She said the Witham Oaks natural area within the City Limits attracts many people to re-locate to Corvallis. The Witham Oaks property has English Hawthorn and Oregon Black Hawthorn and may have had Checker Mallow. The Institute for Applied Ecology (IAE) is very interested in the property because of the potential for growing some threatened vegetation.

Ms. Marquering reported that the Friends raised almost \$150,000 toward purchase of the property; foundations have expressed interest in supporting the Friends' efforts. The Friends will seek donations from other groups. She read the Friends' proposed resolution and requested the Council's support. She said the Friends would like the Council's support and could benefit from City staff helping the Friends apply for grants.

Councilor Brown asked what the Friends intended for the City to do with the Witham Oaks property, if it was purchased for the City.

Ms. Marquering said the Friends would like the property maintained as a natural area. If the City does not help the Friends purchase the property, the IAE is very interested in the property. The Friends initially envisioned a coalition of groups to manage the property. Management would involve restoration. IAE could use a portion of the property to grow plants that are placed in other natural areas. If the City purchased the property, other groups would not necessarily maintain the property; this and other issues would need to be resolved.

Councilor Hervey recalled that Corvallis residents were concerned about traffic increasing along NW Harrison Boulevard (Harrison), particularly if the street was widened by removing the bordering Oak trees. Citizens were happy that NW Circle Boulevard (Circle) would be extended to Harrison to possibly reduce traffic pressure along Harrison. He asked whether designating the Witham Oaks property

as an open space area would impact a possible future extension of Circle to Harrison.

Ms. Marquering noted that the extension of Circle to Harrison was proposed by 1969 but has not occurred. The Friends would like to preserve the Witham Oaks property as a natural area. The City has the right-of-way to extend Circle to Harrison, and the Friends do not intend to block that extension.

Ms. Marquering said people use the multi-use path through the Witham Oaks property, not realizing that the property is privately owned except for the City's right-of-way; they assume the property is a natural area for everyone to enjoy.

Dan Lindstrom commented that, once property is paved or developed with houses, the natural land is gone. The Witham Oaks property includes wetland, which must be mitigated for development. He cautioned that developing housing on 45 acres of the 90-acre Witham Oaks property would preclude the developed property ever being a natural, open space area.

Mr. Lindstrom confirmed for Councilor Hervey that he supports the Friend's proposed resolution.

III. ITEMS REMOVED FROM CONSENT AGENDA

- F. Schedule a public hearing for February 16, 2010, to consider an appeal of a Land Development Hearings Board decision (VIO09-00648 – Phones Plus, Inc.)

Mayor Tomlinson requested a motion to re-schedule for March 15, 2010, the public hearing on the appeal involving Phones Plus, Inc.

Councilors Hamby and Daniels, respectively, moved and seconded to re-schedule a public hearing for March 15, 2010, to consider an appeal of a Land Development Hearings Board decision in the case involving Phones Plus, Inc. The motion passed unanimously.

IV. UNFINISHED BUSINESS

- A. Adoption of Findings of Fact and Order relating to an appeal of a Land Development Hearings Board decision (VIO09-00141 – Martin)

Councilors Brauner and Brown, respectively, moved and seconded to adopt the draft Formal Findings and Conclusions from the January 14, 2010, memorandum from the Community Development Director to the Mayor and City Council in support of the City Council's decision to deny the appeal and uphold the Land Development Hearings Board's decision. The motion passed unanimously.

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

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Appointments to Cascades West Area Commission on Transportation

Mayor Tomlinson announced that he will re-appoint Councilor Brauner as Council Liaison and Public Works Director Rogers as City staff representative to the Cascades West Area Commission on Transportation.

2. Proclamation of Enhancing Community Livability – Karlene McCabe

Mayor Tomlinson reported that Karlene McCabe left Greenbelt Land Trust for a new opportunity in Portland, Oregon. At a reception Sunday he read a proclamation commemorating Ms. McCabe's work on behalf of the Trust and Benton County.

Mayor Tomlinson referenced from the meeting packet graphs depicting jobs lost during various eras. He noted that the current economic recession is deeper and longer than any recession since the end of World War II. He reported that eight million jobs have been lost in this recession.

Mayor Tomlinson referenced from the meeting packet a summary of comments offered during the jobs forum he conducted last month.

Mayor Tomlinson asked Councilors to sign up to host Government Comment Corner sessions during the current year.

Mayor Tomlinson reported that he met last week with mayors of communities from Philomath to Sweet Home and Millersburg regarding potential economic development along the Oregon State Highway 34 corridor. Business Oregon presented the charts of wage and employment in the area that he distributed today (Attachment B). He noted that the graphs do not include all 2009 data. The unemployment rates for Benton and Linn Counties track the Oregon unemployment rate. He said the Mayors did not yet have a proposal to present to their respective governing bodies, and they will meet again in February with transportation representatives from the Cascades West Council of Governments and other agencies they want to hear from. A CH2M Hill representative in Portland who works with site selection and economic development indicated that the area is well positioned but has a lot of work to do. Mayor Tomlinson reported that, following the meeting, attendees toured some of the Hewlett-Packard buildings that are available for lease. He said he may ask the Council for funding for a professional services contract to help the community determine how to market development sites in the area.

Mayor Tomlinson referenced from the meeting packet information from 1,000 Friends of Oregon regarding healthy, sustainable communities. The Metropolitan Planning Organization Greenhouse Gas Emissions Task Force, created by Oregon House Bill 2186, recommended Phase 1 activities for 2010. Phase 1 activities will require the CAMPO to engage citizens on the need to reduce greenhouse gases and evaluate regional transportation plans for possible emissions reductions. Meanwhile, the Oregon Department of

Transportation will develop toolkits, referenced earlier by Mr. Bonakdar, that will be available for the CAMPO to use in future years.

Mayor Tomlinson reported that eTek Corporation and Nissan have a large stimulus project involving Oregon, particularly cities between Portland and Eugene. The Mayors of Salem, Albany, Corvallis, and Eugene will meet in late-February to discuss regional planning for the procurement. The Mayors are considering a regional planning effort with stakeholders for the electric vehicle procurement.

B. Council Reports

Councilor Daniels referenced from the meeting packet a proposal from Richard Daniels regarding parking districts. She stated that she was unaware of her brother-in-law's proposal until she received it in the packet. She said she plans to propose that the City/Oregon State University (OSU) Vision Planning Subcommittee consider a single parking district bordering the OSU campus. The single district would replace the existing smaller residential parking districts and would give residents an opportunity to find parking near their homes.

Councilor Brown said the Energy Strategy Ad Hoc Committee's efforts were well received and prompted formation of an ad hoc committee to discuss economic development in Corvallis. The committee will present a report to the Council during April regarding the role of City government in economic development. He noted the Council's economic development goal. The Citizen Attitude Survey gives low ratings to economic development services in Corvallis. The committee will be comprised of Councilors Hamby, O'Brien, and himself and will be chaired by Mayor Tomlinson. City Manager's Office intern Julia Michaels will assist with the research. No City resources will be required by the committee, and the project will not impact the City Manager's two-percent initiative.

Councilor Hervey reported that the Planning Division completed a report on the South Corvallis Area Refinement Plan, which will be presented to the Planning Commission and the Council to consider ways to expedite development envisioned when the Plan was adopted.

Councilor Hervey reported that the City and Benton County were included in the Healthy Kids Healthy Communities program. The program will provide \$360,000 over four years to support efforts to implement policies, systems, and environmental changes to improve access to healthy foods and physical activities for residents of South Corvallis and the surrounding Benton County area. The allocation is the result of a collaboration by City Parks and Recreation Department and Benton County Health Department. The project is recruiting a full-time coordinator.

Councilor O'Brien, as Council Liaison to The Business Enterprise Center, reported that the Center will offer several classes for new business owners. More information is available at www.thebec.com or 541-758-4009. He submitted to the record a flyer of upcoming classes (Attachment D).

Councilor O'Brien reported that Kent Daniels proposed to the Downtown Commission enhancements to pedestrian access in the Downtown area. He submitted to the record Mr. Daniels' memo, outlining the proposals (Attachment E).

Councilor Raymond reported that the Commission for Martin Luther King, Jr., held its annual celebration January 13, during which Mayor Tomlinson spoke of Dr. King's service.

(Councilor Daniels left the meeting at 1:21 pm.)

Councilor Raymond thanked Footwise for displaying quotes from some of the 44 essays submitted for the Martin Luther King, Jr., celebration.

Councilor Raymond thanked community youth who held a fund-raising event for the Jackson Street Youth Shelter. She thanked the community for supporting charitable efforts, including recovery of Haiti from last week's earthquake. She reported that OSU's Dr. Terry Ross challenged people who attended the OSU Peace Breakfast to support the residents of Haiti.

(Councilor Daniels returned to the meeting at 1:23 pm.)

Councilor Raymond read a prepared statement regarding the proposal of the Friends of Witham Oaks to purchase the Witham Oaks property on behalf of the City (Attachment F).

Councilors Raymond and Hervey, respectively, moved and seconded to adopt the previously read resolution to support purchase of the Witham Oaks property for an open space.

Councilor Raymond referenced questions the Friends e-mailed to Council members and requested Council members' responses: the Friends would like the City's verbal moral support and would like to know if the Council supports the proposed purchase, wants to be involved in the purchase, believes the purchase would benefit the community, and endorses the fund-raising efforts.

Councilor Hervey referenced Parks and Recreation Director Emery's memorandum to the Council, which indicated several actions that would need to be taken but did not indicate timelines for implementation of those actions. He questioned whether there were prohibitions on the actions or constraints on how funds would be spent.

Ms. Emery responded that the draft staff report was slightly modified after its submission to the Council. The memo indicated needs for the purpose of informing the Council and the PNARB, so they would know what action must occur in the future. It is too early for staff to outline when specific steps must occur.

Mr. Nelson added that the land use approval for development of the Witham Oaks property required the developer to restore and manage for five years the 37 acres of wetlands that would potentially be donated to the City. The five-year timeframe would allow the developer to ensure that the property was in good condition before the transfer, if the City wanted to accept the property.

Councilor Beilstein surmised that nothing had been done to restore the wetland, and it could remain in its current condition for an indefinite period of time until an owner is able to conduct the restoration as development occurs and as was intended. Once the property is restored, it would be donated to the City as an open space or natural area. If the Friends purchase the property and donate it to the City, there is no existing basis for accomplishing restoration; this work must be incorporated into plans and funding must be identified.

Mr. Nelson clarified that the City did not commit to accept the wetlands at any time. Preliminary discussions during the land use process included the City accepting the wetlands as a donation, after they were restored and managed for five years. The property is privately owned, and no restoration action is occurring.

Ms. Emery added that, if the property became part of the City's parks inventory, a management plan must be developed, outlining the timeline of restoration and funding.

Councilor Daniels observed that, if the City owned the property, it was not accurate to assume that no money must be spent on property management until funds are available. The property is in poor condition because it is inappropriately accessed by vehicles. To keep the wetland from being further degraded, anyone owning the property would need to develop and maintain barriers to prevent inappropriate access.

Councilor Hirsch noted that the resolution indicates that the PNARB unanimously endorsed the Friends' proposal. He requested clarification of the Board's approval and any associated conditions.

Ms. Emery explained that the PNARB approved supporting the Friends' purchase of the property but did not approve the property being donated to the City until operational impacts are known.

Councilor O'Brien expressed support for the Friends in their efforts to purchase the property, without prejudice to the concerns cited in Ms. Emery's memorandum. He understood that donation of the property to the City had associated possibilities. He will leave to a later time the issue of whether to accept the property as a donation to the City.

Councilor Brown said it seems like a simple proposal but involves many City policy issues, if the property is to be a City-owned natural area. Consideration should be given to the desires of voters, as expressed in the Witham Oaks Annexation election. Converting all of the Witham Oaks property to open/natural space would severely impact the supply of property within the Urban Growth Boundary available for residential development. Adding the property to the City's parks inventory would impact the City's costs, and property taxes that would be assessed against the property under its current zoning designation would not be realized. City ownership of the property as an open/natural space might also impact the future extension of Circle to Harrison. He believes many unanswered questions must be considered in the Council's decision.

Councilor Hirsch said he supports the property being maintained as an open space more than he worries about the issues Councilor Brown cited. He supports the Friends' efforts to purchase the property and concurred with Councilor O'Brien.

Councilor Daniels noted that the City's budget forecast for the next fiscal year is somewhat pessimistic. Staff suggested that significant funding issues remain unresolved. If the State tax measures on the ballot next week are not approved, the City will lose funding support. The State Legislature indicated concerns about State funds used for the Business Energy Tax Credit, which helps fund the City's transit program. Other legislative actions will severely affect basic City services and operations. She expressed concern about the Council considering whether to become involved in owning the Witham Oaks property. She said it was unclear to her that the City would be able, in the foreseeable future, to continue providing basic services to citizens, including maintenance of existing open space properties.

Councilors Hervey and Daniels, respectively, moved and seconded to amend the proposed resolution to end the enactment clause after the phrase "to purchase the Witham Oaks property" and delete the rest of the paragraph.

Councilor Beilstein said he had the same concerns previously expressed. He believes there may be some value in staff assisting the Friends in their attempts to seek grant funding for the property purchase; assistance could provide understanding and potential success for the Friends.

Councilor Hervey said he intended to delete from the proposed resolution direction for staff to assist the Friends. He spoke with staff and understood that staff did not have the time or expertise the Friends sought. He thought the resolution was more likely to be adopted if the direction to staff was deleted.

Councilor Raymond explained that the resolution was submitted by the Friends, who were amenable to amendments. She suggested that the Council direction could be amended to "direct staff to *work with* Friends," consistent with Council goal language. She believes working with the Friends in coordinating with other entities to purchase the property would be beneficial to the City and the Friends.

Councilors Brown and Daniels expressed support for the amendment.

The amendment passed unanimously.

Councilors Daniels and Brown, respectively, moved and seconded to amend the proposed resolution by re-wording the last introductory statement to read "the effort *of Friends of Witham Oaks* to acquire this property."

Councilor Beilstein noted that the introductory statements of resolutions do not have legal authority and only "set the stage" for the enactment statement. He does not object to the amendment, but he believes it is unnecessary and has no legal effect. He opined that it was clear from the rest of the resolution that the efforts to acquire the property pertain to the Friends.

Councilor Daniels said she wanted to clarify and accurately state the PNARB's endorsement, as the PNARB discussed two options: endorse the efforts and endorse the efforts with the understanding that the City would take ownership. The PNARB only endorsed the Friends'

efforts. She does not want the resolution to imply ambiguity regarding the PNARB's actions. She believes the amendment is important in terms of if or when the City would own the property.

Councilor Hervey said he was not sure the amendment was needed, but he did not oppose it. The Friends' presentation indicated that other entities might be interested in joining the purchase effort. He believes the amendment would preclude Council support for those entities' efforts. He would prefer not amending the statement, but he appreciated Councilor Daniels' desire to clarify the City's position.

Councilor Hirsch opined that the proposed amendment would open the situation to whoever ultimately owns the property while clarifying the PNARB's intention. He supports the amendment and expressed hope that the Friends are able to purchase the property. He also hopes that the beneficiary of the purchase maintains the property as an open area. He believes the amendment is appropriate.

The amendment passed unanimously.

Councilor Beilstein expressed support for the amended resolution. He would have preferred that the resolution support purchasing the property and making it available as part of the City's parks system. He understood the difficulty of stating this in a resolution because it would create an intent that the Council could not guarantee. He would like the Council to express intent of accepting the property as a gift, if the Friends purchase the property; however, there may be a legal difficulty in making that commitment. The Council does not know the full cost to the City to maintain the property, develop the extension of Circle, and provide utility easements or the potential loss of property taxes. He does not believe the Council is in a position to say it would be willing to take the action at this time. He would like a statement more supportive of the Friends' objective, but the amended resolution is the extent of the statement the Council can make now. If the Friends acquire the property, the Council will need to decide how the City can help make the property available to the public as a natural area, which is desirable.

Councilor Brown said he will support the amended resolution, as it supports his concerns.

Councilor O'Brien said the amended resolution was easy for him to support and allowed him to fulfill a promise to an important person without immediate financial cost.

Councilor Raymond noted that the Friends are accepting donations toward purchase of the Witham Oaks property. She opined that the Council expressed its views. Currently, there is no way to fund a road through the property. Since the property is in foreclosure, it is a good opportunity to add the property to the City's parks system. She appreciates and supports the Friends' efforts.

Mayor Tomlinson noted that the Trust for Public Lands was engaged in the City's 2000 open space bond measure. He shared comments from his recent conversation with the Trust's Director:

- The Trust learned a lot through the City's open space bond measure. The Trust's model for approaching communities is based upon its experience with Corvallis, including

surveying the community to determine messaging points and supporting the community in preparation for the bond measure. The Trust wants local governments engaged as significant partners in acquiring properties, considering the acquisition a joint effort. The Trust may provide some funding, but the local government may be asked to present a bond measure to complete the purchase.

- The Council may be asked to present a bond measure to voters in November to complete the purchase of the Witham Oaks property.
- The Trust spoke with the trustee of the bankruptcy proceeding involving the Witham Oaks property and is willing to raise a portion of the funds needed to purchase the property. The City would be asked to fund the remainder of the purchase price. Because of the financial situation involving the property, the purchase price may be much higher than previously estimated – maybe \$5 million.
- If the City takes ownership of the property, the City's "to and through" policy for infrastructure would require that the City extend services through the property to allow for development to other properties.
- If the 240 single-family homes approved for development on the property were constructed, the City could receive \$300,000 annually in real property taxes, assuming the houses averaged \$250,000 in value.
- The Council may need to discuss with citizens the City's fiscal constraints regarding basic services. This fact could make it very difficult to achieve voter approval of a bond measure to purchase open space property.

Mayor Tomlinson noted that the Council must decide how to respond to citizens regarding operating budget constraints, a possible \$300,000 property tax revenue loss, and infrastructure costs. The Council may ask staff to calculate the cost of extending Circle and incorporate that amount into the bond measure. The Council must also consider the future management plan and operating expense to maintain the Witham Oaks property, if it is dedicated to the City.

Mayor Tomlinson noted that the proposed resolution indicates that the Council and the Mayor support the Friends of Witham Oaks. However, the Mayor is unable to vote on the resolution, so the Council's vote could obligate him. He stated that he does not support the efforts cited in the resolution because of the issues he presented. He believes that the budget discussions will leave the Council with a "perfect storm" in terms of purchasing the Witham Oaks property and maintaining basic City services.

Mayor Tomlinson recessed the meeting from 2:00 pm until 2:10 pm.

Councilors Beilstein and Hirsch, respectively, moved and seconded to amend the proposed resolution by deleting from the enactment clause the phrase "and Mayor." The motion passed unanimously.

Councilor Hervey expressed appreciation for the specificity Mayor Tomlinson added to concerns previously expressed. He noted that many of Mayor Tomlinson's objections related to a possible bond measure for purchase of the Witham Oaks property. He did not believe that supporting the proposed resolution would require him to support a bond measure later. He will still support the resolution.

Councilor Raymond said she disagreed with Mayor Tomlinson. She urged Council members to read Wild in the City: A Guide to Portland's Natural Areas. She noted that Portland's Forefathers began preserving city parks, believing open spaces were important to the city. Portland voters recently approved a bond measure to purchase more open space. She believes the Friends are planning ahead by purchasing the Witham Oaks property, and she appreciates their efforts. She considers the property important as a natural area.

RESOLUTION 2010-02 passed eight to one, with Councilor Brauner opposing.

C. Staff Reports

1. City Manager's Report – December 2009

Mr. Nelson noted the organizational highlights cited in the Report, including year-end donations to the Library and Osborn Aquatic Center and three Police Officers rescuing a gentleman who, while strapped to a wheelchair, fell into the near-freezing Willamette River. Additionally, Public Works staff is working with Corvallis Environmental Center staff to ensure that energy-related grants from the American Recovery and Reinvestment Act are appropriately administered.

2. Council Request Follow-up Report – January 14, 2010

Mr. Nelson highlighted issues addressed in the Report and asked Council members to call him if they had questions.

Staff would like the Housing and Community Development Commission to provide feedback to the State regarding housing priorities, while sharing the information with the Council. If the Council has issues with the feedback, the City Legislative Committee can make recommendations to the City's legislators regarding how the processes work. This would be the best scenario for productive use of Council and Commission members' time.

The United Way needs assessment is used by the hospital, City, and County regarding funding allocations and administering scarce resources for the greatest benefit. This year's assessment was conducted by a working committee, which was very cost effective. The City's share of the needs assessment work (primarily communication tools and a graduate student to write the final report) is approximately \$3,600. Staff identified funding sources for the expense. No Council action is needed, and staff will pay the bill.

3. Corvallis Community Access Television update

Mr. Nelson urged Council members to read the staff report regarding the City's collaboration on the community access television channel.

Mr. Nelson reported that Cascades West Council of Governments is coordinating a regional economic development-related effort regarding industrial lands wetlands inventory; he urged Council members to read the report in the meeting packet.

In response to Councilor Raymond's inquiry, Mr. Nelson explained that staff spoke with Federal Transportation Administration representatives regarding converting the Downtown Transit Center concessionaire structure into a public restroom. (The Administration had provided funding for construction of the structure.) The Administration approved the building conversion. Staff will present to the Council information regarding potential access hours for the restroom.

Councilor Raymond thanked Jennifer Moore and Terry Ross for their work on the United Way needs assessment. Mr. Nelson added that Councilors Raymond and Beilstein attended the needs assessment open house. Biff Traber was also involved in the assessment process.

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

A. Human Services Committee – January 5, 2010

1. Willamette Neighborhood Housing Services First Quarter Report

Councilor Beilstein reported that the Committee found nothing unexpected in the Report. During the reporting period, Willamette Neighborhood Housing Services (WNHS) completed the units at Leonard Knolls, which involved moving and refurbishing two houses. The first-time home owner education program and the microenterprise program are continuing. WNHS is seeking funding for the Alexander Court and Seavey Meadows projects.

Councilors Beilstein and Brown, respectively, moved and seconded to accept the Willamette Neighborhood Housing Services first quarter report. The motion passed unanimously.

B. Administrative Services Committee – January 6, 2010

1. Council Policy Review: CP 97-10.01 - 10.08, "Financial Policies"

Councilor Brauner reported that staff recommended several minor amendments to make the Policies more understandable for citizens. He considered the review very positive. The Committee made some minor editorial amendments.

Councilors Brauner and Hirsch, respectively, moved and seconded to amend Council Policy CP 97-10.01 through 10.08, "Financial Policies." The motion passed unanimously.

2. Voluntary Donations on Electronic Utility Payments

Councilor Brauner explained that City utility customers have been able to make voluntary donations with their utility payments for some time. This option was not possible for customers paying by electronic funds transfers or credit cards. Software changes have resolved this issue. Staff presented a recommendation to

allow voluntary donations. For customers making voluntary donations and paying electronically, the donation will appear on their statement as a charge.

Councilors Brauner and Hirsch, respectively, moved and seconded to approve staff's proposal to enable voluntary donations on electronic utility payments made via bank draft and credit card charges.

Councilor Hirsch added that staff will investigate adding a line to the utility statement to indicate donation to a specific purpose. Staff's investigation report will be presented to the Council.

The motion passed unanimously.

Councilor Brauner stated that the City utility statement currently allows lines for specific charges. It may be desirable to allow more donation options. Staff will investigate whether the statement software will allow additional lines. The Council will then decide other specific donation options. The donation options must be specified.

C. Urban Services Committee – January 7, 2010

1. Sidewalk Café Review Process

Councilor Daniels reported that the Committee discussed the proposed schedule for reviewing the sidewalk café legislation. The revised guidelines have been in effect for two years.

Councilors Daniels and Hamby, respectively, moved and seconded to approve the sidewalk café review process and schedule.

Councilor O'Brien said he received notification of the public comment opportunity. Written comments will be received by Community Development staff until January 26 for inclusion in the packet for the February 4 Committee meeting. Citizens can speak during the Committee's meeting. He saw the code enforcement presentation regarding the sidewalk café program and participated in the Downtown Commission's discussions. He noted that the discussions were the product of a three-member subcommittee over several meetings to develop rational amendments to the current policy. As the operator of a sidewalk café, he would appreciate the Committee recognizing the effort sidewalk café operators have invested to ensure access for all citizens while providing an amenity to the Downtown area.

The motion passed unanimously.

2. Water Demonstration Project Concept Plan

Councilor Daniels noted that the water demonstration project was suggested in the Corvallis Sustainability Coalition Action Plan. The Coalition's Water Action Team presented a concept plan and responded to questions from the Committee and staff.

Committee members and staff were very excited about the concept plan. The Team is eager to address staff's concerns. The proposed project would be in a high-visibility area, showing uses of storm water runoff. The project aligns with several Council policies.

Councilors Daniels and Hervey, respectively, moved and seconded to proceed with the Corvallis Sustainability Coalition's sustainable water demonstration project as outlined in the Coalition's project concept plan and direct staff to work with the Coalition's Water Action Team and project manager to develop a scope of work and contract for the project.

Councilor Hirsch recalled criticism of First Alternative Cooperative (FAC) South Store having the benefit of the demonstration. He noted that FAC will invest \$20,000 in the project, thanked FAC for its contribution, and expressed his happiness that the project is progressing. He will support the motion.

The motion passed unanimously.

3. Water Conservation Review Scope of Work

Councilor Daniels reported that the Committee discussed staff's proposed water conservation review process and generally agreed that the scope of work was fine. Barring Council direction to the contrary, staff will proceed with the review.

This issue was presented for information only.

VII. PUBLIC HEARINGS – None.

XI. ADJOURNMENT

The meeting was adjourned at 2:34 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER



CORVALLIS
sustainability
COALITION

Annual Report '09

January 2010

CREATING A SUSTAINABLE COMMUNITY

You are helping to make amazing things happen! As part of a network of local organizations and individuals, you are demonstrating that people working together can accelerate the creation of a sustainable community – an ecologically, economically, and socially healthy city and county. Together, we are implementing the Community Sustainability Action Plan developed last year with valuable input from you and other community members.

In 2009, action teams were launched for Economic Vitality, Education, Energy, Food, Health and Human Services, Housing, Land Use, Natural Areas, Transportation, Waste Prevention, and Water. Both representatives of partner organizations and individual partners have served on the Sustainability Coalition's action teams and committees.

The Coalition's action teams currently have 25 separate projects under way. *Here are just a few of the highlights of what they accomplished and reported in 2009:*

Energy Action Team developed and submitted two successful proposals for federal Energy Efficiency and Conservation Block Grant funds – \$250,000 to establish a revolving loan fund for weatherization of residential and commercial buildings, and \$50,000 for a paid coordinator to manage volunteers to continue the work of the Corvallis Energy Challenge.

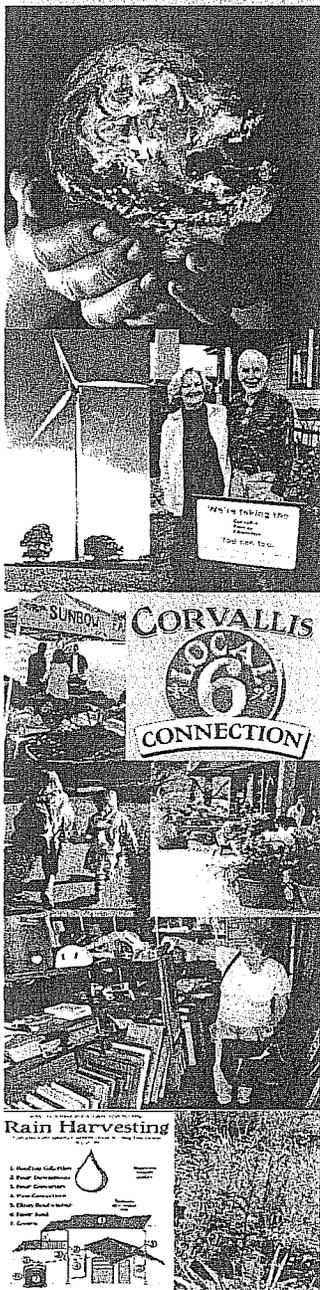
Food Action Team initiated the "Corvallis Local 6 Connection" – a network of restaurants and food service establishments that have agreed to use the Local 6 logo to identify menu offerings grown, produced, or processed in the six-county area (Benton, Lane, Lincoln, Linn, Marion, and Polk). Twelve area restaurants have signed on as charter members.

Land Use Action Team created an audit tool for volunteers to inventory existing and planned Corvallis neighborhoods. The data will show what percentage of the community includes walkable, mixed use neighborhoods and functioning neighborhood centers. The team will analyze changes to be made to achieve a sustainable, compact city.

Natural Areas Action Team initiated plans for a Week of Celebration of Natural Areas, to be held May 1 - 9, 2010. This is a highly collaborative effort that includes many local groups.

Waste Prevention Action Team developed a Reuse Directory that features businesses and non-profits that accept items for reuse. Plans are under way to create both paper and on-line versions of the directory. This team also worked with Allied Waste to develop education and outreach for the City's new curbside food waste collection program.

Water Action Team has identified the First Alternative Co-op (South) as a sustainable water demonstration site to educate the community about large-scale water conservation, reduction of wastewater and stormwater discharge, and use of alternative sources such as rainwater and graywater. The Co-op has committed \$20,000 to the project.



SUPPORTING OUR PARTNERS

Abundant Solar
Akro Construction Corporation
Allied Waste
Alphagraphics
Alt. Power & Energy Cnsvr. Components
American Toy LLC
Animal Crackers Pet Supply
Anne's Agency
ASOSU Env. Affairs Task Force
Associated Students of OSU
Audubon Society of Corvallis
Bald Hill Farm
Beaver Biodiesel LLC
Beit Am Jewish Community
Benton County
Benton Co. Env. Issues Advisory Comm.
Benton County Master Gardeners
Benton Furniture Share
Benton Habitat for Humanity
Benton Soil & Water Conservation Dist.
Beth Young Garden Design
Blackledge Furniture
Bombs Away Café
Boys & Girls Club of Corvallis
Broadleaf Architecture
Cascade Pacific R C &
CH2MHill
Ching Hai Internat. Assn. in Oregon
Chintimini Wildlife Center
Citizens Bank
City of Corvallis
Coast Range Association
CoHo Ecovillage
Confluence Design & Construction
CORE Communications
The Corvallis Clinic, P.C.
Corvallis-Albany Farmers' Markets
Corvallis Benton Chamber Coalition
Corvallis Custom Kitchen & Baths
Corvallis Environmental Center
Corvallis Ind. Business Alliance
Corvallis Local Foods
Corvallis Matters
Corvallis Public Schools Foundation
Corvallis Radio
Corvallis School District 509J
Corvallis Tourism
Corvallis UCC - Just Peace Comm.
Cottage Gardening Service
Country Vitamins
Crescent Valley High School
Cycle Solutions
daVinci Days
Delta Engineering Services
Devco Engineering
Digital City Guide
Earth Charter Campaign
EcNowTech
Ecoregon
Ecotecture@ Publications
Ecumenical Ministries of Oregon
Emerald Forest Architecture
Energy Trust of Oregon
Energy Wise Lighting
FireWorks Restaurant
First Alternative Food Co-op
First Presbyterian Church
First United Methodist Church
Friends of Witham Oaks
Garland Nursery
GECO (Global Env. Change Org.)
Geologie
Get Smart! Resource Efficiency
Good Samaritan Episcopal Church
Good Sam. Regional Medical Center
Green Cascades, LLC
Greenbelt Land Trust
Health Equity Alliance
Holly Oak Music Studio
Home Grown Gardens
Hour Exchange
Integrated Resource Management
Intertech, Inc.
Institute for Applied Ecology
Int'l. Brhd. Of Elec. Workers (Local 280)
Jobs Addition Neighborhood Association
Kapa Landscape Design
Keller Williams Realty
Knollbrook Peace House
League of Women Voters
Legend Homes Corvallis
Linn-Benton Pacific Green Party
M35m Photographics
Marys Peak Nat. Resources Interp. Cntr.

The Sustainability Coalition currently has 145 partner organizations that include non-profits, businesses, faith communities, educational institutions, and government entities. One of the primary purposes of the Coalition is to provide opportunities for increased communication and collaboration among our partner organizations. In 2009, we offered support to our organizational partners through the following activities:

On-line Communications - The Coalition's partners were connected through an increasingly broad array of on-line communications, including Sustainable Corvallis Google groups, our website, our monthly sustainability events calendar, and our bi-weekly "E-Updates". In 2009, we added Facebook to our on-line offerings. Each of these tools enhances communication among our partners.

Inter-organizational Collaboration - Many representatives of our partner organizations served on Coalition action teams and committees. For example, the Food Action Team included representatives of Beit Am Jewish Community, Benton County Health Department, Crescent Valley High School, Oregon State University, Corvallis-Albany Farmers Market, Corvallis Environmental Center, Ecumenical Ministries of Oregon, First Alternative Co-op, League of Women Voters, Master Gardeners, and Ten Rivers Food Web. The opportunities afforded through collaboration were extremely valuable.

Quarterly Gatherings - We hosted three special meetings of Coalition partners at the public library (March, June, September), with attendance ranging from 60 to 100. Each "Quarterly Gathering" featured presentations by selected partner organizations and action teams. Speakers from Animal Crackers Pet Supply, EcNow Tech, Good Samaritan Regional Medical Center, Holly Oak Music Studio, T. Gerding Construction, and Tye Wine Cellars shared what their businesses are doing to become more sustainable. Presentations by the Energy, Food, Water, Waste Prevention, Education, and Land Use Action Teams provided overviews of their goals and current projects. In addition, attendees had an opportunity to provide feedback to Coalition leadership, suggesting additions and changes to the Coalition's work program.

da Vinci Days "Green Town" - This past summer, the Sustainability Coalition served as host for "Green Town," an area of the da Vinci Days festival that showcases businesses and organizations that are incorporating sustainability into their products, services, or practices. Two members of the Coalition Steering Committee enlisted the participation of more than 30 exhibitors, most of which represented partner organizations or action teams. Green Town organizers also established two special features: a display area in the center of Green Town that featured transportation-related products; and the "Green Views" pavilion that provided an opportunity for festival participants to hear presentations and discussions about sustainability-related topics. Both of these areas highlighted the work of Coalition partners.

MC Electric Vehicles
Metzger Green Construction
MicroEPIC Productions
Native Plant Society of Oregon
Natural Choice Construction LLC
Natural Choice Directory
Natural Step Network
Neighborhood Naturalist
N. College Hill Neighborhood Assn.
Northwest Earth Institute
Oregon State University
Oregon Toxics Alliance
Oregon Wildlife Institute
OSU Campus Recycling
OSU Extended Campus
OSU Extension-Benton County
OSU Hydrogen Club

OSU Student Sustainability Initiative
OSU Sustainability Group
Pacific Timbercraft
Pepsi Cola of Corvallis
PreservationWORKS
Rod Terry, Designer
Sandrock Sustainable Landscapes
STEPS (OSU)
Seventh Generation Building Guild
Sierra Club (Marys Peak Group)
Solar CREEK
Solar Ki
Spindrift Cellars Winery
Spring Creek Project
St. Mary's Care for Creation Committee
Sundborn Children's House
Susan Binder, Designer

Sunwise
Sustainable Building Network
Sustainable Forests Partnership
Sweet Yoga, LLC
Ten Rivers Food Web
Timberhill Athletic Club
TX R Us, LLC
T. Gerding Construction Company
Tye Wine Cellars Ltd.
Unitarian Universalist Fellowship
University Housing & Dining/OSU
Western Pulp Products
Whiteside Theatre Foundation
Willamette Disc Golf Club
Willamette Neighborhood Housing Services
Willamette Watershed Productions
Wineopolis

STRENGTHENING THE COALITION

To ensure the long-term viability of the Sustainability Coalition, our Steering Committee initiated two major organizational changes in 2009.

First, we restructured the leadership of the organization in order to distribute responsibilities more equitably among Steering Committee members and to provide greater support to our partners and action teams. The new structure revolves around three committees:

The **Communications & Marketing Committee** includes many new members, several of whom are communications professionals. Their efforts are focused on re-developing the Coalition website and compiling sustainability "stories" to share with the community through local media. This committee is also home to a Community Education Team that is creating a database of the sustainability goals and activities of the Coalition's partner organizations.

The **Finance Committee**, which held its first meeting in October, is responsible for developing and reviewing fiscal procedures, developing fundraising and revenue plans and forecasts, and preparing and monitoring the annual budget. Chaired by the Coalition's Treasurer, this committee developed a budget for 2010 and launched a fundraising appeal to solicit sponsorships from the Coalition's partner organizations to support the annual Sustainability Town Hall Meeting in March 2010.

The **Membership Committee** was also formed in October. It is responsible for membership recruitment and development, as well as volunteer recognition and appreciation. The Membership Committee also serves as the Nominating Committee for the Coalition. In that capacity, this committee developed a slate of Steering Committee candidates and organized the election through an electronic survey, which was also used to solicit feedback from our partners.

In addition to serving on one of these operational committees, each Steering Committee member is asked to serve as a liaison to one of the action teams. The primary responsibility of the liaison is to serve as a communications link between the action team and the Steering Committee.

Second, in August 2009, *the Sustainability Coalition became an independent organization*, separate from the Oregon Natural Step Network (ONSN). Previously, the ONSN had served as the fiscal agent of the Coalition. When ONSN became a national organization (Natural Step USA), it was determined that the Coalition would be in a more advantageous position to raise funds and to collaborate with our partners if we became a separate organization. In recent months, the Coalition has taken the following steps:

- Applied for and received 1) Articles of Incorporation as a Domestic Non-profit Corporation and 2) a federal tax identification number;
- Held a strategic planning retreat for the Steering Committee to identify and begin to address the organization's work priorities;
- Revised the Coalition's bylaws, updated policies, and standardized guidelines for Action Team Leaders and Steering Committee liaisons;
- Opened a bank account and adopted various administrative resolutions establishing the Coalition as a separate entity; and
- Applied to the IRS for recognition as a 501(c)(3) tax-exempt organization.

Our Vision

Corvallis is a community in which the needs of the present are met without compromising the ability of future generations to meet their own needs. It is a flourishing and thriving city with a vibrant economy that respects, restores, and cares for the community of life.

Our Mission

To promote an ecologically, economically, and socially healthy city and county.

We will achieve our mission by using the Sustainability Guiding Objectives and a democratic, highly participative decision making process.

Our Guiding Objectives

Our community will:

1. Reduce and ultimately eliminate our community's contribution to fossil fuel dependence and to wasteful use of scarce metals and minerals. Use renewable resources whenever possible.
2. Reduce and ultimately eliminate our community's contribution to dependence upon persistent chemicals and wasteful use of synthetic substances. Use biologically safe products whenever possible.
3. Reduce and ultimately eliminate our community's contribution to encroachment upon nature (e.g., land, water, wildlife, forests, soil, ecosystems). Protect natural ecosystems.
4. Support people's capacity to meet their basic needs fairly and efficiently.

BUILDING RELATIONSHIPS IN CORVALLIS AND BEYOND

Our Steering Committee

Annette Mills, Facilitator
Benjamin Baggett
Brenda Buckman
Bob Devine
Betty Griffiths
Loma Hammond
Lee Lazaro
Linda Lovett
Kathleen Nickerson
Cassandra Robertson
Mysty Rusk
Anne Schuster
John Swanson
Kate Swenson
Brandon Trelstad

Corvallis Sustainability Coalition
PO Box 2310
Corvallis, Oregon
97339-2310

sustainablecorvallis.org

Communicating with local decision-makers and with other communities that are on a similar path is key to accelerating the creation of a sustainable city and county. Throughout 2009, representatives of the Sustainability Coalition reached out in a variety of ways to enhance this important dialogue:

Coalition leaders met with Benton County Commissioners to present the Community Sustainability Action Plan and to discuss how the County might be involved.

Steering Committee members met with new members of Corvallis City Council to talk about the Action Plan and to learn of their particular interests and concerns.

The Steering Committee submitted reports to the City Council in May, July, and December to apprise them of the Coalition's activities.

We launched a monthly "update" program for City Council to provide an overview of action team projects and to respond to councilors' questions. To date, Council has heard presentations by the Water, Waste Prevention, Food, and Energy Action Teams.

With support from the Coalition, the City Council approved a part-time position to work with the City's Sustainability Supervisor to implement the organization's sustainability program and to carry out Council sustainability goals for the community, which include projects initiated or sponsored by the Coalition.

A member of our Steering Committee served on the City's expanded Urban Services Committee to review submissions for the Energy Efficiency and Conservation Block Grant (EECBG) Program.

Two members of our Energy Action Team served on the City's Energy Strategy Ad Hoc Committee, developing an energy strategy for Corvallis and helping Council reach their goal to "Develop community sustainability policies and implement selected actions."

Coalition volunteers communicated with local officials or community members from other parts of the state, the nation, and the world who have expressed interest in our work – from Boulder County, CO, to Great Britain and New Zealand.

The 2009-10 *Natural Choice Directory* (Healthy Green Pages of the Willamette Valley) includes an article about the Coalition and its action planning process ("Focus on the Future, Action in the Present: Corvallis Sustainability Coalition Seizes the Moment").

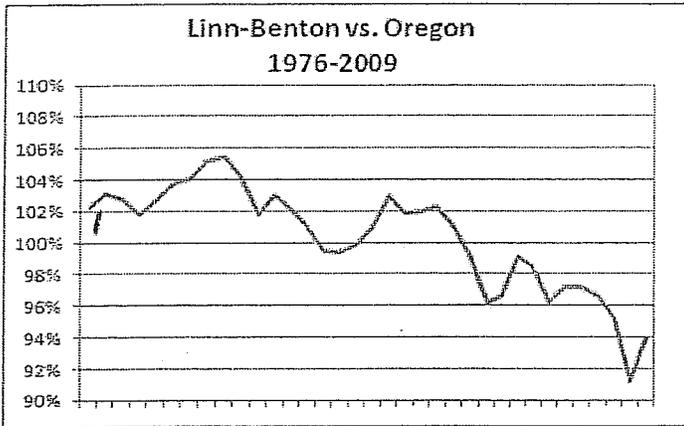
The February 2009 journal of the American Planning Association featured an article on the work of the Sustainability Coalition ("How Green Is Their Valley?" by Philip S. Wenz).

"We live at a pivotal moment in the story of humankind. . . We are starting to see the limits of what the earth can provide. The signs are all around us. We can choose to ignore these signs and wait until we are forced to react. Or we can seize this opportunity to work together to create a sustainable world."

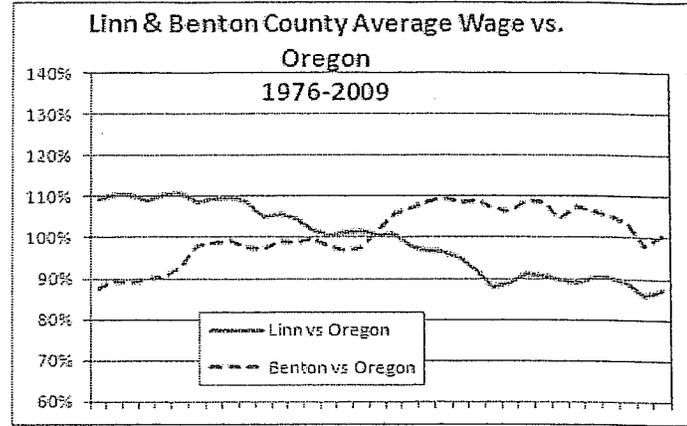
Community Sustainability Action Plan

Thank you to the dozens of organizations and hundreds of individuals who are working together in Corvallis and Benton County to create a sustainable community.

AVERAGE WAGE: Declines relative to the statewide average



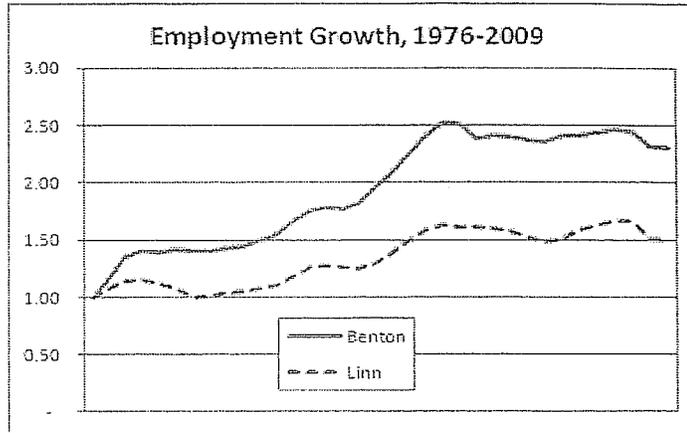
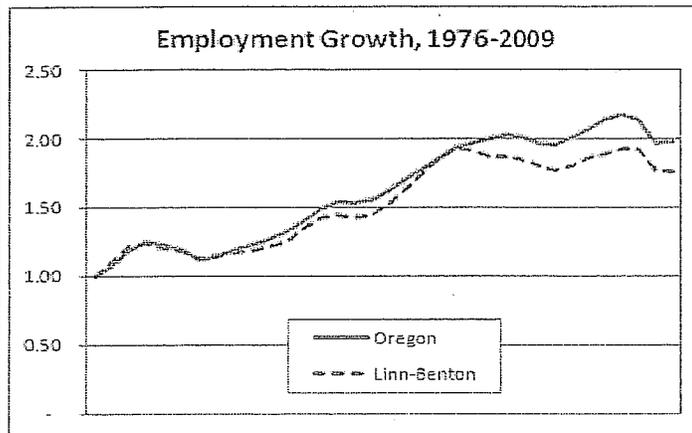
Average Wage
2Q 2009
Benton
\$39,445
Linn
\$34,245
Oregon
\$39,186



- **Employment declines in manufacturing.** From 1990 to 2008, manufacturing's share of employment declined by nearly 30%. The industry still pays wages that exceed the state average.

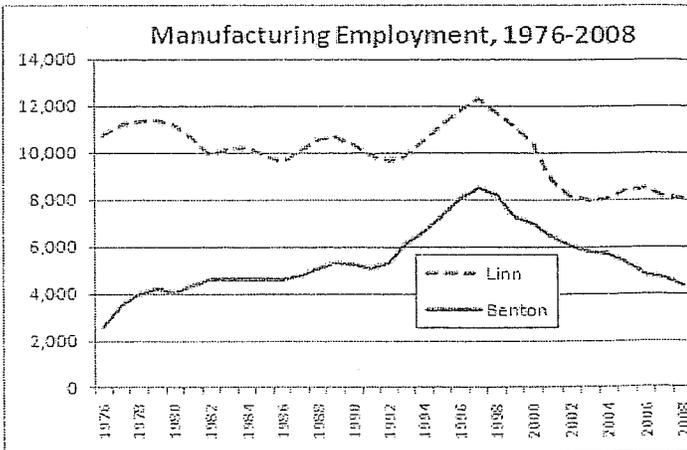
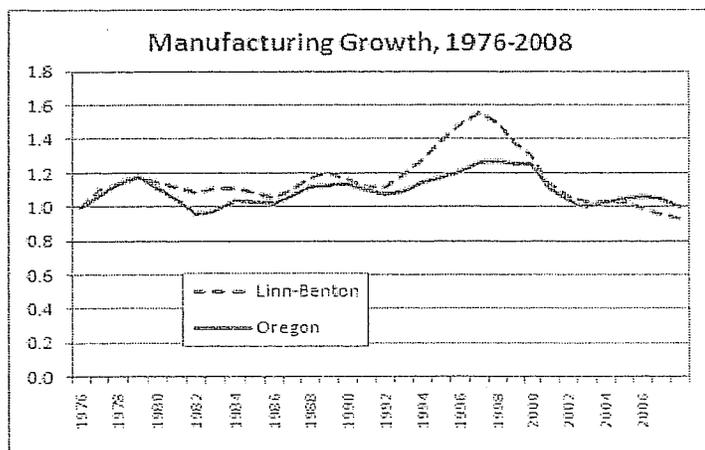
DRIVERS • **Slow employment growth in information, financial activities, and professional & business services.** Linn-Benton's share of employment in these industries increased from 15% to 17% while statewide employment in these industries increased from 18% to 22%.

EMPLOYMENT GROWTH: Trailed relative to the statewide average



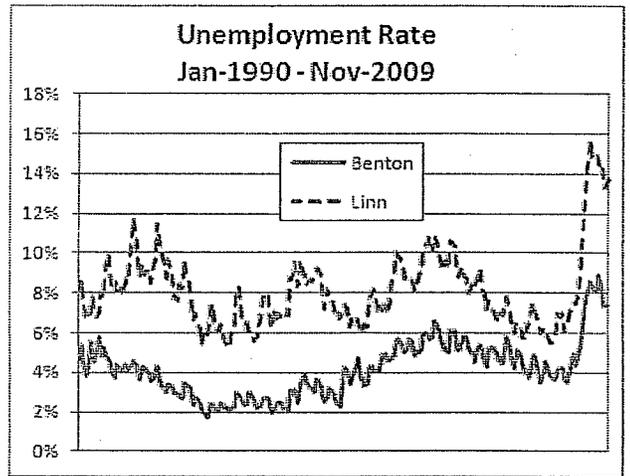
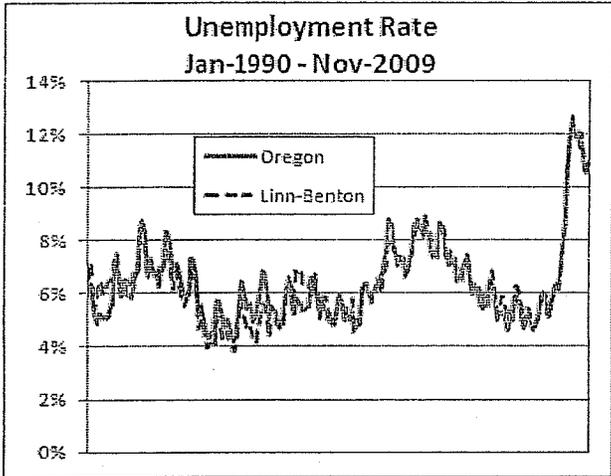
- DRIVERS**
- **Faster employment growth in construction, natural resources & mining, trade, and leisure.**
 - **Slower employment growth in services (information, professional, and financial) and manufacturing.**

MANUFACTURING EMPLOYMENT: Overall decline in manufacturing employment



- FEATURES**
- **Employment peaked in the mid-1990s.** The region experienced a strong increase in the late 90s and a sudden decrease with the dot com burst
 - **Linn County employment is downward trend, Benton County trend is flat.**
 - **Manufacturing code change occurred in 2000.** Employment pre- and post-change may not be comparable.

UNEMPLOYMENT: Region tracks statewide average



DRIVERS

- Benton County's lower unemployment rate may be due to the presence of OSU and college students.
- Benton County has higher average wages and lower unemployment than Linn County.

RESOLUTION

A resolution submitted by

WHEREAS, Witham Oaks, a 90-acre property described as map/tax lots 115280002300, 155330001000, 115330001100, and 1155330001101 is available for purchase by auction January 29, 2010 on the Benton County Courthouse steps; and

WHEREAS, Witham Oaks is a beautiful, natural, wild area within the city of Corvallis with rare habitats of oak savannah, upland prairie, and wetland; and

WHEREAS, this Witham Oaks property adjoins the city's Witham Hill Natural Area which was purchased with funds from the 2000 Open Space bond measure; and

WHEREAS, Friends of Witham Oaks desire to save, protect, and restore this 90-acre parcel for enjoyment by the community; and

WHEREAS, the Parks, Natural Areas and Recreation Board has unanimously endorsed the effort to acquire this property;

NOW, THEREFORE THE CORVALLIS CITY COUNCIL AND MAYOR ARE RESOLVED to support Friends of Witham Oaks in their effort to purchase the Witham Oaks property for the city of Corvallis and will direct staff to assist Friends of Witham Oaks in this endeavor.



BEC Programs for Entrepreneurs 2010

January 20th, 4:00-5:30pm - How Can Entrepreneurs Save on Legal Expenses When Cash is Tight?

Speaker: Steve Davis, Attorney

Davis Wright Tremaine LLP

Steve Davis, of Davis Wright Tremaine LLP, will be helping us discover:

- (1) how to select the attorney that's right for you and negotiate the terms of an engagement when you have decided on someone.
- (2) how to use flat fee arrangements and fee deferral arrangements
- (3) when to go to your attorney with a project
- (4) the prevalence of form documents, and how they can help save you money. There will be additional topics and plenty of time for questions and answers. Join us.

Call to Register – No Charge

541-758-4009

January 27th, 4:00-7:00pm Getting into Business

Thinking of starting a business?

Learn the Basics of Starting a Business and Managing the Business for Success

- Use your skills & experience to gain a business advantage
- Avoid legal problems with proper ownership and permits
- Develop a marketing strategy
- Learn the importance of a business plan
- Use proper accounting records & understand your business taxes
- Buy business insurance to cover your risks and liabilities

Call to Register – Public \$30 BEC Clients \$20

541-758-4009

Additional Programs for 2010

2/3/2010 & 2/17/2010 4:00pm – 7:00pm Writing a Convincing Business Plan Session I & II (\$)

3/3/2010 Wednesday 4:00pm – 6:00pm How Can Your Business Survive in a Down Economy? (\$)

4/14/2010 Wednesday 4:00pm – 7:00pm How to Interview and Get Quality Employees (\$)

BEC Website for the latest Information

<http://www.thebec.com>

January 13, 2010

To: City of Corvallis Downtown Commission

RE: Improving Pedestrian Safety in Our Downtown

I live at _____ and am a very frequent customer of downtown businesses and user of Riverfront Park. I frequent businesses from Harrison St. to Western Blvd. And from 5th St. to 1st St., and almost all of the time I walk from my house when I do so, crossing many streets and intersections throughout the downtown.

It is my observation over the last 4 and ½ years that pedestrian safety in the downtown and pedestrian access to the downtown would be greatly improved by making the following pedestrian related improvements.

On Second St.

- 1) Add stop signs at Monroe St., Jefferson St., and Adams St. All three of these intersections have high volumes of pedestrian traffic, and conflicts with vehicular traffic are common. The intersection at Adams St. is particularly confusing to both pedestrians and drivers, as it is already a 3 way stop.
- 2) Add crosswalks at the intersections with Washington St. and Western Blvd.

On Third St.

- 1) Add crosswalks at both Washington St. and Jackson St. Traffic using Third Street will rarely stop for pedestrians since there are no crosswalks at either intersection.

On Fourth St.

- 1) Add a traffic signal at Adams St. There is already a traffic signal at Adams and Third St. Pedestrians trying to cross Fourth St. to access the Safeway, or other businesses nearby, are always in danger trying to cross Fourth St. between Jefferson St. and Western Blvd. At a minimum add crosswalks at this intersection.
- 2) Add crosswalks at Washington St. and at Jackson St. as suggested above for Third St.

I realize that Third and Fourth Streets are State highways, but that makes the danger to pedestrians all the greater and the need more serious. On Second Street, we should make every effort to enhance pedestrian movement and safety, as has already been done on First Street.

Sincerely,



Kent Daniels

From: Jeanne Raymond
Subject: **Witham Oaks**
Date: January 19, 2010 10:59:18 AM PST

1 Attachment, 33.8 KB

Witham Oaks

I have heard from the Friends of Witham Oaks, and from others in ward seven, and from throughout the city, who have called, emailed, or stopped me to let me know of their support for Witham Oaks to become designated as a Natural Area or an Open Space.

I wholeheartedly support the Friends of Witham Oaks in their pursuit of obtaining the property for an open space. They have enthusiastically and responsibly dedicated the last few months to raising funds in this pursuit. This is an all volunteer, grassroots effort from people who think that this is the best use of the land.

Open spaces within a city bring the advantages of recreation, with places to walk, hike, bike, exercise, and observe natural wildlife. As you may know, I am a dedicated bird watcher, so I am especially interested in this property for the habitat. Open Spaces are also beneficial for people who are gratified by just knowing that this is available. It is a peace of mind attribute. It also is of benefit for filtering water and being a place where the air is clear. It enhances the value of the houses near to the property, and if the city accepts the property, it will be open to all of the public, which will increase the livability of the city.

The Friends of Witham Oaks wish to purchase the land in order to give it to the City of Corvallis. It is because the property is in bankruptcy that this opportunity arose. Although they have come short of the millions that they wished to raise, I am amazed that they have been able to raise \$150,000 in such a short time. I understand that they would like the city staff to be able to participate in seeking joint granting opportunities with other private and public funding entities which are interested in preserving land. The group has talked with Trust for Public Lands and Willamette Greenbelt, and the holding bank. Although nothing is finalized, there is interest from the Friends of Witham Oaks to pursue these and other ways of funding for the property. They have been talking with Parks and Recreation director Karen Emery and PNARB letting them know that they would work with them in finding ways to manage and enhance the property as an open space.

Therefore, I am recommending that we pass this resolution of support for the efforts of the Friends of Witham Oaks, and I so move.

**AIRPORT COMMISSION
MINUTES
November 3, 2009**

Present

Todd Brown, Chair
Dan Allen, Vice-Chair
Louise Parsons
Vince Remcho
Jim Moran
Bill Dean
Brian Wall

Absent

David Hamby, Council Liaison, excused
Rod Berklund

Staff

Dan Mason, Airport Coordinator
Lisa Namba, Public Works
John Sechrest, Corvallis Benton Chamber Coalition
Aaron Edwards, Corvallis Benton Chamber Coalition

Visitors

Jack Mykrantz, Pilot, SASO
Bill Gleaves, Pilot, SASO
Richard Hand

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Open Meeting, Introductions	X		
II. Review of October 6, 2009 Minutes			Approved as amended
III. Visitor Comments	n/a		
IV. Old Business • Corporate Hangar ADRC Request			Approved
V. New Business • Corporate Hangar Lease Request			Approved
VI. Update on Industrial Park	X		
VII. Update on Airport	X		
VIII. Update on FBO	n/a		
IX. Update on City Council	n/a		
X. Information Sharing • Monthly Financial Report • Airport Commission Strategic Plan	X X		

CONTENT OF DISCUSSION**I. Open Meeting, Introductions**

Chair Brown opened the meeting at 7:00 a.m. Staff and visitors were introduced.

II. Review of Minutes

Visitor Jack Mykrantz stated that he was not at the October meeting, though he was listed as in attendance. The Commission agreed that his name should be struck from the October minutes.

Commissioners Allen and Parsons, respectively, moved and seconded that the Commission approve the October 6, 2009 minutes as amended. The motion passed unanimously.

III. Visitor Comments

None.

IV. Old Business

Corporate Hangar ADRC Request (Richard Hand)

Commissioner Parsons reported that the Airport Design Review Committee (ADRC) met to discuss this request, and approved the request for either side of the taxiway. She stated that there is a fire hydrant that may need to be moved. **The Commission voted unanimously to approve the ADRC recommendation.**

V. New Business

Corporate Hangar Lease Request (Richard Hand)

Mr. Mason provided an overview of the proposed lease agreement. He noted that Mr. Hand would be reimbursed by Corvallis Aero Services (CAS) for a small portion of the taxilane, per the lease for the CAS hangar. There was a brief discussion about moving the existing fence, but Mr. Hand noted that the fence is outside his proposed lease area.

Commissioner Parsons moved to recommend to the Urban Services Committee to recommend approval to the City Council of this land lease; Commissioner Moran seconded, and the motion passed unanimously.

VI. Update on Industrial Park

Mr. Sechrest reported that there have been no new lease requests. He said that T. Gerding Construction has broken ground on their new building.

Mr. Edwards reported two leads for solar manufacturers, one of whom wants 22 acres. One company has asked for a second look, so Mr. Edwards has taken the next steps of notifying utilities, etc. He has also identified another company that may be interested in splitting their presence between the AIP and the Hewlett Packard campus.

Mr. Edwards reported that the Airport's shovel-ready site certification has expired. Recertification paperwork has been submitted to the Oregon Economic and Community Development Department (OECDD), which is expected to certify the site as shovel-ready for two more years.

Ms. Namba updated the Commission on the wetland mitigation project. The joint permit application has been submitted to the Corps of Engineers and the Department of State Lands. Refinements are being made to the application materials at the request of the review agencies.

VII. Update on Airport

Mr. Mason reported the following in addition to the written report:

T. Gerding Construction has received a wetland fill permit for 0.18 acres at their new headquarters site.

East and west airport entrance gates times have been changed to open at 7 am and close at 6 pm. Additionally, Corvallis Aero Service has changed their hours of operation to 8 am to 5 pm; their lineman will come in at 7 am.

Runway 17/35 is closed today from 9am - 6pm for repainting.

Grass seed prices have dropped, so Venell Farms has fallowed many of the fields that were planted for annual rye grass. They are planning on planting either wheat or a grass that will not require annual planting and re-seeding.

Public Works Director Steve Rogers and City Manager Jon Nelson are working to determine the next steps in the process for the development of the Airport Strategic Plan.

The groundbreaking for the airport entry sign will take place later this week.

VIII. Update on FBO

None.

IX. Update on City Council

None.

X. Information Sharing

Monthly Financial Report

In response to a question, Mr. Mason and Ms. Namba committed to clarify why there is a negative entry on the report pertaining to the remainder of a grant for wetland delineation.

Airport Strategic Plan

Mr. Mason presented the third and final segment of a PowerPoint presentation to brief the Airport Commission on all the facets of the airport in preparation for the Airport Strategic Plan process. He continued his summary of the Master Plans and provided an overview of wetlands, the development process, the businesses currently at the AIP, and the sources and uses of the Airport Fund.

The meeting was adjourned at 8:15 a.m.

NEXT MEETING: January 5, 2010, 7:00 a.m., Madison Avenue Meeting Room

Bicycle and Pedestrian Advisory Commission
MINUTES
December 4, 2009

Present

Brad Upton, Chair
Susan Christie
Dan Herford
Rosie Toy
Andy Ross
Gerry Perrone
Mike Beilstein, City Council

Absent

Joel Rea, Vice Chair

Staff

Jo Morgan, Public Works
Lisa Namba, Public Works
Cord Wood, Corvallis Police Department

Visitors

Sean SanRomani and the First LEGO
League Team 5851–Crash Test
Dummies
Vernon Huffman
Bruce Moffatt
Laura Duncan Allen

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/ Introductions	X		
II. Approve November 6, 2009 Minutes			Approved
III. Visitor Comments	X		
IV. Old Business			N/A
V. New Business			N/A
VI. Information Sharing	X		
VII. Commission Requests and Reports <ul style="list-style-type: none"> • Skateboard Exclusion Zone • Downtown Bike Parking 		X	Decided against expanding the zone
VIII. Pending Items <ul style="list-style-type: none"> • 9th Street Bike Lane Proposals 		X	

CONTENT OF DISCUSSION

I. Call Meeting to Order/Introductions

The meeting was called to order at 7:00 am by Chair Upton.

II. Approve November 6, 2009 Minutes

Commissioner Christie moved to approve the minutes. Commissioner Toy seconded. The minutes were unanimously approved.

III. Visitor Comments

Sean SanRomani, coach of the "Crash Test Dummies," introduced his First LEGO League LEGO Robotics Team, whose challenge this year involves transportation safety. They presented a short skit to BPAC, suggesting the installation of pedestrian-activated crosswalks on 9th Street. Chair Upton thanked the group for their presentation. Mr. SanRomani stated that the competition will take place on December 12 at Linus Pauling Middle School and is open to the public. Councilor Beilstein added that a 9th Street crossing at Cornell Street would also help bicyclists access the Circle to Buchanan multi-use path. Chair Upton asked staff to schedule a future CAMPO presentation to brief BPAC about proposal details and status.

Vernon Huffman reported that the Benton County Bicycle Committee was asked by ODOT for bicyclists' opinions on their plans for the Willamette Crossing project. Mr. Huffman stated that those present were clear that they did not feel the need for any new pavement or bridges, but would like ODOT to give them all of the Van Buren Bridge and make cars go around. Mr. Huffman reported that the ODOT representative said this was a policy decision that he was not able to make. Mr. Huffman asked BPAC to address the Area Commission on Transportation to change this policy. His opinion is that providing more infrastructure for cars is a short-term solution, since oil is a limited resource and he feels that cars will not be the primary means of transportation in the future. Chair Upton stated that he is working on getting Jerry Wolcott from ODOT to give a similar presentation to BPAC in order to inform BPAC on the project in January.

Bruce Moffatt suggested adding signage to the City's multi-use paths, including mileposts and wayfinding signs. He opined that this would promote tourism, encourage healthy lifestyles and provide a means to describe a location when accidents occur. Mr. Moffatt offered to help with this project. Chair Upton asked if the Downtown Commission (DC) and Downtown Parking Committee are working on signage that might relate to the multi-use paths. Councilor Beilstein reported the wayfinding project was sidelined due to lack of funding. Mr. Moffatt believes private sources with a vested interest in bicycling may be willing to provide funds and he is willing to work to obtain funding. Staff was asked to develop costs for both wayfinding and mile marker signage. Chair Upton indicated this topic will be scheduled for a future BPAC meeting.

IV. Old Business

None.

V. New Business

None.

VI. Information Sharing

Chair Upton reported that the DC is gathering information on sidewalk café issues, and requested that someone from BPAC attend the next DC meeting, to be held on December 10, in order to share BPAC's opinions and recommendations on the issue.

Chair Upton also reported that the Urban Services Committee declined BPAC's suggestion to consider developing a long-term solution for the segment on Harrison Boulevard without bike lanes, though the short-term solution should be going into effect soon. Chair

Upton recalled for BPAC at least signs and sharrows would be implemented during the Spring of 2010. The Commissioners asked to be apprised of any roadwork on Harrison that may present an opportunity to install bike lanes or revisit the issue.

Chair Upton reported that he has been approached by citizens disappointed with the north end of the Marys River bike and pedestrian bridge, where it ties into the multi-use path. Ms. Morgan reported that she has talked with the City's Street Maintenance Supervisor, who indicated that he is working with ODOT to fix this issue.

Commissioner Christie reported that the intersection of Kings and Taylor is very difficult to cross, with all modes of transportation. She would like BPAC and staff to look at this intersection and try to find ways to make it safer, especially for pedestrians and bicyclists. Vegetation in the Fred Meyer parking lot exacerbates the problem.

In response to a question, Councilor Beilstein stated that the Transportation Maintenance Fee collected with utility bills can be used only for streets. The City Council will decide soon whether to sunset the fee or continue to collect it. Commissioner Ross asked to know the potential future projects that might be funded should this fee continue.

Commissioner Herford reported that customers have spoken to him about a "death grate," a storm grate on Grant at 23rd, where a bicyclist could catch a tire in the grate, or in a crack on the side of the grate, which would cause a crash.

Ms. Morgan reported having seen a family of five crossing 9th Street on bicycles, in an unmarked crosswalk, when a driver approached, hesitated, and then sped up, causing the children and mother to scatter to avoid being hit. She asked the Commission for feedback on how to communicate to the public the laws regarding crosswalks, including writing an article for the Gazette Times. Lt. Wood stated that anyone riding a bicycle is required to follow the same rules as if driving a car.

VII. Commission Requests and Reports

Skateboard Exclusion Zone

Councilor Richard Hervey presented this issue to BPAC at their November meeting on behalf of a constituent, suggesting that the downtown bicycle and skateboard exclusion zone be extended to the south. According to Chair Upton, when the same topic was discussed several years ago, staff spoke with several bike shops which wanted their customers to be allowed to test ride bikes on the sidewalks for a block or two before accessing the multi-use path. Officer Wood said enforcement of existing exclusion zones is difficult, though there are no reports of crashes in the subject area. After some discussion the Commission agreed it didn't seem like a pressing issue, and decided to not change the exclusion zone.

Downtown Bike Parking

Chair Upton reported he presented BPAC's recommendation to the Downtown Parking Committee (DPC), who accepted BPAC's recommendation to not change the existing bike parking requirements in the Land Development Code (distance requirements and/or fee in lieu). The DPC will present this information to the DC on Wednesday, December 9. The

Commissioners also discussed some other options to improve bicycle parking amenities they may be able to put forward in the future. The process for advancing this is as follows: Community Development would assist in developing language in conjunction with BPAC and Public Works staff. The proposed language would go to the Planning Commission, and if recommended to the City Council for adoption. Chair Upton asked staff to 1) locate prior work results, including bike parking surveys, bike rack inventory, and furniture zone diagrams; and 2) design a study to provide BPAC with information about whether current bike parking is serving the community's needs. The study should include locations, numbers of spaces, types of bike parking, and use during various seasons and times of day.

VIII. Pending Items

9th Street Bike Lane Proposals

Not discussed.

Chair Upton adjourned the meeting at 8:53 am.

NEXT MEETING: January 8, 2010, 7:00 am, Madison Avenue Meeting Room

**DOWNTOWN PARKING COMMITTEE
MINUTES
December 1, 2009**

Present

Holly Peterson, Chair
Brad Upton
Liz White
Mark O'Brien, Council Liaison

Staff

Lisa Namba, Public Works
Jim Mitchell, Public Works

Visitors

Absent

Kathy Corjasso, excused

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order • Approve October 6, 2009 Minutes			Approved
II. Visitor Comments			N/A
III. Old Business • Land Development Code Text Amendments for Bike Parking • Parking Plan Update • Downtown Residents and Businesses Survey Results	X	X	Recommended against proposed bike parking changes
IV. New Business			N/A
V. Information Sharing			N/A
VI. Committee Requests and Reports	X		
VII. Pending Items			N/A

CONTENT OF DISCUSSION

I. Call Meeting to Order

Chair Peterson called the meeting to order at 5:30 p.m.

Chair Peterson suggested a clarification to the October 6, 2009 minutes, regarding which study she was referring to in the Parking Plan Update discussion. The Committee decided to remove the reference to a specific study.

Committee Member Upton moved to approve the October 6, 2009 minutes as corrected; Committee Member White seconded the motion. The minutes were unanimously approved.

II. Visitor Comments

None.

III. Old Business

Land Development Code Text Amendments for Bike Parking

Committee Member Upton presented the discussion by and recommendations of the Bicycle and Pedestrian Advisory Commission (BPAC) on this topic. BPAC formed a subcommittee to examine the proposed bike parking language changes and recommended to the full BPAC against changing the text. BPAC reviewed the work by the subcommittee and is making the same recommendation to the Downtown Parking Committee. He noted that BPAC, independent of these recommendations, has decided to look at other alternatives for bike parking downtown.

Committee Member White moved to accept the recommendations from BPAC and move them forward to the Downtown Commission, noting that BPAC will be working on other options related to downtown parking in the near future. Committee Member Upton seconded the motion, which passed unanimously.

Parking Plan Update

Mr. Mitchell provided an overview of his staff report. As requested by the Downtown Commission, staff looked at various methods for updating parking data: a) hire a consultant; b) hire temporary employees to collect the data, which would be analyzed by City staff; or c) obtain aerial photos, which staff would analyze. Given the funds available, the consultant who created the current plan provided two options: they could collect data for one day and create a report, or City staff could collect data for a week, which the consultant would use to create a report. Digital photography would require ten flights per day, which adds up to \$2,000 per day, and the data quality would be lower. Bikes could also be counted with options a) or b), but not with c).

Mr. Mitchell also overviewed a draft "preamble" document discussing concerns raised by the Downtown Commission, including why the City should update the parking data, the timing of the update, and validity of results given the data will be only a snapshot in time. A number of changes have occurred downtown in the 10 years since the 2001-02 downtown parking study, including increases in transit, bike parking, and the Free Customer Parking Area boundary, private development on 1st Street and the south end of 2nd Street, the relocation of Phagan's Beauty College out of the downtown, and increases in both meter and fine rates. In response to a question, Mr. Mitchell stated that the previous Downtown Parking Commission was interested in updating the Parking Plan, so staff initiated a \$10,000 special project request to update the data in the Plan.

Committee Member Upton stated that he does not see a big parking problem downtown, which is reflected in the responses to the recent parking survey and in the lack of visitors to the Downtown Parking Committee. He stated that data is needed only if big changes are going to be made to the parking system (for example, a parking structure) and wondered if there is a reason to gather the data now. Chair Peterson affirmed her agreement with these comments. There was a discussion of other possible uses (for example, covered bike parking) for the money budgeted for the data update if it weren't spent on the study. Mr. Mitchell noted that budget season is approaching and that the Committee is welcome to propose parking project ideas for inclusion in next year's budget. Committee Member White questioned whether the Committee should go on record as saying they have looked at the issue and do not believe it is necessary to expend money for a new study at this time. Councilor O'Brien noted that a basis for the recommendation to the Downtown Commission should be provided, and wondered if the parking survey is strong enough evidence to say that a parking data update is or is not needed. Committee Member White reiterated that in addition to the survey results, very few citizens come to the Committee with concerns or problems.

There was discussion about ways to outreach to the general public regarding downtown parking, rather than communicating with just the business owners. Chair Peterson opined that business owners would know if there was a parking problem, since it would affect their businesses. Mr.

Mitchell suggested that even if the data update project doesn't proceed, it would be inexpensive to survey the peak hour (as determined by the previous study) to assess what the actual parking demand is. The group agreed that, even if studies and surveys show there is available parking, the challenge becomes convincing people and overcoming their perceptions about downtown parking. Chair Peterson said perhaps it was really a marketing issue. The Committee discussed attending Corvallis Independent Business Association (CIBA), Chamber, and Downtown Corvallis Association (DCA) meetings; publishing an article; creating a survey for the City's website (and driving people to it using Gazette Times ads), or doing "man on the street" or telephone interviews. Councilor O'Brien suggested that, based on the discussion, the Committee could propose to the Downtown Commission that, while the existing Parking Plan may be out of date, the information available does not indicate a parking problem that needs to be resolved. Part of that recommendation could include the recognition that if there is a larger parking project initiated, then a study should be conducted. Staff will provide a draft recommendation, including a summary of the recent parking survey, from the DPC to the Downtown Commission for the Committee's review at the next meeting. Committee Member White will summarize this discussion for the Downtown Commission at their next meeting.

Downtown Residents and Businesses Survey Results

The Committee agreed that the comments section of the survey results has useful information that the group should continue to review and discuss. Chair Peterson asked about how the Albany Downtown Association enforces parking. The Committee will discuss this further at the January meeting.

IV. New Business

None.

V. Information Sharing

None.

VI. Committee Requests and Reports

Chair Peterson raised the question of shared-use parking lots, questioning if there was anything else that could be done. Mr. Mitchell said the concept is great, but it appears that the private lot owners downtown are not interested in sharing their lots with others, even if compensated. The Committee discussed again the lot located at the northeast corner of SW 3rd Street and Washington Avenue, which is currently vacant due to DEQ concerns. Testing has been completed on the subject property, but the DEQ requires the owner to prove that contamination has not spread to the adjacent property. Progress is stopped due to the unwillingness of the adjacent property owner to allow this testing.

Committee Member White reported that there was a recent letter to the editor claiming that the numbers on the pay station parking spaces on First Street are difficult to see. She requested that staff look at how the spaces are marked, and perhaps finding a way to make them more visible.

VII. Pending Items

None.

The meeting was adjourned at 7:00 pm.

NEXT MEETING: January 5, 2010, 5:30 p.m., Madison Avenue Meeting Room



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

Approved as submitted by email vote, January 19, 2010

CITY OF CORVALLIS
LAND DEVELOPMENT HEARINGS BOARD MINUTES
December 16, 2009

Present

Karyn Bird, *Chair*
 Frank Hann
 Steve Reese

Staff

David Coulombe, Deputy City Attorney
 Kevin Young, Interim Planning Division Manager
 Jared Voice, Associate Planner
 Claire Pate, Recorder

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Opening			
II.	Public Hearing Appeal of Violation for a Variable Message Sign, Phones Plus, Inc (VIO09-00648)			Deny the appeal; uphold the CD Director's Interpretation of the Land Development Code.
III.	Adjournment @7pm			

CONTENT OF DISCUSSION

The Land Development Hearings Board was called to order by Chair Karyn Bird at 5:30 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. OPENING:

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

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

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

The Chair opened the public hearing.

II. PUBLIC HEARING – Appeal of Violation for a Variable Message Sign/Phones Plus Inc. (VIO09-00648)

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

1. Conflicts of Interest - none
2. Ex Parte Contacts - none
3. Site Visits – all Board members
4. Objections to declarations - none
5. Objections on Jurisdictional Grounds - none

B. Staff Overview:

Associate Planner Jared Voice distributed written testimony from Patricia Benner, dated December 15, 2009, which was received after the packets were mailed. **(Attachment A)** He explained that the hearing was for consideration of an appeal of a notice of violation of the sign code issued to Phones Plus, Inc., 303 NW Harrison Boulevard. He said the zoning designation and Comprehensive Plan Map designation are both Central Business. The appellant/owner is Phones Plus, Inc., represented by Chris Cheeley, President. Planner Voice showed the vicinity map and walked through the timeline related to the complaint and issuance of the notice of violation. The first complaint was filed on October 12, 2009, relating to illegal signs being located on the subject property. The City Land Use Inspector performed a site visit on the following day, and observed the use of pennant signs located within the public right-of-way, as well as a flat screen display monitor, approximately nine feet wide by five feet tall, located on the interior of the building, but exclusively visible from the outside, as it was pushed up against the window. The monitor was displaying a variety of images and was determined to be an illegal variable message sign. A written correction notice and explanation were given to an employee on site, who immediately turned off the sign. On October 14, 2009, the City received a second formal complaint regarding illegal signs on the property. Also on this date, the LUI performed a follow-up site inspection and found that the variable message sign had been turned back on but was reprogrammed and in compliance with sign code requirements, because it displayed a static message that did not change more frequently than once every 20 minutes. On October 15, 2009, the LUI performed another site visit and verified that the pennant signs had been removed and that the variable message sign continued to comply. A notice of compliance was left on site, and the violation cases were closed.

On October 26, 2009, the appellant submitted an appeal specific to the variable message sign.

C. Legal Declaration:

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

Mr. Coulombe also stated that the failure of the appellant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

D. Appellant's Presentation:

Chris Cheeley, President of Phones Plus, Inc., said his organization is a northwest company marketing and selling Verizon Wireless and products, with nine stores located in Oregon and Idaho. They are members of the Chamber of Commerce and are very community-minded. They purchased the property, have made many improvements, and look forward to being a part of the community.

Mr. Cheeley said that after the sign was installed, his company was contacted by the Assistance League of Corvallis, which wanted to use the sign for a message about an event they were holding in December. He said that, as a business, Phones Plus, Inc., would love to perform this sort of support for community events; however, the limitation of changing the sign no more frequently than every 20 minutes makes this difficult to do so.

Mr. Cheeley said that he appreciates the history and safety concepts given by Ms. Benner in her written testimony, but wants to stay focused on the Land Development Code language. After he purchased the property in May of 2009, he reviewed Land Development Code Section 4.7.50.g, which clearly dictates that signs that "flash, blink, fluctuate, or have chaser, scintillating, or speller effects, including search lights" are prohibited. Mr. Cheeley's argument is that a sign that fluctuates is prohibited, but a variable message center is not. He believes that saying that the changing of a message every 20 minutes is not fluctuating, but the changing of one more frequently, for instance every 18 minutes, is fluctuating does not make sense. He says it makes it a difficult argument to state that this is about fluctuating. Mr. Cheeley said Corvallis' sign code is similar to sign codes in other cities where they are concerned about the impact of flashing and blinking and other distractions on safety. He has no problem with these exclusions. He had asked staff in an email for clarity on the word "fluctuating," since he had not seen that word in other sign codes. He believes strongly that this issue needs to be discussed in a public forum such as this.

Mr. Cheeley said that the Phones Plus, Inc., sign is unique in Corvallis. He directed the Board members to Land Development Code Section 4.7.70, which describes types of signs that are exempted. He said paragraph 4.7.70.h talks about signs that are only visible inside a building, which clearly this is not, but it makes a distinction between these

signs and those described in paragraph 4.7.70.i, which are signs inside of windows or attached to the inside of a window. These latter signs are exempt from “these requirements, except those signs prohibited by Section 4.7.50.” Mr. Cheeley said it seems clear to him that the language exempts signs mounted to windows from the other requirements, not just from the size requirement. He believes that the argument is disingenuous in that, since this sign is visible from the outside, Section 4.7.70.i does not apply. This is the primary basis for his appeal.

Mr. Cheeley said a secondary basis for his appeal relates to Section 4.7.80.07.a, which states that a variable message sign cannot change more frequently than every twenty minutes, and then goes on to refer to the prohibition on characteristics listed in Section 4.7.50.g. Section 4.7.80.07.b then goes on to state that “signs that display time and temperature information are exempt from the interval of change limitation of Section 4.7.80.07.a above.” He said it does not say “signs that ‘exclusively’ display time and temperature.” He said his reading of the language is that any sign that also displays time and temperature information would be exempt. Mr. Cheeley said he could easily put time and temperature on every screen, making sure that nothing blinks, and have the screen change more frequently than every 20 minutes, possibly whenever the time or temperature change. He said community members like to have the time and temperature, and this would be a public service.

Mr. Cheeley said either of these two bases for the appeal could be used as a means of finding in favor for his appeal. He then opened the discussion for questions from the Board.

In response to a question from Board member Hann relating to the fact that the language in Section 4.7.50.g appears to prohibit his sign, Mr. Cheeley said that language like this is common in almost every sign code he has dealt with. He said the two concepts he had needed help with from staff were “speller effects” and “fluctuating.” He sees this as distinctive from the twenty-minute rule. For instance, he said one can go to Costco and buy an “Open” sign that has multiple ways of being programmed, some of which are flashing. Mr. Cheeley said it appears that this language is in the sign code to prohibit that sort of thing. He said a message center, however, is allowed, and a message center by its very nature does change screens, but it would have to be done in a way that does not produce those effects listed in Section 4.7.50.g. It could change more frequently than every 20 minutes in a way that would not be distracting or using those prohibited effects.

Board member Hann then asked Mr. Cheeley to further elaborate on his point that by nature of the sign being inside the prohibition does not apply, even though the sign, clearly, can only be seen from the outside. Mr. Cheeley said that he actually thinks this directly addresses this situation. He said Section 4.7.70.h would allow for the sign to be turned around and communicate only with persons inside. Section 4.7.70.i states that signs inside of windows or attached to the inside of a window are exempt from these requirements. Board member Hann said that the additional language that states “except those signs prohibited by Section 4.7.50” gets one back to the sign being prohibited if it has any of those qualities. Mr. Cheeley then said that since message centers are not prohibited, and that since this is covered by Section 4.7.70.i, he believes it is permitted.

Board member Hann then asked Mr. Cheeley to summarize the email he had written to staff in May. It was clarified that the email had been written to Senior Planner Kevin Russell, and had to be faxed since the email did not go through. A copy of the email was

in the staff report as Attachment A.3. Mr. Cheeley said that he had sent a rendering of the sign showing where it would be placed and asked for an interpretation of 4.7.50.g. He said staff had not responded to that communication.

Board member Reese asked Mr. Cheeley how he would describe his sign. Mr. Cheeley said that his sign is capable of being programmed in many ways, including those ways that are prohibited, all the way to being static. He said it is an electronic message center on which the time and temperature can be placed on every screen, with a different background that does not blink. He can also program the length of time for any message screen. Mr. Cheeley is confident that they should be able to come to a reasonable way of presenting the message, which could include the time and temperature but not have to sit for twenty minutes going through as many as twenty traffic light changes.

Board member Hann said he remembers having seen the sign, and remembers that it was colorful and bright with a message, but he asked for elaboration on what the background was. Mr. Cheeley said that typically it is a plain color – usually black, red or blue - and typically a simple message of no more than seven words in a large font. He said sometimes there would be an image, possibly a face. He said there could have been a streaming effect, such as filling the screen in from top to bottom and then from left to right, or something like that. At one point, they might have had some animations on it related to a football being kicked and featuring the time and date of an upcoming football game.

Board member Hann then asked him, if he is allowed to use the sign in the future, what vision did he have for using this marquee as a part of his business. Mr. Cheeley said that he would really like to put community messages relating to events on the sign. He said a seven-word message cannot say much, so it would be much better to have the sign be able to change more frequently. He would like to see something that clearly is not flashing and blinking but would allow them to change the message at a reasonable pace. He believes twenty minutes is essentially static.

Board member Reese said that, in summary, it appears the appellant agrees that a sign is not allowed to produce any of the effects in Section 4.7.70.g, but Mr. Cheeley would like to have a message that could change every minute or at a similar interval. A basis of the argument for being able to do this is that Section 4.7.80.07.b allows signs that display time and temperature information to be exempt from the twenty-minute interval. Mr. Cheeley said that this was one of his two arguments.

When asked by Board member Reese whether he interpreted this to mean that a sign could have the time and temperature as small as one inch by four inches and be exempt, Mr. Cheeley said that the time and temperature information would need to be large enough to be seen and read. Board member Reese then pointed out that this is not specifically called out in the Code language, and Mr. Cheeley agreed it was not.

E. Staff Report:

Planner Voice said the application is presented in detail in the staff report, and he would briefly highlight some of the issues. He explained that the primary issue raised in the appeal is that, in the appellant's view, the variable message sign avoids all of the functions prohibited under Land Development Code Section 4.7.70.g, and is therefore exempt from sign code requirements because it is displayed inside of a window. Planner Voice said the specific issues raised by the appellant are:

- 1) interpretation of terms listed under Land Development Code Section 4.7.50.g;
 - 2) allowed exemptions under Land Development Code Section 4.7.70.i;
 - 3) miscellaneous Land Development Code sections referenced by the appellant; and
 - 4) time and temperature signs.
- He then elaborated on each issue.

Planner Voice said Section 4.7.50.g prohibits signs that “flash, blink, fluctuate, or have chaser, scintillating, or speller effects....”. Where terms are not defined by the Land Development Code there is a section that refers to dictionary definitions, and the staff report includes those dictionary definitions. Planner Voice said the appellant argues that the variable message sign did not execute any prohibited functions, but the Land Use Inspector felt that it had displayed functions that violated this section. Planner Voice said the appeal materials include no explanation, evidence, or examples of why images displayed should not have been determined to be prohibited.

Planner Voice said that, secondly, the appellant assumes that Section 4.7.70.i exempts the sign in question from the twenty-minute interval of change requirement. Planner Voice said it is clear that this section does exempt window signs from “one or more requirements” of sign standards, and specifically exempts window signs from allocation limits specified in Sections 4.7.80 and 90. But it is also clear that Section 4.7.70.i does not exempt window signs from prohibitions listed under Section 4.7.50. Therefore, this section does not specifically allow additional exemptions from Code requirements. Planner Voice said general requirements for variable message signs listed under Section 4.7.80.07, including interval of change restrictions, are not allocation limits. He said that if the intent of the Code was to specifically exempt variable message signs placed in windows from interval of change restrictions, then the Code would specify this exemption. As further explanation, he said the Code specifies exemption for variable message signs that display time and temperature information, but no such exemption exists for signs displayed inside of windows. Additionally, Planner Voice said that the window signs exemption and the “General Requirements” section both cross-reference the prohibited signs section. Planner Voice said it appears that the intent of the Code is to prohibit variable message signs that do not comply with the general requirements of Section 4.7.80.07. Though there is room for interpretation on what is meant by those terms, the best determiner contained in the Code is the reference to the twenty-minute interval of change. He said there is no other guideline for how to define “fluctuating,” and staff has consistently interpreted the standard in this way.

Planner Voice said, thirdly, that the appellant cited several subsections of the Code and drew reasonable conclusions, but still does not explain how these conclusions justify allowance of the variable message sign. Those arguments and responses are outlined in the Staff Report.

Lastly, Planner Voice said the appellant argues that if the variable message sign displays any time and temperature information, then it qualifies as exempt from the twenty-minute interval requirement under Section 4.7.80.07.b. However, staff has consistently interpreted this in the past to mean that this applies to signs that exclusively display time and temperature information.

Planner Voice said staff recommends that the Land Development Hearings Board select Option 1, as identified in the staff report. Option 1 would affirm the Community Development Director's interpretation of the Land Development Code provisions.

Questions:

Board member Hann asked if staff had responded to the appellant's faxed email sent in May to give him further clarification about how to interpret that part of the regulation. Manager Young stated that the staff member who had been in communication with Mr. Cheeley was not present at the hearing, but he believed there had been follow up communication to the faxed message; He noted that it may not have been a written response.

F. Public Testimony in favor of the application: none

G. Public Testimony in opposition to the appellant's request:

Betty Griffiths, 3248 NW Taft Avenue, apologized for not being aware of this hearing sooner, and for her lack of written testimony. She said that, as a former City Councilor, she had some history to share about this chapter of the Land Development Code. She said at some point during the years of 1999 or 2000 there was a review by the City Council of a changing sign at the Grace Lutheran Church on Harrison at Kings Boulevard, and whether the sign code would allow it. The same was true of a sign at the Willamette Veterinary Clinic on 3rd Street. She said there was a lot of discussion about signs that changed messages and what it meant in terms of distracting drivers. She said she might have been the person who actually came up with the twenty-minute limitation on any changes to a sign. Ms. Griffiths said it clearly was the intent for this rule to apply to all variable signs, even if the language was not written that way. Both of the other two signs referred to now have static signs. She believes that the Staff Report is very complete and the conclusions are accurate in terms of the intent of the legislation. She believes that the Director's Interpretation should be upheld. She said this appeal does bring up the fact that there should be a change in requirements so that large window signs installed inside a building but seen from the outside would have a more rigorous review, since they have the same impact as a sign that is outside the window.

Ms. Griffiths also said one could say that the definition of "fluctuate" would be simply to change, rather than to vary irregularly. She does not think that Sections 4.7.50.g and 4.7.70.i are subject to interpretation. She believes them to be very clear that signs such as the one in question are exempt from the allocation limits, but not exempt from the other sections regarding the fluctuation and changing message on the signs. Referring to page 8 of the staff report, she said that the intention of the Code was to prohibit any variable message sign that did not comply with Section 4.7.80.07.

Ms. Griffiths said she disagrees with Patricia Benner's written testimony about signs that display "time and temperature". She said it should say "time and temperature 'exclusively' or 'only.'" She remembers that the electronic sign on the Chamber of Commerce was exclusively time and temperature. She said direction was that, if it that sign were to be put into use again, it would stand alone as a time and temperature sign. Ms. Griffiths said staff has interpreted the Code the way it was intended. She said If one were to "tweak" the Code, the word "exclusively" should be added to "time and temperature."

Board member Hann asked Ms. Griffiths if the intent of the Code was to prohibit the use of signs such as the “Open” signs that are quite variable that one can buy at Costco. He said he has observed three of those signs in use that have running lights around them and fluctuating elements. Ms. Griffiths said that the intent was that those types of signs not be permitted, except those that change the message or screen every twenty minutes. She said Council had lengthy discussions about the issue of distracting drivers and also the looks of those types of signs as it played into how we wanted our community to look. She said sign codes have been very controversial over the years, with a lot of differing opinions on how they should be implemented.

Board member Hann said that this last decade of increasingly new technology might require a fresh look at these terms. He said several of these terms were not previously in use by the industry, and it might be appropriate to look at revising terminology to reflect current industry standard terms. Ms. Griffiths said that the language might be able to be improved, but the important words that come before the list of words is “characteristics of.” She said the intent was that if a sign has characteristics of movement, flashing, and fluctuating, then it would not be permitted. Board member Hann said those words were not in the Code, though they might have been a part of the Staff Report.

H. Neutral testimony:

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

I. Rebuttal by Appellant:

Mr. Cheeley said that he appreciated the definitions of “fluctuate” and “scintillate,” but the question he would ask is why twenty minutes is not considered fluctuating, but nineteen minutes would be. He said his point is that Section 4.7.50.g is a separate issue from the twenty-minute limitation, since intervals of eighteen or nineteen minutes probably would not appear much different than twenty minutes; they are two different objectives. Mr. Cheeley urged the Board to look at the language of the Code, not the intent. If the word “exclusively” had been used along with the words “time and temperature” he would be viewing the situation differently.

Mr. Cheeley said he had not received any email responses to his May emails. He said if he had known he was going down the wrong road, he would not have bought the sign.

Board member Hann had asked what would help Phones Plus, Inc., achieve their goals without violating the spirit of the Code. Mr. Cheeley said it would be to have a reasonable interlude for changing messages; no animation or flashing or scintillations, but a way of having some screen changes when the time and temperature change. He said he does not want anything garish or obnoxious; that is not his intent.

J. Sur-rebuttal:

Ms. Griffiths said that the issue is the display of time and temperature. She stated that page nine of the Staff Report shows that staff has interpreted that a sign must show time and temperature exclusively. She said if one refers back to Section 4.7.80.07 (General Requirements for Variable Message Signs) and thinks about the logic of it, of course one

would not have a twenty-minute interval for this. She said the logic of where this is placed supports staffs interpretation that “time and temperature” is exclusively exempted from the variable message part of the requirements. Ms. Griffiths said displaying a fluctuating and changing sign in the background of time and temperature is basically just trying to get around the Code as it is written.

In response to Board member Hann’s comments relating to whether the words “characteristic of” were in the Code, Section 4.7.80.07.a does contain those words, as in variable message signs shall in no case “exhibit characteristics of those signs prohibited in Section 4.7.50.g.”

K. Additional time for appellant to submit final argument:

The appellant waived the additional time to submit written argument.

L. Close the public hearing:

MOTION: Board Member Reese moved to close the public hearing. Board Member Hann seconded the motion and it passed unanimously.

M. Discussion and Action by the Board:

Questions from the Board:

Board member Hann said that the appellant might have made some good points about the need for providing more clarity in the Code. Should the appeal fail, he asked staff what options the appellant might have for bringing about some change to the regulations and at what point that could happen. Planning Division Interim Manager Kevin Young said that the Planning Division work program is reviewed annually, and that the Planning Commission is tentatively scheduled to review the work program in February, 2010. He said that, typically, staff looks to City Council and the Planning Commission for direction about when Code revisions are needed, but citizens have the ability to speak directly to those decision-makers about issues they have.

Board member Hann said he sees vagueness in Section 4.7.80.07 as to whether just the message of a variable message sign or the entirety of the display has to meet the twenty-minute requirement. Manager Young said that the second sentence drives the requirement that the sign not “exhibit characteristics of those signs prohibited in Section 4.7.50.g.”

Deputy City Attorney Coulombe relayed to the Board that there had been recent case law with respect to statutory construction, which also applies to construction of ordinances. He said legislative history is part of the context. It used to be that one could not look at legislative history and context unless there was ambiguity. He said the context and legislative history presented tonight can be considered without a finding of ambiguous language, unlike in the past.

Board member Hann said he is struggling with this situation in terms of what works for the appellant and what works for the City in maintaining the integrity of the whole process. He said there was a recent case in which a “time out” occurred to try to resolve issues, but that tends to muddy the process and would not really apply in this circumstance. He said

there would not be anything the appellant could do in the next brief period of time to bring about a change in definitions or that type of thing.

MOTION: Board member Hann moved to uphold the Community Development Director's interpretation of Land Development Code provisions as applied to the property located at 303 NW Harrison Boulevard, based on the findings in the December 9, 2009, Staff Report to the Land Development Hearings Board, and based upon the discussion and findings from the December 16, 2009, public hearing on this matter, as reflected in the meeting minutes. Board member Reese seconded the motion.

Board member Hann said that the appellant did a remarkable job of taking a building that was fairly dowdy and making improvements. However, he said he has to look to the Land Development Code, and though the appellant's arguments seem reasonable from his point of view, the Board still has to go back to the language in Section 4.7.50, which is the basis for the Director's findings. Mr. Hann said he does believe times have changed and there is ambiguity in that terms used in the sign code do not meet current industry standards, but that this, in itself, does not give the Board enough to find in the appellant's favor.

Board member Reese said that, while he can appreciate that everyone understands the intent of the language in Section 4.7.50.g, and while he can also appreciate why the appellant would like to change the message at a greater frequency than every twenty minutes, his interpretation of this issue is that the City has chosen to define the word "fluctuation" to mean at a frequency greater than twenty minutes. He said it could have been ten or fifteen minutes, but twenty was the number that was adopted and is in the Code. Mr. Reese said he has not seen any convincing evidence that would turn him away from why the sign in this case would be exempt from the twenty-minute requirement. He said it seems clear that the City's intent was to limit the exemption to apply to signs that are used exclusively for displaying time and temperature.

The motion was unanimously approved by a vote of 2-0.

N. Appeal Period:

The Chair explained that the decision will be effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed with the City Recorder.

III. **ADJOURNMENT:** The meeting was adjourned at 7 p.m.

RECEIVED

MEMORANDUM

To: Members of the Land Development Hearings Board
From: Patricia Benner
Date: December 15, 2009
Subject: Testimony re: 303 NW Harrison, VIO09-00648

DEC 16 2009

Community Development
Planning Division

Overview of my testimony

Phone's Plus general position: The sign is an indoor sign, therefore complies with LDC.

My overview logic:

- (1) LDC 4.7.70(i): indoor window signs (are not subject to allocation limits) and are exempt from *except* for signs prohibited by LDC 4.7.50 →
- (2) LDC 4.7.50(g): "Signs that flash, blink, fluctuate,...." are *prohibited* signs →
- (3) LDC 4.7.80.07(a): gives guideline for operation of variable message signs, which is a twenty minute minimum for an image AND reiterates 4.7.50(g). →

Therefore, the variable message sign *type* is in compliance with the sign ordinance, but the *functioning* of the sign – i.e. the flashing, rapid turnover, etc of the images on the sign – was in clear violation of the ordinance. To be in compliance, the sign needs to change the image no more frequently than in 20-minute intervals (exempting time and temperature). When the sign displayed rapid, variable images, it was a very significant vehicle driver visual hazard.

I support the conclusions in the Staff Report dated December 4, 2009, and urge the LDHB to uphold the Director's Decision to issue a Notice of Violation. Although staff's analysis includes all relevant Land Development Code requirements, I will focus my remarks on two LDC sections.

LDC 4.7.80.07

The electronic sign exhibited on the property facing the intersection of 3rd and Harrison clearly meets the LDC definition of "sign" and "variable message sign," and therefore comes under the requirements for variable message signs in LDC 4.7.80.07.a. Contrary to the appellant's assertion that 4.7.80.07.b. exempts his sign because it contains a "time and temperature" reading, that exemption only applies to the portion of the sign showing time and temperature. This interpretation is consistent with the implementation of this section with other variable message signs, such as the one at the new Willamette Veterinary Clinic on SW 3rd Street. That sign is required to vary at most every 20 minutes, except for the portion that shows time and temperature.

Staff's implementation of this section is also consistent with the legislative intent of the City Council, which carefully crafted 4.7.80.07 as a replacement for the outright ban of variable message signs that existed prior to that time. The total ban on variable

message signs in the 1993 (and prior) LDC was a result of the concern of the City Council and many community members that these signs are very distracting to drivers. Since that time, evidence of the dangers to the public of distracted drivers has only increased. The 20-minute delay was the Council's attempt to compromise and allow variable message signs that would change at a rate that would not be overly distracting. The exemption for time and temperature readings was also present in the 1993 LDC that banned all other variable message signs, and this was never interpreted to exempt other parts of a sign with messages in addition to time and temperature.

Given its large size, operating the subject sign without the 20-minute limitation would be extremely distracting to drivers at a very busy intersection of two state highways. Prior to the Notice of Violation being issued, I observed the subject sign flashing large, vibrant, and colorful patterns and messages in a manner that could not help but draw the attention of drivers away from the road for extended periods or for repeated looks.

LDC 4.7.70

The appellant claims that Section 4.7.70.i., which refers to signs inside windows, exempts his sign from all sign regulations. In fact, as staff notes, this section only exempts his sign from the allocation limits in Sections 4.7.80 and 4.7.90. Section 4.7.70 is titled "Exemptions from Specific Requirements of Regulations," and the first paragraph clearly states that it exempts the listed graphics from one or more requirements, and that all are exempt from the allocation limits. It goes on to say that the listed graphics "shall comply with other applicable provisions." There is no language in this section exempting signs in windows from the limits on variable message signs in Section 4.7.80.7. Therefore, the subject sign, although exempt from cumulative size requirements, is not exempt from the limitations on variable message signs.

Recent research on distracted driving has documented the serious impairment of drivers involved in a number of distracting activities, primarily focusing on cell phone use and text messaging. At a time that legislation is being written nationwide to protect the public from some forms of distracted driving, it is not prudent to be overly flexible in interpreting Code provisions related to variable message signs that are designed to draw attention to themselves. The intent and language of the LDC regulations clearly require that all variable message signs, including those within windows but facing outside, must not vary more frequently than every 20 minutes.

Thank you for your consideration.

Patricia Benner
2030 SE DeBord Street
Corvallis, OR 97333
541-753-9318



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

Approved as submitted, January 20, 2010
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
January 6, 2010

Present

Tad Abernathy
 Karyn Bird, *Chair*
 James Feldmann
 Jennifer Gervais, *Vice Chair*
 Frank Hann
 Tony Howell
 Jim Ridlington
 Jasmin Woodside
 Mark O'Brien, *Council Liaison*

Staff

David Coulombe, Deputy City Attorney
 Ken Gibb, Community Development Director
 Kevin Young, Acting Planning Division Manager
 Terry Nix, Recorder

Absent

Steve Reese

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	New Business A. Request to Extend Tentative Plat Approval for the Oakmont Addition Subdivision (SUB06-00007) For One Additional Year B. Recent FCC Declaratory Ruling C. 2010 Planning Division Work Program D. Land Development Hearings Board Membership Rotation E. City Budget Discussion F. South Corvallis White Paper	X		
III.	Adjournment – 8:25 p.m.			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Karyn Bird at 7:04 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITORS' PROPOSITIONS:

Scott Wright, 2690 SW Fairmont, said that he is the Engineer for the Oakmont Addition Subdivision project; a request to extend the Tentative Plat Approval for one additional year for that project is on the agenda this evening. He said that this project was put forth at the same time as the Brooklane Heights Subdivision and that the street plan and development pattern were designed to incorporate both projects. The Oakmont Addition Subdivision was approved; the Brooklane Heights Subdivision has been held up in the appeals process for several years. Work that has gone forward on the Oakmont Addition includes an erosion control plan, a wetlands delineation, and an archeological investigation. The applicant believed that this constituted activity that would negate the necessity to request an extension; however, City staff recently brought to the applicant's attention the need to request an extension, and they are doing so at this time.

Forest Evashevski, 2505 SW Whiteside, said that he is the developer for the Oakmont Addition Subdivision. He drew attention to his written request to extend the Oakmont Addition Subdivision approval, which was included as an attachment to the December 29, 2009, Memorandum from staff to the Planning Commission. He noted that Condition 16 says that excavation and grading permits shall not be issued until proposed public street connections to site are approved consistent with the 1993 Land Development Code. Because the Brooklane Heights Subdivision has been held up in appeals, he has been unable to go forward with these connections, which is why he is requesting an extension. If approved, he said, the extension will be valid until July 5, 2010.

II. NEW BUSINESS:

A. Request to Extend Tentative Plat Approval for the Oakmont Addition Subdivision (SUB06-00007) for One Additional Year:

Acting Planning Division Manager Kevin Young drew attention to the written report. Commissioner Howell asked staff to talk about the status of the Brooklane Heights Subdivision remand. Community Development Director Ken Gibb said that the most recent remand from LUBA is limited to two items. City Council has scheduled a public hearing on February 1, 2010, at which time staff will recommend what it believes to be a responsible path to respond to the two remaining items.

MOTION: Commissioner Howell moved that the Planning Commission approve the request to extend Tentative Plat Approval for the Oakmont Addition Subdivision (SUB06-00007) for one additional year from July 5, 2009. Commissioner Hann seconded the motion and it **passed** unanimously.

B. Recent FCC Declaratory Ruling:

Manager Young drew attention to the written staff report. He briefly reviewed the Federal Communication Commissioner (FCC) ruling that establishes a 90 day time

frame for wireless communication collocation applications; this time frame conflicts with Oregon's 120 day rule and does not provide adequate time to process applications if there is a local appeal. A future Land Development Code revision will be needed to address this ruling. City Council has approved an interim approach by which collocation applications that require a public hearing will be sent directly to the City Council. The Planning Commission and Historic Resources Commission would not have the opportunity to consider these collocation requests.

Chair Bird asked why the FCC has made a decision which overrides state and local codes. Manager Young said that, as he understands it, there have been problems in some jurisdictions where the industry has complained that there have been undue delays; the impetus probably did not come from Oregon. Commissioner Howell commented that there is a history of this industry getting federal legislation to override local land use law; for instance, local jurisdictions are not able to consider environmental impacts associated with wireless communication towers.

Commissioner Hann asked if staff will have adequate resources, especially with respect to the historic districts. Manager Young said the review criteria will not change; the change is that requests will go directly to the City Council for consideration. Director Gibb added that this is an interim strategy pending a thorough review and long term strategy.

C. 2010 Planning Division Work Program:

Manager Young drew attention to the written report. He noted that a Planning Commission public comment opportunity on the 2010 Planning Division Work Program will be held on February 3, 2010. The City Council has suggested a joint work session with the Planning Commission to discuss the Work Program, tentatively scheduled for February 22, 2010.

D. Land Development Hearings Board Membership Rotation:

Chair Bird drew attention to the written staff report. She said that, because the Land Development Hearings Board (LDHB) has seen an increase in activity while public hearing items for the Planning Commission have been less frequent, staff has proposed that the Planning Commission consider some method of rotating LDHB membership.

Discussion followed regarding potential methods, including having LDHB membership rotate every three or six months, or having two boards which serve concurrently on alternate applications. Commissioners Woodside and Howell expressed an interest in serving on the LDHB. Commissioner Gervais said she would be interested in serving on the LDHB if another member would serve as liaison to the Historic Resources Commission (HRC). The HRC, she said, provides a good opportunity to become familiar with public hearing processes without the pressure of being a decision maker. It was agreed to continue this discussion under Old Business at the next Planning Commission meeting.

E. City Budget Discussion:

Director Gibb gave a brief overview of the City budget process. The Planning Division is 90 percent funded through General Fund dollars. He said the General Fund is in pretty good shape this year, and the City is hoping to maintain service levels across the board. The Planning Division is not proposing any enhancements in the 2009-10 budget. Looking to the future, Director Gibb said he does not anticipate a growth in General Fund expenditures in the 2010-11 budget.

In response to an inquiry from the Chair, Director Gibb reported that the Community Development Management Assistant position has been filled by Marci Laurent. Kevin Young is serving as Acting Planning Division Manager pending a recruitment process, tentatively planned for the first of March.

F. South Corvallis White Paper

Director Gibb drew attention to written comments from Susan Hirsch, previously distributed, concerning activities associated with the disc golf course at Willamette Park. He then drew attention to the South Corvallis White Paper in Commissioners' packets. He reviewed the City Council goal to review implementation of the South Corvallis Area Refinement Plan (SCARP). There is a concern that the South Corvallis Town Center has not been developed. The White Paper was prepared and presented to the City Council on December 21, 2009. The City Council has suggested that this issue be further reviewed as part of a joint work session with the Planning Commission, tentatively scheduled for February 22, 2010.

Director Gibb noted that, as staff reviewed the policy recommendations and goals set forth, it seemed that there has been a lot accomplished over 10 years. The conclusion was that the proposed location of the South Corvallis Town Center still makes the most sense. The current market has not supported the investment that would be necessary for developing that site. The current population of the South Corvallis area is estimated to be 7,000; industry standards indicate that a population of 10,000 is needed to support a grocery store. The status report identifies areas where the City might take action to help jump start the project, including potential removal of the Planned Development Overlay. Brief discussion followed.

G. Other

In response to inquiries from the Commission, staff provided an update on an appeal of the Land Development Hearings Board decision regarding a Notice of Violation for 5700 SW Reservoir Avenue, and advised that the Phones Plus decision has been appealed to the City Council.

Commissioner Hann initiated a brief discussion about public hearing protocol and how the Commission should respond when participants shout or speak outside of the process. It was agreed that this topic presents a good training opportunity.

III. ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

**WATERSHED MANAGEMENT ADVISORY COMMISSION
MINUTES
November 18, 2009**

Present

Matt Fehrenbacher, Chair
Jacque Schreck, Vice-Chair
Charlie Bruce
Michael Campana
Sheryl Stuart
David Zahler
Creed Eckert
Richard Hervey, City Council Liaison

Staff

Tom Penpraze, Public Works
Mike Hinton, Public Works
Mark Miller, Trout Mountain Forestry

Visitors

None

Absent**SUMMARY OF DISCUSSION**

Agenda Item	Information Only	Held for Further Review	Recommendations
I Call Meeting to Order/Introductions	X		
II Review of Agenda	X		
III Approval of October 21, 2009 minutes			Approved
IV Staff reports	X		
V Visitors Propositions	X		
VI Old Business <ul style="list-style-type: none"> • 2009 Thinning Harvest Review • 2009 Forest Resource Inventory • Wildlife Enhancement Project 	X X X		
VII New Business	None		
VIII Commission Reports/Requests	X		
IX Adjourn			

CONTENT OF DISCUSSION**I. Introductions**

Chair Fehrenbacher called the meeting to order at 5:30 p.m. Commissioners and staff introduced themselves. Note: This meeting was moved to the City Hall, Meeting Room D because the City Council Administrative Services Committee meeting being conducted in the Madison Avenue Meeting Room was still in session at 5:30pm.

II. Review of Agenda

No changes were suggested by the Commission.

III. Approve October 21, 2009 Minutes

Commissioner Schreck moved to approve the minutes as amended; The minutes were approved unanimously.

IV. Staff Reports

Mr. Penpraze presented the second version of the watershed map that was shown to the Commission in the October meeting. Chair Fehrenbacher said he would like to make some modifications to the map and will confer with staff.

Mr. Penpraze reported that the State of the Forest report will be made available at the Library.

V. Visitors Propositions

Councilor Hervey reported that the first cut of the City's annual budget has been presented to the Council. He stated that there likely will not be many enhancements approved in the next fiscal year due to limited resources.

VI. Old Business

2009 Thinning Harvest Review

Mr. Miller reported that the thinning harvest is complete. Steve Bush from Philomath was the contractor. Work began at the end of August and was completed the first week of October. Mr. Miller did not have final volume totals, but the estimated harvest amount was 500,000 board feet. Half of the wood went to Frank Lumber in Lyons, a small amount (five truck loads) went to Northwest Wood Processing in Sheridan for use as utility poles, and the rest went to a mill in the Eugene area to be custom cut. Following the logging, the skid roads and landing areas were re-graded, water barred and seeded with native grass species for erosion control. There will be a small amount of tree planting (hemlock and cedar) in the harvest area in the upcoming month.

2009 Forest Resource Inventory

Mr. Miller provided some background on this project. Last spring, Trout Mountain designed the Forest Resource Inventory and subcontracted the field plot data collection, which includes a broad array of ecological information, including number of snags, woody debris, regeneration information, invasive species, and productivity information. They also took the age breakdown from the Forest Stewardship Plan and refined it for accuracy by expanding the three forest types into eleven types. Trout Mountain Forestry has been reviewing the data for inclusion in its report. Duck Creek Associates, from Corvallis, was the subcontractor who performed the inventory. Preliminary results indicate there are approximately 135 million board feet of timber on the property, which is more than the 100 million that was estimated based on the City's old database. The thinning harvest level is currently less than 0.5% of timber growth every year.

Wildlife Enhancement Projects

Mr. Miller reported that a grant has been received from the Siuslaw National Forest's Marys Peak Stewardship Group to do some wildlife enhancement projects. The enhancement project has three components: wildlife enhancement thinning in young stands; tree topping for snag creation, the tops of which would be left on the ground for woody debris and spotted owl habitat; and riparian enhancements. Mr. Miller stated that he is expecting bids for work on the first two components within the week which will be completed this fall or winter; the riparian work is scheduled for next year. Mr. Miller reported that he consulted with wildlife biologists from the US Forest Service, US Fish and Wildlife Service and OSU during the design of the diversity thinning and tree topping portions.

Mr. Miller stated that the third component of this project involving riparian habitat enhancement will be designed in spring or summer of 2010 and will include consulting with professionals in riparian management. The objective of the riparian project is to improve riparian habitat degraded by past harvest practices. The project will be designed to improve the mix of tree species to include more conifer trees for stream shading and future large wood recruitment.

VII. New Business

None.

VIII. Commission Reports/Requests

Commissioner Schreck reported that she attended the Benton County Commissioners' board meeting where the Commissioners received an update from staff on the Benton County Prairie Species Habitat Conservation Plan (HCP). The County has dropped some of the mitigation fees previously identified, and are working on a revised newsletter to send to the community. The latest draft HCP will be sent to the US Fish and Wildlife Service and Department of Agriculture around late January or early February of 2010, after which there will be a 60-day public comment period and additional stakeholder meetings.

Commissioner Schreck also reported that the City Capital Improvement Program Commission has finished their work of reviewing the proposed 2010-2011 update. She stated that one of the new projects being recommended is the design and construction of a hydro-electric generator located at the Rock Creek water treatment plant. This project, while the cost is higher than the estimated project benefit, is still seen as a step forward in furthering the City's sustainability goals. The ability to go forward with this project is dependent on the availability of grant monies.

Mr. Penpraze raised the question of whether the Commission should meet in December, and the Commission agreed to meet next in January.

IX. Adjourn

Chair Fehrenbacher adjourned the meeting at 6:50 p.m.

NEXT MEETING: January 20, 2010, 5:30 p.m., Madison Avenue Meeting Room

MINUTES

Wednesday – October 21, 2009 3:00-4:30 PM

In Attendance:

- | | | | | |
|---|--|---|---|--|
| <input checked="" type="checkbox"/> Angie Baca | <input checked="" type="checkbox"/> Mike Beilstein | <input checked="" type="checkbox"/> Gary Boldizar | <input type="checkbox"/> Ed Boyd | <input type="checkbox"/> Floyd Collins |
| <input checked="" type="checkbox"/> Mark Cotter | <input type="checkbox"/> Bill Currier | <input checked="" type="checkbox"/> Jay Dixon | <input type="checkbox"/> Ken Elwer | <input type="checkbox"/> Liz Foster |
| <input type="checkbox"/> Max Frederick | <input checked="" type="checkbox"/> John Haroldson | <input checked="" type="checkbox"/> Rick Hein | <input type="checkbox"/> Jeanne Holmes | <input checked="" type="checkbox"/> Linda Hukari |
| <input type="checkbox"/> Justin Jones | <input type="checkbox"/> Sharon Konopa | <input type="checkbox"/> Jim Kramer | <input type="checkbox"/> Al Krug | <input type="checkbox"/> Jeff Lanz |
| <input checked="" type="checkbox"/> Jeanne Nelson | <input checked="" type="checkbox"/> Jon Nelson | <input checked="" type="checkbox"/> Gail Newman | <input type="checkbox"/> Joe Pickens | <input checked="" type="checkbox"/> Jack Rogers |
| <input checked="" type="checkbox"/> Jon Sassaman | <input checked="" type="checkbox"/> Dan Schwab (p) | <input checked="" type="checkbox"/> Diana Simpson | <input checked="" type="checkbox"/> Angie Stambuk | <input checked="" type="checkbox"/> Kate Welter |
| <input type="checkbox"/> Deb Williams | <input type="checkbox"/> Locke Williams | <input type="checkbox"/> Karen Zorn | | |
| <input checked="" type="checkbox"/> Present | <input type="checkbox"/> Absent | | | |

Members Present: **17 = No Quorum** (34 positions filled: quorum requirement **18**)

Vacancies:

Adair Village Citizen Rep, OSU: Director -Dept. of Public Safety, Philomath City Manager/Rep

Staff:

Michele Spaulding

Guests:

David Clark, Drew Foster, Scott Jackson

ACTIONS:

FUTURE AGENDA ITEMS:

- Alternative Incarceration Programs -- what are they and do they work? DA's Office could present
- 10 Year Plan to End Homelessness

UPCOMING MEETINGS (3:00pm – 4:30pm):

- **November 18th**
- No December Meeting
- January 20th
- February 17th
- March 17th
- April 21st
- May 19th
- June 16th
- No July Meeting

2009 - 2010 WCJC - Full Council October 21, 2009 Meeting

Call to Order & Introductions

Gail Newman called the meeting to order at 3:03pm. Introductions were made; the attendance roster was circulated.

1. Minutes

No action taken without a quorum. Invitation for discussion/corrections; none noted.

2. WCJC Committees, Projects, LPSCC Activities

- **DUII VIP Grant: Gail Newman** (hard copy available)
Proposals for the 2009-2010 DUII VIP Grant (up to \$5,000) will be accepted until December 31, 2009. Projects with the goal of reducing driving under the influence of intoxicants (with a clear nexus to the DUII Victim Impact Panel) through DUII related enforcement, education, training, investigation, equipment, etc. are encouraged to apply. A copy of the call for proposals is posted on the WCJC website: <http://www.co.benton.or.us/da/wcjc>.
- **Budget Update: Jon Sassaman**
Jon provided a high level overview. WCJC continues to spend down reserves. Combined expenses for WCJC Administration and DUII VIP run ~\$84,000 per biennium; total revenue is ~\$65,000. Dues and/or DUII VIP attendance fees are likely to increase during the 2011-2013 budget cycle.
- **Lay Committee Update: Rick Hein**
Several items of interest were discussed as potential work areas for the Lay Committee.
- **Drug Treatment Court (DTC) Update: David Clark**
Juvenile DTC:
Current Active Participants 12
 - One participant graduated, one participate slipped back
 - DTC parents organized a camping event
Adult DTC:
Current Active Participants 49
 - A supervised housing program is being developed with New Beginnings. Approximately \$60,000 of the federal grant will go to the start up costs of this Social Model Recovery House. A three bedroom home has been selected. One bedroom will be used for the mentors and the other two bedrooms will be shared by two participants each. Participants will pay rent after the first two months. The hope is to have the home self-sustaining. Counselors from New Beginnings will visit the house and meetings will be held there. Two people have been hired half-time as house mentors (and community experts) and they will be living there. The mentors are successful participants in the program who will maintain the rules and keep the house structure.
-- Issues around the liability of a supervised house were raised by the WCJC.
 - A graduation scheduled for December 9, 2009
 - Participant of the Month – gets photo on the wall
 - Basketball team is being formed
- **National Institute of Corrections; Planning of New Institutions (PONI) – Diana Simpson**
Diana showed a video on the purpose of a jail (role, function, challenges, and community benefits) which is available for check-out. Diana offered a jail tour next month with a specific presentation on Benton County's jail.

Call for Additional Agenda Items

Drew Foster of Adair Village read a letter from Bill Currier which thanked the WCJC for reducing Adair Village's membership dues while it got on its feet. Adair Village is now able to fully participate, so Drew presented a check to the WCJC for past dues in the amount of \$1,032.

Adjournment: The meeting was adjourned at 3:48pm.

MINUTES

Wednesday – November 18, 2009 3:00-4:30 PM

In Attendance:

- | | | | | |
|---|--|---|---|---|
| <input checked="" type="checkbox"/> Angie Baca | <input checked="" type="checkbox"/> Mike Beilstein | <input checked="" type="checkbox"/> Gary Boldizar | <input type="checkbox"/> Ed Boyd | <input checked="" type="checkbox"/> Floyd Collins |
| <input type="checkbox"/> Mark Cotter | <input type="checkbox"/> Bill Currier | <input type="checkbox"/> Jay Dixon | <input type="checkbox"/> Ken Elwer | <input type="checkbox"/> Liz Foster |
| <input checked="" type="checkbox"/> Max Frederick | <input type="checkbox"/> John Haroldson | <input checked="" type="checkbox"/> Rick Hein | <input type="checkbox"/> Jeanne Holmes | <input checked="" type="checkbox"/> Linda Hukari |
| <input checked="" type="checkbox"/> Justin Jones | <input checked="" type="checkbox"/> Sharon Konopa | <input type="checkbox"/> Jim Kramer | <input checked="" type="checkbox"/> Al Krug | <input type="checkbox"/> Jeff Lanz |
| <input type="checkbox"/> Jeanne Nelson | <input type="checkbox"/> Jon Nelson | <input checked="" type="checkbox"/> Gail Newman (p) | <input type="checkbox"/> Joe Pickens | <input checked="" type="checkbox"/> Jack Rogers |
| <input checked="" type="checkbox"/> Jon Sassaman | <input checked="" type="checkbox"/> Dan Schwab | <input checked="" type="checkbox"/> Diana Simpson | <input checked="" type="checkbox"/> Angie Stambuk | <input type="checkbox"/> Kate Welter |
| <input type="checkbox"/> Deb Williams | <input checked="" type="checkbox"/> Locke Williams | <input type="checkbox"/> Karen Zorn | | |
- Present Absent

Members Present: **17 = Quorum** – until one member left - (33 positions filled: quorum requirement **17**)

Vacancies:

Adair Village Citizen Rep, Adair Village City Councilor, OSU: Director -Dept. of Public Safety, Philomath City Manager/Rep, Benton County Citizen Rep, Rep of Crime Victims

Staff:

Michele Spaulding

Guests:

David Clark, Judy Wilson

ACTIONS:

- Measure 57 Intensive Drug Court Grant Application approved as submitted.

FUTURE AGENDA ITEMS:

- Alternative Incarceration Programs -- what are they and do they work? DA's Office could present
- 10 Year Plan to End Homelessness

UPCOMING MEETINGS (3:00pm – 4:30pm):

- January 20th
- February 17th
- March 17th
- April 21st
- May 19th
- June 16th
- No July Meeting

2009 - 2010 WCJC - Full Council Meeting

Call to Order & Introductions

Dan Schwab called the meeting to order at 3:05pm. Introductions were made; the attendance roster was circulated.

1. Minutes

No action taken once the quorum was lost.

2. WCJC Committees, Projects, LPSCC Activities

- **DUII VIP Grant: Dan Schwab** (hard copy available)
Proposals for the 2009-2010 DUII VIP Grant (up to \$5,000) will be accepted until December 31, 2009. Projects with the goal of reducing driving under the influence of intoxicants (with a clear nexus to the DUII Victim Impact Panel) through DUII related enforcement, education, training, investigation, equipment, etc. are encouraged to apply. A copy of the call for proposals is posted on the WCJC website: <http://www.co.benton.or.us/da/wcjc>.

- **Lay Committee Update: Rick Hein**
The Lay Committee had a panel of speakers discussing juvenile justice today. Current Benton County juvenile programs and issues were discussed.

- **Measure 57 Intensive Drug Court Grant Program: David Clark**
Drug Treatment Court would like to apply for a grant from the Justice Administration for approximately \$28,000 that will be used for the supervision of Measure 57 Drug Treatment Court participants. This grant will provide a line item for overtime to cover the increase in Parole Officer workload.

[Measure 57 Intensive Drug Court Grant Application supported as submitted.](#)

- **Drug Treatment Court (DTC) Update: Locke Williams**

Juvenile DTC:

Current Active Participants 12

- OSU basketball game planned for December

Adult DTC:

Current Active Participants 48

- Thanksgiving dinner planned
- A graduation scheduled for December 9, 2009
- Newsletter recently distributed; if you aren't receiving one but would like to, contact David Clark

- **National Institute of Corrections; Planning of New Institutions (PONI) – Diana Simpson**
Diana gave a history of the jail and the previous attempts to plan for and raise support for a new jail. Diana outlined some options for a new jail's continuum of care including hard beds, medium and minimum security beds, work release, medical care, mental health treatment, programming for substance abuse, a detox facility, a built in courtroom for high risk cases, etc.

The plan is to hire a third party to do a needs assessment, understand Benton County's philosophy and suggest options and alternatives. Once we have that information, it will be important to get key folks involved (business and community leaders) and identify key work groups to get a bond measure drafted. (PowerPoint slides attached.)

Call for Additional Agenda Items

None noted.

Adjournment: The meeting was adjourned at 3:52pm; some members went on a tour of the Benton County Jail.



BCSO

Planning a New Benton County Corrections Facility Complex

10-Jun-10 BCSO Executive Board 1

- 
- BCSO
- ## Introduction
- Smallest jail per capita in the State
 - 0.5 beds per 1,000 Benton County
 - 2.3 beds per 1,000 statewide average
 - Constructed in 1976 for 27 beds
 - Intended to serve as primary jail for ten years
 - Built to preclude future expansion
 - Poor mechanical design
- 10-Jun-10 BCSO Executive Board 2

- 
- BCSO
- ## Historical Developments
- Five public meetings held
 - All drew heavy criticism – NIMBY
 - Fourth proposal was over current LEB parking lot
 - Twice as much to construct as other sites
 - Placed on the ballot in May and June 1990
 - Defeated both times
- 10-Jun-10 BCSO Executive Board 3

- 
- BCSO
- ## Historical Developments
- 1992 - Matrix Release System developed.
 - November 1993, 13 double bunks were added increasing capacity from 27 to 40
 - November 1994, Measure 11 passed
- 10-Jun-10 BCSO Executive Board 4

- 
- BCSO
- ## Historical Developments
- June 1995, Senate Bill 1145 passed
 - One year or less sentence now belongs to us
 - One time appropriations for jail construction
 - Established now defunct Day Reporting Center
- 10-Jun-10 BCSO Executive Board 5

- 
- BCSO
- ## Historical Developments
- June 1996 Jay Farbstein & Associates conducts jail study to the year 2005
 - September 1996, two consultants from NIC conduct “PONI” program in Benton County
 - Concluded current jail inadequate and “inaction is not an option at this point.”
 - No recommendation on size of new jail.
- 10-Jun-10 BCSO Executive Board 6



Historical Developments

- **November 1996, jail study from sub-committee from WJCJ recommends:**
 - 80-100 bed jail facility be built
 - With work release
 - Day reporting
 - Treatment and Programming

10-Jun-10 BCSO Exam Brief 7



Historical Developments

- **June 1997, BOC and WCJC joint appoint Task Force of citizens to study corrections needs and make recommendations:**
 - No less than 132 beds
 - Work release and rehabilitative programming
 - Fill Benton County's own jail space needs rather than depending on other counties.

10-Jun-10 BCSO Exam Brief 8



Historical Developments

- **June 1997, BOC and WCJC joining appoint Task Force of citizens to study corrections needs and make recommendations:**
 - No less than 132 beds
 - Work release and rehabilitative programming
 - Fill Benton County's own jail space needs rather than depending on other counties.

10-Jun-10 BCSO Exam Brief 9



Historical Developments

- 1987-89, volunteers from BCCC Advisory Comm studied construction of 50 bed minimum-security work release center.
- **Sites included:**
 - PW complex
 - Near Avery Square
 - Next to Fairgrounds

10-Jun-10 BCSO Exam Brief 10



Historical Developments

- **May 1998, BOC appoints Siting and Design Committee to examine jail sites and designs**
- **March 1999, Committee identifies five sites:**
 - Just north of Corvallis Airport complex
 - West of Hwy 99, south Corvallis
 - Behind K-Mart near Circle Blvd
 - On the block of LEB*
 - East entrance to City of Philomath*
 - *specifically not recommended

10-Jun-10 BCSO Exam Brief 11



Historical Developments

- July 1999, Corrections Steering Committee appointed by BOC (key elected and appointed officials) recommends two options:
 - 120 bed facility with 24 bed work release component
 - 120 bed facility with 15,000 square foot Sheriff's Office/Community Corrections component.
 - Each option allows for expansion
 - Both about \$25 million to construct

10-Jun-10 BCSO Exam Brief 12



Historical Developments

- **August 1999, BOC chooses \$26 million option that includes:**
 - Expandable 96 bed facility
 - 24 bed work release component
 - 24 bed minimum security unit

10-Jan-10 BCSO Executive Brief 13



Historical Developments

- September 1999, BOC delays ballot measure and puts forward non-binding advisory question: "Do you support building a new jail facility to prevent the early release of prisoners?"
- Voters responded "yes" by nearly 70 %

10-Jan-10 BCSO Executive Brief 14



Historical Developments

- Voters defeat construction bond in the amount of \$18.9 million
- Voters approve "short-term" solution of renting beds from other counties

10-Jan-10 BCSO Executive Brief 15



PONI

(Planning of New Institutions)

- Commissioner Jay Dixon
- Sheriff Diana Simpson
- Undersheriff Scott Jackson
- Jail Commander Chris Schlegel
- August 25 - 28, 2009
- Sponsored by Bureau of Prison, National Institute of Corrections, Aurora, CO

10-Jan-10 BCSO Executive Brief 16



PONI

- Total of six teams attended:
 - Guam
 - Kansas
 - Montana
 - Iowa
 - Rhode Island
 - Oregon

10-Jan-10 BCSO Executive Brief 17



PONI

- Facility Development Process Phases and Tracks
Each phase has tracks
- All should be accomplished to complete the New Institution

10-Jan-10 BCSO Executive Brief 18



PONI

Phases:

- Project Recognition
- Needs Assessment
- Program Development
- Project Definition and Implementation Plan
- Design
- Bidding
- Construction
- Occupancy
- Post Occupancy

BCSO Fire Dept



PONI

Tracks:

- Non-Facility Alternatives
- Transition
- Site
- Capital and Operational Cost
- Project Delivery Method
- Outcomes
- Professional Services Acquisition
- Building Support for the Project

BCSO Fire Dept



PONI

- Tracks span more than one phase, i.e.
 - Project Recognition:
 - Tracks – Site, Capital and operational funding, and need for professional services
 - Bidding:
 - Tracks – Non-facility alternatives, Capital and operating costs, Outcomes

BCSO Fire Dept



PONI

- Three Go/No Decision Points on Phases:
 - ✓ After Needs Assessment
 - ✓ After Project Definition & Implementation
 - ✓ Bidding

BCSO Fire Dept



First Steps

- Phase 1. Project Recognition
 - Key Activities:
 - Problem definition
 - Assessment of facility and program assets, liabilities and resources
 - Key Issues:
 - Identifying an organizing people to work on the issue
 - Determining how to proceed

BCSO Fire Dept



First Steps

- Phase 1. Project Recognition - Tracks
 - Active Tracks:
 - Site
 - Capital and operational funding
 - Need for professional services

BCSO Fire Dept

BCSO

First Steps

Currently working on:
Phase 1. Project Recognition

Key Activities:

- Problem definition
- Assessment of facility and program assets, liabilities and resources

10-Nov-10 BCSO Exec Brief 25

BCSO

First Steps

Phase 1. Project Recognition

Key Issues:

- Identifying and organizing people to work on the issue
 - ✓ Identifying key work groups (businesses, internal work group, external work group, etc.)
- Determining how to proceed
 - ✓ Outlining timeline

10-Nov-10 BCSO Exec Brief 26

BCSO

Other information

- Entire project from start to finish can take four to six to eight years
- Construction costs for jails and facilities have changed since our last effort – may not be any more expensive than last effort despite inflation
- Will make every effort to make it LEED or green certified (gold very difficult in jails, but silver realistic)

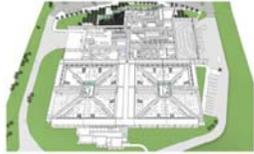
10-Nov-10 BCSO Exec Brief 27

BCSO

DLR Group
301 First Avenue
Suite 700
Seattle, WA 98104
T: 206-461-0000
F: 206-461-0049
dlr@dlr.com

Un-Official Pricing Results

**South Correctional Entity
Des Moines, WA**
October 13, 2009 Bid Opening
(award subject to selection of bid alternates)



802 Beds
81% Celled
6.7 to 1 Staffing Ratio
Combined Direct and Indirect Supervision
\$62,000 Average Cost Per Bed
(includes extensive equipment)

Seattle Chicago Colorado Springs Denver Des Moines Honolulu Kansas City
Lincoln Minneapolis Omaha Orlando Phoenix Portland Sacramento

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MEMORANDUM

To: City Council Members
From: Charles C. Tomlinson, Mayor *cc*
Date: January 25, 2010
Subject: Confirmations of Appointments to Boards, Commissions, and Committees

As you know, at our last regular meeting I appointed the following persons to the boards, commissions, and committees indicated for the terms of office stated:

Commission for Martin Luther King, Jr.

Luis Rosa
Term Expires: June 30, 2010

Corvallis Tourism Board

Marcy Eastham
Term Expires: June 30, 2010

I ask that you confirm these appointments at our next Council meeting, February 1, 2010.

MEMORANDUM

To: City Council Members

From: Charles C. Tomlinson, Mayor

CCT

Date: January 22, 2010

Subject: Vacancy on Citizens Advisory Commission on Civic Beautification and Urban Forestry

Frank Maudlin has resigned from the Citizens Advisory Commission on Civic Beautification and Urban Forestry. Frank represented citizens at large interested in civic beautification or urban forestry or having a connection to an education system. Frank's term on the Commission expires June 30, 2011.

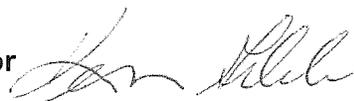
I would appreciate your nominations of citizens to fill this vacancy.

1007

Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director



Date: January 20, 2009

Subject: Schedule Hearing Date for OSU Street Vacation Request (MIS10-00002)

Oregon State University has completed a street vacation application. The applicant requests that the City of Corvallis vacate approximately 0.7 acres of public right-of-way along 16th Street north of A Avenue, along 17th Street between A Avenue and Western Blvd, and the northern half of Stadium Avenue.

Per LDC Section 2.8.40.01, requests to vacate public land can be granted by a majority vote of the City Council. Street vacation applications are land use applications subject to the State mandated 120-decision making timeline.

The Council is asked to schedule a public hearing on Tuesday, February 16, 2010, to consider the street vacation proposal.

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager *dk*

Subject: LIQUOR LICENSE INVESTIGATION - Barking Cow Enterprises, LLC

Date: January 25, 2010

The City has received an application from Jon Gold, owner *of Barking Cow Enterprises, LLC*, located at 116 NW 3rd Street Corvallis, OR . This application is for a **New outlet with a Full On-Premise sales liquor License.**

An affirmative recommendation has been received from the Police, Fire, and Community Development Departments. No citizen comments or input were received regarding this application for endorsement.

Staff recommends the City Council authorize endorsement of this application.

¹

Full On-Premises Sales License

Allows the sale and service of distilled spirits, malt beverages, cider, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.

*** * * M E M O R A N D U M * * ***

JANUARY 27, 2010

TO: MAYOR AND CITY COUNCIL

FROM: STEVE ROGERS, PUBLIC WORKS DIRECTOR 

**SUBJECT: STAFF REVIEW OF CORVALLIS COMMUNITY ENERGY STRATEGY
NEXT STEPS**

BACKGROUND

On January 4, 2010, the City Council adopted the "Community Energy Strategy: A 2020 Framework," developed by the Energy Strategy Ad Hoc Committee (ESAHC). The Council directed staff to review the Strategy's Next Steps and provide feedback.

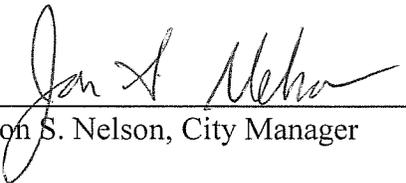
DISCUSSION

The Energy Strategy proposes 21 Next Steps under the topic areas of Conservation and Efficiency, Renewable/Low Carbon Sources, and Local Clean Energy Business. Staff has cross-checked the Strategy against City work plans, including the Sustainability Program work plan (attached), and determined that 12 of the Next Steps are already either fully or partly in a City program (planned or underway) and that nine would be new initiatives (see attached table). Of the nine new initiatives, five appear related to establishing a Community Energy Information Center (I. 1. C; I. 2. B; II. 1. A, C, D); three require additional experience or partner investment (I. 1. B.-revolving loan fund; I. 1. E-green building; I. 2. D-commuters); and one (III. 1. A-methane gas) is a logical extension of an existing methane project at the wastewater treatment plant (II.1. B).

RECOMMENDATION

Staff recommends that Council review and discuss the initiatives (in work program and new) and staff's understanding of them. The Community Energy Information Center-related five initiatives may merit a staff evaluation of timeline and resource implications necessary to success.

Reviewed and Concur:



Jon S. Nelson, City Manager

Mayor and City Council

Re: Staff Review of Corvallis Community Energy Strategy Next Steps

January 27, 2010

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I. Next Steps - Conservation & Efficiency		In work program	New initiative
1. Built Environment	A: Implement followup communications and financial incentives to promote weatherization and efficiency measures in homes and businesses throughout the community.	Public Works	
	B: Seek ways to expand and/or extend the reach of the energy efficiency revolving loan program to benefit more participants.		X
	C: Establish a Community Energy Information Center to provide the public with information on weatherization and efficiency programs, energy improvement loans, ways to conserve energy use through common practices, consumer information about energy conservation devices, and other related matters. May be augmented with targeted public information campaigns as opportunities become available.		X
	D: Continue City of Corvallis programs to: 1) Provide incentives/rebates for energy efficient appliances, and 2) Promote community efforts to reduce water and wastewater usage.	Public Works	
	E: City adopts new Green Building Standards. NOTE: This important action is on hold due to the recession-caused delay in finalizing new statewide standards (based on the Portland model). It should become a key part of the city staff work program once the new state standards become official. For more information, see: www.cbs.state.or.us/external/bcd/bldg_newsletter/documents/Green_Building_Update.pdf		X
2. Transportation	A: Continue to support and uphold local land use policies that promote compact urban development and de-emphasize autocentric development.	Community Development	
	B: Provide an automotive energy conservation and efficiency component of the proposed Community Energy Information Center (see item C above). May include possible transportation audits and driving efficiency information. Augment with public information campaign as opportunities become available.		X
	C: Implement long-range planning for Corvallis Transit System.	Public Works	
	D: Work with regional partners to develop regional transportation system designed to serve commuters.		X
	E: Encourage electric vehicle use.	Sustainability Program	

Mayor and City Council

Re: Staff Review of Corvallis Community Energy Strategy Next Steps

January 27, 2010

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II. Next Steps - Renewable/Low Carbon Sources		In work program	New initiative
1. Built Environment	A: Include information on renewable energy in the Community Energy Information Center (CEIC).		X
	B: Aggressively pursue funding for equipment at wastewater treatment plant to increase methane capture and use in providing power for additional buildings in Public Works complex (already in CIP).	Public Works	
	C: Enroll entire community in renewable energy programs provided through existing energy suppliers.		X
	D: Promote and encourage installation of renewable energy capability on highly visible public and private buildings.		X
2. Transportation	A: Promote more bicycle and pedestrian use through publicizing benefits, conducting safety training, and including comparative carbon footprint information at Community Energy Information Center.	Public Works	
	B: Continue to improve bicycle and pedestrian infrastructure such as increasing bike parking facilities, more frequent crosswalk repainting, maintaining safe sidewalks, increasing number of pedestrian routes and general safety of bike routes.	Public Works	
	C: Continue to uphold city policies and codes requiring pedestrian-oriented design standards, sidewalks, circulation networks, and multi-use paths.	Community Development	

Mayor and City Council

Re: Staff Review of Corvallis Community Energy Strategy Next Steps

January 27, 2010

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III. Next Steps - Local Clean Energy Business		In work program	New initiative
1. Built Environment	A: Expand City wastewater treatment plant capacity for methane capture and use to provide power for additional buildings beyond Public Works complex.		X
	B: Redirect full or partial community support from utility company renewable energy programs to local renewable energy uses.	Public Works	
	C: Implement Corvallis Urban Forest Plan.	Parks and Recreation	
	D: Identify a site at the Airport Industrial Park that is suitable for a future electrical substation, and reserve it for that purpose.	Public Works	

MEMORANDUM

TO: Mayor and City Council
FROM: Steve Rogers, Public Works Director
SUBJECT: Sustainability Program Proposed Work Plan
DATE: August 26, 2009

Issue

Staff seeks Council acceptance of a work plan for the new Sustainability Coordinator position.

Background

The City Council appropriated \$40,000 in FY 09-10 for support of a community sustainability program. The desired tasks to be accomplished by this program were gleaned from the City Manager's June 22nd memo to Council, Councilor Daniels' June 21st memo to Council, and the Corvallis Sustainability Coalition's April 28th coordinator position summary document (all attached). The resulting list of tasks to be considered when developing a community sustainability program were:

Council's desired outcomes

- provide for coordinating and monitoring activities
- integrate organization and community-wide programs
- build on the successful organizational sustainability efforts
- develop, coordinate, and help to implement selected public information programs
- provide support for sustainability policy development

Coalition's desired outcomes

- research and develop grant proposals and fund-raising
- help support the activities of the Action Teams
- assist with developing and monitoring metrics
- maintain records of organization
- assist in providing reports to grantors, Council and the Steering Committee
- assist volunteers with meeting or special event set-up
- improve communications and reduce maintenance of various communication tools
- assist in recruitment of partner organizations and volunteers

Subsequent to the Council action creating a City staff position, the Coalition Steering Committee did an internal review of their organizational structure and needs. This work resulted in the assignment of a number of tasks in the original Coordinator position description to the Coalition's Communications, Finance, and Membership Committees, such as fund-raising, developing/disseminating reports on Coalition activities, newsletter/website maintenance, recruiting new members, and meeting/special event set-up. As a result, the Coalition Steering Committee's desired tasks for the Coordinator position changed from ones that support the Coalition to ones that provide collaboration and coordination with Coalition activities. This new information was used by staff when developing the work plan proposal.

In addition, staff made several assumptions about the new sustainability program.

1. There will be \$40,000 in new funding available to support the program, which will be ongoing in future years. The FY 09-10 funding will be subsidized by \$10,000, the amount the City extended to the Coalition for a community survey, which has been returned. Efforts are underway to determine how much of this funding will be used to provide limited support to the Corvallis Energy Strategy Ad Hoc Committee for minute-taking and other miscellaneous expenses.
2. The \$40,000 budget will provide funding for a position to work 25 hours per week (.625 FTE), at a Program Specialist level in the City's classification structure.
3. The program will concentrate the community efforts in the City Council's current priority areas of energy and transportation.

These assumptions set the boundaries for the number of new tasks that could be incorporated in a proposed work plan and the level of effort possible for each one.

Discussion

The most efficient use of the new funding is to create a sustainability program that integrates the internal and external efforts into one, thereby eliminating the duplication of effort that would result from two separate programs. The current Sustainability Supervisor will supervise the new Coordinator and, in the integrated program, the tasks will be distributed between the two such that the Supervisor will focus on strategy (i.e., higher-level program development) and the Coordinator will focus on tactics (i.e., implementation and support). Because of this, staff is proposing a work plan that is program-based, not individual-based.

The integrated sustainability program will build on the successful work of the current, internal program, and expand that to the wider community. The new resources will be used to fill the gaps in the current program and further Corvallis' progress toward sustainability. Staff identified the main deficiencies in the current program to be in the areas of metrics and communications, which align with the desired outcomes listed in the Background section above.

The new funding is not sufficient to meet all the identified needs or desires at once. In the near term, the limited funding will be used to maximize the tasks accomplished by creating a program that makes connections between people and ideas, coordinates activities, and facilitates action. Ultimately, a successful program will include progress in the following areas:

1. Measurement and metrics--research and recommend metrics, determine baselines, assist with design of performance measures for reports, and monitor and/or conduct data gathering and reporting.
2. Communications--communicate progress on sustainability projects/items that involve City departments for both the organization and the community, concentrating on Council-priority areas. Facilitate development of education and public outreach programs identified in the Coalition's Reference Guide in the Council-priority areas.
3. Grant opportunities--connect opportunities with appropriate people for both organization and community, research options for the Coalition as requested and time allows, and assist with and/or write grants for the organization.

4. Records and reporting—expand record-keeping required by the organization’s Sustainability Management System Plan to include records on community projects in the Council-priority areas.
5. Support for Coalition--perform research and investigate alternatives on topics as requested and time allows, and facilitate efficiencies through connecting people and programs.
6. Policy creation—future research in support of policy creation by Council and gap analysis for policies needed.

However, progress in all these areas is not possible with the available resources. Staff prioritized the six areas, and propose the following as a work plan for the sustainability program (for the first 12 months from the hire date of the new staff person):

- Develop metrics for the organization and collaborate with the Coalition to develop metrics for the community in the Council’s priority areas.
- Collaborate with the Coalition’s Communications Committee to develop a sustainability communications plan to raise visibility and awareness of the program.
- Research and facilitate connections between grant opportunities and community groups.
- Promote electric vehicle use and charging stations as directed by the Council’s action item.
- Incorporate, as appropriate, priorities identified from the Council’s Energy Strategy.
- Facilitate the Council’s discussion of a possible Sustainability Commission in April 2010.
- Continue work on the internal Sustainability Management System Plan, facilitate staff involvement in efforts to achieve organization goals, and seek ways to use the Plan’s toolkit for the community effort.

Staff discussed this work plan with the Coalition Steering Committee and requested input. The Committee indicated they would submit a memo to the Council packet outlining their support.

Attached is a matrix showing how each of the original, desired outcomes from the source documents were assigned to a responsible entity under this proposal.

Next Steps

If Council approves the work plan, staff will begin a recruitment process, with an expectation to have the position filled by December 2009.

Recommendation

Approval of the proposed Sustainability Program work plan.

Reviewed and concur:

Jon S. Nelson, City Manager

Assignment of Desired Outcomes for the Sustainability Coordinator Position
August 2009

This matrix shows the assignment of a lead/responsible entity for the tasks identified in the guidance documents (the City Manager's June 22nd memo to Council, Councilor Daniels' June 21st memo to Council, and the Corvallis Sustainability Coalition's April 28th coordinator position summary document) as a result of the proposed work plan.

<i>Desired Tasks from Guidance Documents</i>	<i>Sustainability Program Responsibility</i>	<i>Coalition Committee Responsibility (committee name) based on restructuring proposal</i>
Action Team support	Facilitate connections	All other support (various)
Coalition meeting set-up		All activities (Membership)
Coalition special events		All (Communications)
Communications	City-related progress/ projects	Action Team progress/projects; website (Communications) E-updates; calendar of events (Steering)
Community sustainability policies	Limited research/assist/support for Council	
Fund raising		All activities (Finance)
Grant proposals	Facilitate connections for organization and community Limited writing for organization	Write for action items (Steering) Identify opportunities (Finance)
Metrics	In general for the organization In Council-selected areas for community	All other areas for community (Communications)
Monitoring activities	For organization	For Action Teams (Communications)
Outreach	In Council-selected areas	In other areas: Press releases/activity promotion (Communications) Specific action items (Action Team)
Public information programs	In Council-selected areas	In other areas (Communications)
Records	For organization and for projects w/city involvement from the Resource Guide	For other areas (various)
Recruitment		All activities (Membership)
Reports	For organization efforts	For Coalition efforts (Steering, Communications)
Steering Committee support	Research/facilitate as requested (within available time)	Agendas/minutes/other (Steering)

*** * * M E M O R A N D U M * * ***

JANUARY 25, 2010

TO: MAYOR AND CITY COUNCIL

FROM: JON S. NELSON, CITY MANAGER 
KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER 

SUBJECT: COMMUNITY SUSTAINABILITY COUNCIL POLICY DRAFT

ISSUE

To formalize Council action on adopting the draft "Compilation of Existing Community Energy Sustainability Policies."

BACKGROUND

The Mayor-appointed Energy Strategy Ad Hoc Committee reviewed and prepared a document compiling all existing City policies pertaining to energy conservation and sustainability. The City Council reviewed and approved two recommendations from the Committee on January 4, 2010. One recommendation requested staff to develop a Council Policy to reference the "Compilation of Existing Community Energy Sustainability Policies."

DISCUSSION

Attached for your review is a draft Council Policy regarding Community Sustainability. The Policy is a framework purposely broad in scope to allow further development and incorporation of future documents pertaining to various aspects of community sustainability (water, food, etc.) by future Councils. Section 1.12.060, "References" notes the compilation as Appendix A. Additionally, in Section 1.12.050, "Implementation," the Council may want to, by reference, incorporate the Energy Strategy.

Concerning Appendix A, staff has reformatted and renumbered the compilation so that it somewhat mirrors the Council Policy format. We will continue to discuss alternatives for codifying the community sustainability areas' strategies and existing related and compiled policies. Extrapolating the above approach to all 12 action plan areas would overwhelm the Council Policy Manual.

RECOMMENDATION

Staff recommends adoption of Council Policy CP 2010-1.12, "Community Sustainability," and requests Council direction regarding specific language to include in the Policy.

CITY OF CORVALLIS
CITY COUNCIL POLICY MANUAL

POLICY AREA 1 - GENERAL

CP 2010-1.12 Community Sustainability

Adopted ***, 2010**

1.12.010 Purpose

1.12.020 Definitions

1.12.030 Policy

1.12.040 Objectives

1.12.050 Implementation

[Council may want to include a statement from the recently adopted Community Energy Strategy.]

1.12.060 References

To facilitate continuing progress on community sustainability initiatives, the December 2009 "Compilation of Existing Energy Sustainability Policies," approved by the City Council, is attached as Appendix A.

1.12.070 Review and Update

This Policy shall be reviewed every two years by the City Council and updated as appropriate.

December 21, 2009

COMPILATION OF EXISTING COMMUNITY ENERGY SUSTAINABILITY POLICIES

Purpose

The community demonstrated its concern for a sustainability policy through the *Corvallis 2020 Vision Statement*. The Council has adopted numerous policies to provide leadership for the community by making City municipal operations more sustainable; these policies include **Council Policy CP 04-1.08**, "*Organizational Sustainability*." The Council also continues to identify resources, and enable activities necessary for Corvallis citizens to be successful in their sustainability efforts.

The City Council believes the Corvallis community desires to achieve the following overall sustainability objectives:

- protect the quality of local air and water, according to high standards;
- minimize community impacts on local and worldwide ecosystems;
- conserve water, land, and other natural resources, including fossil fuels;
- reduce the community's reliance on vehicles that use fossil fuels in order to achieve environmental, economic, and social benefits;
- improve the community's energy security, stability, and diversity;
- equitably distribute the costs of improving sustainability; and
- continue to be a model of sustainable activities for other communities.

Further, the City Council believes the Corvallis community will benefit from the following process-oriented objectives:

- develop practices that achieve a more-sustainable community through plans and programs that promote a balance of environmental values with economic and social equity values;
- utilize planned, proactive community solutions to sustainability problems; and
- consider long-term and cumulative consequences when making sustainability decisions.

Goals

The sustainability of the Corvallis community depends on the innumerable decisions and actions of thousands of individuals. The Corvallis City Council would like to see individuals, households, businesses, not-for-profit organizations, franchise utilities, governments, and the Corvallis community as a whole adopt practices which:

Conserve natural resources, especially energy:

- a. Since pumping and processing water requires more energy than any other municipal activity, save energy by reducing community demand for water flow through municipal systems;
- b. Create a compact, densely populated city to stem urban sprawl;
- c. Moderate temperatures in the community through vegetation and natural features; and
- d. Increase energy efficiency in buildings and transportation;

Protect local air, water, and other natural resources quality and minimize impacts on worldwide ecosystems:

- a. Reduce street-related water quality problems;
- b. Sequester carbon with the urban forest and natural resources; and
- c. Reduce greenhouse emissions and local contribution to ozone depletion and global climate change;

Reduce community reliance on petroleum-powered automobiles:

- a. Encourage development of a regional transportation plan;
- b. Provide safe and convenient access for bicyclists, and pedestrians;
- c. Encourage transit ridership; and
- d. Decrease use of automobiles;

Increase the community's energy security:

- a. Reduce the need to import energy, keeping local money in the community;
- b. Engage in a comprehensive economic development program which is consistent with our desire to protect and enhance the environment and natural resources;
- c. Develop increased supply of renewable and locally produced energy; and
- d. Maintain solar access for all buildings.

Policy

This policy statement includes the areas of *Energy* and *Transportation*, relying heavily on the *Corvallis Comprehensive Plan* and other previously adopted City documents. Other sustainability-related topic areas may be added to this *Community Sustainability Policy* in the future.

In community sustainability activities:

- a. The City shall measure and monitor progress toward the goals in 1.XX.;
- b. The City shall use the "triple-bottom-line" framework in approaching community sustainability, as well as organizational sustainability;
- c. The City shall cooperate with the State and Federal governments to achieve the community's energy and transportation goals;
- d. The City shall coordinate land use with transportation planning in the City;

- e. The City shall provide leadership to the community by improving the sustainability of City municipal operations as outlined in _____; and
- f. The City Council will include sustainability criteria in the City's Economic Development Allocation processes.

Sustainable Energy in the Built Environment

- a. The City Council shall encourage more energy-efficient development through the *Comprehensive Plan, Land Development Code, and Building Code*.
- b. The City shall promote energy conservation in building operations, rather than increasing the supply of energy.
- c. The City shall encourage the investigation, development, and use of local, renewable energy, including solar, hydroelectric, thermoelectric, wind, wave, heat pumps, and other sources.
- d. Pumping and processing water requires more energy than any other municipal activity. Water and wastewater treatment plants and pump stations provide the City with the opportunity to lead by example by reducing the total energy consumed in daily operations.
- e. The City shall take a leadership role in local energy matters to ensure the conservation of existing nonrenewable energy resources by encouraging and coordinating the location, design, and operation of **future public facilities** so as to ensure that they are of a construction which is energy efficient, maximize the use of solar energy, and allow for multi-purpose use.
- f. The City will consider strategies, such as incentives, to encourage the use of **green building construction methods** and materials in private construction.
- g. Policies: establish goals and set timeline for achievement through voluntary and incentive programs for cost-effective weatherization of existing residential, rental, commercial, and public buildings. If these measures do not achieve the goals, cost-effective weatherization will be required.
- h. The City regulates **access to the sun** and protects that access so that it is available for the life of the structure. Areas taken into consideration for solar access protection include rooftops, south walls, and south lot lines.
- i. **Trees** have been planted throughout the community to take advantage of their aesthetic qualities, to provide cooling during the summer, and for their ability to help cleanse the air we breathe.
- j. The City shall work to acquire abandoned **railroad rights-of-way** for multi-use paths to serve bicycle, pedestrian, and equestrian uses.
- k. The City shall encourage land use patterns and **development** that promote clustering and multiple stories, take advantage of energy-efficient designs.
- l. The City shall encourage the development of **high-density** uses that are significantly less dependent on automobiles.
- m. Arterial and collector **street designs** shall include evaluation for **transit** facilities, such as bus stops, pullouts, shelters, optimum road design, and on-street parking restrictions, as appropriate to facilitate transit service.

- n. **Acquisition of land and/or easements** for **bikeways** and trails shall be evaluated along with the need of land for parks and open space.
- o. Safe and convenient **bicycle facilities** that minimize travel distance shall be provided within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers, such as schools, parks, and shopping.
- p. All new **collector and arterial streets** shall be designed to accommodate bicycle facilities.
- q. **Bikeways** shall be **conveniently located**, be adequately constructed, have minimal stops and obstructions, and have safe crossings on major streets.
- r. The **Pedestrian Oriented Design** standards in this chapter are established to do the following: promote pedestrian-oriented buildings, pedestrian amenities, and landscaping that contribute to an appealing streetscape; promote pedestrian safety by increasing the visibility and vitality of pedestrian areas; ensure direct and convenient access and connections for pedestrians and bicyclists; augment the sidewalk and multi-use path system for pedestrians; provide a connected network of sidewalks and multi-use paths.
- s. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features, such as building orientation to the street and limiting the maximum block perimeter. As the **Land Development Code** is updated, districts shall be developed that address all of the community's desired commercial needs.
- t. The vision for the **pedestrian network** in Corvallis is to provide safe, convenient access to all parts of the city by foot. The pedestrian network should enable people to get to locations of business, work, or play by a reasonably direct route or to take a less direct but more scenic route if that is their desire. Achieving this vision will result in less reliance on the automobile and preserve the environment by reducing air pollution.
- u. The City will encourage **new development** to be sensitive to the environment by having the development avoid significant negative impacts on . . . air and water quality.
- v. All new and redeveloped institutional, commercial, and multi-family **development** shall provide bicycle parking facilities that include covered parking.
- w. New **development and re-development** projects shall encourage pedestrian access by providing convenient, useful, and direct pedestrian facilities.
- x. New commercial and residential **development** shall generally provide for a maximum block perimeter of 1,500 feet, except where it would negatively impact significant natural features.
- y. **New or re-developed** residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to **transit** facilities.
- z. **New commercial development** shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.

- aa. **Mixed use development** is a State growth management objective: to support walking, bicycling, and access to transit; to conserve energy; and to foster affordable housing.
- ab. **Comprehensive neighborhoods** have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher-density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.
- ac. **Comprehensive neighborhoods** support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.
- ad. **Comprehensive neighborhoods** have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.
- ae. **Neighborhoods** have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists.
- af. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.
- ag. **Neighborhoods** have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.
- ah. **Neighborhoods** have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.
- ai. **Neighborhoods** have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure). Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.
- aj. **Neighborhoods** incorporate a narrow street standard for internal streets which slows and diffuses traffic.
- ak. The **neighborhood center zone** also serves these purposes: locates a range of businesses within convenient walking and cycling distance of residential areas; supports the use of alternative modes of transportation, including walking, riding transit, and bicycling.
- al. The City shall implement the following relative to a **Research-Technology district**: ensure that buildings are located near the street with direct pedestrian connections that maximize access to transit stops.

- am. The City shall develop standards for General and Intensive **Industrial Districts** intended to reduce **traffic** impacts. These standards shall include direct pedestrian connections from building entrances to sidewalks and transit stops, location of building entrances within one-fourth mile of potential transit routes for uses with more than 50 employees, and consideration of requiring transportation demand management strategies by new uses with more than 50 employees.
- an. The **Comprehensive Plan's** general findings and policies establish the community's overriding desire to develop **land use regulations** which encourage energy efficiency.
- ao. The [**Annexation**] application shall demonstrate compatibility in the following areas: effects on air and water quality.
- ap. Procedures and review criteria for **plan compatibility review** are established for the following purposes: promote and encourage energy conservation.
- aq. This [**Non-residential Planned Development Overlay**] is intended to: promote efficient use of land and energy and promote and encourage energy conservation.
- ar. The **Natural Resources Overlay** and these standards are intended to: conserve energy by providing solar benefits and temperature moderation.
- as. The purpose of the [**building**] **code** is to establish minimum uniform performance standards providing reasonable safeguards for public health, safety, welfare, comfort and security of the residents of this jurisdiction through . . . energy conservation.

Sustainable Transportation System

- a. **The transportation system** shall give special consideration to providing energy-efficient transportation alternatives.
- b. The City shall attempt to mitigate the environmental effects of the community's energy and fuel use through storm water treatment and carbon sequestration techniques.
- c. The City shall actively promote the use of energy-efficient modes of transportation.
- d. The City shall encourage citizens to modify their household actions to reduce emissions. This can include items such as alternatives for . . . **transportation**, and lawn equipment.
- e. Corvallis boasts a vibrant, healthy economy that draws its strength from [an] active and convenient **regional transportation** system, which makes it easy to walk, cycle, or ride mass transit.
- f. **Bikeways** shall be developed to provide access to all areas of the community.
- g. **Bikeways** shall provide safe, efficient corridors which encourage bicycle use.
- h. On-street [automobile] parking should be managed where it conflicts with **bicycle corridors**.

- i. The City shall work with local businesses to accommodate the conversion of adjacent on-street automobile parking to **bicycle parking** where appropriate.
- j. When economically feasible, **bicycle facilities** shall be physically separated from pedestrian facilities.
- k. Where **bicycle and pedestrian facilities** are combined, adequate width for the combined uses shall be provided.
- l. The City shall encourage timely installation of **pedestrian facilities** to ensure continuity and reduce hazards to pedestrians throughout the community.
- m. Maintenance policy decisions shall consider and encourage **pedestrian facility** use.
- n. Flexibility in pedestrian facility standards may be allowed for retrofitting of local streets in substandard locations when the deviation from standards can be shown to better **pedestrian** accessibility.
- o. Public and private incentives exist which encourage employees to use **mass transit**. This, in turn, has reduced the reliance on the automobile, as well as eased traffic congestion and air pollution.
- p. The mission of the Corvallis **Transit System (CTS)** is to: preserve the environment by reducing air pollution and reducing energy consumption.
- q. The Marys and Willamette **Rivers** should be considered as potential resources in future transportation planning.
- r. **Rail** service should be considered as an alternative for future transportation planning.
- s. The City shall work with government, passenger rail service providers, and other agencies to obtain passenger **rail** service for Corvallis.
- t. The City shall continue to develop regulations and programs to manage both point and non-point pollutants, in order to reduce street-related water quality problems.

Measurement

- a. Corvallis is a community where all **pollution** types (including noise, visual, air, water, odor, and chemical pollution) are carefully monitored, and standards are maintained that meet or exceed the highest standards in the valley.
- b. The City has adopted EPA and DEQ standards as minimum acceptable criteria for environmental compliance. The City shall continue to comply with or exceed all applicable environmental standards and shall cooperate with State and Federal regulatory agencies in the identification and abatement of local environmental quality problems.

Triple Bottom Line

The City Council uses a triple-bottom-line framework to enhance sustainability in all aspects of the community's activities. Citizens, through changes in daily activities, ongoing programs, and long-range planning are able to simultaneously have a

significant, positive impact on the environment, the economic efficiency, and the social character of the community. The Corvallis community and the City promote actions which are environmentally and socially beneficial, while also being economically intelligent, and endeavor to assure that future generations have the resources needed to sustainably maintain healthy and productive societies. To the extent possible, sustainable initiatives will meet more than one of the triple-bottom-line components. For example, increased use of solar energy to heat residential water conserves scarce environmental resources, makes the community more economically self-sufficient, and improves citizens' health through reduced air pollution.

Environmental Sustainability

The City Council values actions that are beneficial for the natural environment, as well as for the health and safety of the public, and that go beyond regulatory compliance to minimize the Community's environmental impacts. The City Council seeks to enhance environmental sustainability through practices that promote clean air and water and reduce:

- solid and hazardous waste;
- use of toxic substances;
- emissions of greenhouse gases and other pollutants; and
- consumption of energy, water, and natural resources.

Community decisions also take into consideration protection of open space, habitat protection and restoration, and preservation of natural biodiversity.

Economic Sustainability

Economic sustainability in a community requires stability and equilibrium; supply and demand, buying and selling, prices and income, imports and exports, debt and credit, etc. There are significant desires in the community to achieve economic sustainability: prosperity that fits, economic self-sufficiency, diversification, and measured growth of the local economy. In Corvallis citizens are concerned about employment opportunities, housing, and shopping opportunities for the goods and services they need. The City Council is concerned about the economy because it generates the tax base needed to continue supporting city operations on behalf of the citizens. The following policy elaborates on the City Council's view of economic sustainability: Council Policy CP 96-6-03, *"Economic Development Policies."*

Social Sustainability

The City Council values an open and friendly community that is free from bigotry and intimidation. The services provided to citizens do not burden or unfairly impact any one sector of the community. The community seeks to enhance social sustainability through a respectful culture that includes:

- equal access to opportunity, recognition, and reward;

- engagement in community goals;
- lifelong learning and adaptability to change; and
- overall physical, emotional, and financial health, fostered through a positive work/life balance, public safety, recreation, and the arts.

Definitions

- a. **Sustainable** – Ability to be maintained or continued indefinitely.
- b. **Sustainability** – Using natural, financial, and human resources in a responsible manner that meets existing needs without compromising the ability of future generations to meet their own needs.
- c. **"Triple bottom line"** – A framework for measuring and reporting organizational performance against environmental, economic, and social parameters. The term is used to capture the set of values, issues, and processes that organizations must address to minimize harm and create environmental, economic, and social value.
- d. **Greenhouse gas** – Emissions, including carbon dioxide, methane, nitrous oxide, ozone, and chlorofluorocarbons (CFCs). Motor vehicles that use gasoline or diesel fuel release large amounts of carbon dioxide into the atmosphere.
- e. **Solar access** – Involves line-of-sight path to the sun during hours that provide beneficial use of solar energy.
- f. **Comprehensive Neighborhood** – Primarily residential area that offers a range of uses to provide for the daily needs and activities of residents within easy walking distance of residences. Comprehensive Neighborhoods contain a variety of housing opportunities at overall densities that can support appropriately scaled commercial development and viable public transportation. The core of a Comprehensive Neighborhood contains a Major Neighborhood Center that serves community-wide shopping and office needs. The design of a Comprehensive Neighborhood fosters a sense of community with safe, vital public areas, while working to ensure compatibility and effective transitions between diverse uses.
- g. **Pedestrian friendly** – Built environment or development pattern that provides direct and convenient access for handicapped persons and persons on foot (pedestrians) within a development and from a development to adjacent public transportation facilities, such as sidewalks, bus routes, and bus shelters. A pedestrian-friendly environment also provides amenities such as window space for visual relief along sidewalks (rather than parking areas), doorways adjacent to public sidewalks for ease of access, awnings and other weather protection, benches, plazas, etc., which help to make walking an efficient and desirable method of transportation.
- h. **Density of Use** – The average number of a given thing per unit of area. Generally applied to a residential development in terms of dwelling units per acre.
- i. **Efficiency** – The measure of energy, time, and money with limited waste.
- j. **Multi-use Path** – A paved path entirely separated from the roadway and used by pedestrians, roller bladers, joggers, and cyclists.
- k. **Life-cycle cost analysis** – Examines the full life of a product and its impact on the environment, including the resources used to acquire the raw material and to manufacture, process, transport, and install the material; the accrued life-time maintenance costs; and the final disposal (including recycle or reuse) of the product.

- l. **Goal** – A statement of intention expressing community values intended to provide a guide for action by the Community.
- m. **Policy** – A decision-making guideline for actions to be taken in achieving goals and the community's vision.

Implementation

Achieving environmental, economic, and social sustainability in the Corvallis community will require directed action by all citizens and leadership by many groups. The City Council intends that the City government will be a partner in this effort.

- a. The Council approved budget funding to support Community Sustainability position staffing.
- b. The City shall take a leadership role in local energy matters to ensure the conservation of existing non-renewable energy resources by coordinating with the local utilities to establish an energy information center within the one-stop permit center, which would provide the public with information on weatherization programs, loan information, renewable energy resources, and consumer protection information related to new energy-conserving and generating devices.
- c. Land division review procedures are established to promote energy efficiency.
- d. This [Residential Planned Development Overlay] is intended to promote efficient use of land and energy and promote and encourage energy conservation.
- e. The City shall require all new buildings to be constructed in accordance with energy-conserving building standards identified in the *Uniform Building Code* (UBC).
- f. The Natural Resources Overlay and these standards are intended to: enhance the tree canopy throughout the Urban Growth Boundary.
- g. This ordinance will provide the framework to create a healthy, sustainable urban forest that contributes to the environmental well being of Corvallis residents.
- h. All owners of land adjoining any public street in the City shall construct, re-construct, repair, and maintain in good condition the sidewalks within the public right of way.
- i. The City shall establish a Capital Improvement Program for the transportation system which . . . provides for the needs of all modes of transportation within the rights-of-way.
- j. Transportation corridor plans ensure that multi-modal transportation infrastructure is provided in accordance with the Corvallis Transportation Plan and the Comprehensive Plan.
- k. All arterial and collector streets shall have sidewalks constructed at the time of initial street improvement to encourage pedestrian use.
- l. Land division review procedures are established to ensure economical, safe, and efficient routes for pedestrians and bicyclists.
- m. The planned development review procedures are established to promote efficient use of energy.
- n. Sidewalks, park strips, multi-use paths, crosswalks, pedestrian islands, shelters, benches, street lighting, etc. facilitate walking as a means of travel. Some of

these "right-of-way matters" are discussed in Chapters 7 and 9 of the *Council Policy Manual*.

- o. Where minimizing travel distance has potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.
- p. The City Council approved budget funding to support the Bicycle Coordinator position, whose job includes promoting the use of bicycles and bicycle safety.
- q. The City Council approved a Capital Improvement Program (CIP) project to create Electric Vehicle Charging Stations. This project provides five electric vehicle charging stations at strategic locations in Corvallis. The CIP states: "Charging stations support the City's sustainability policies by promoting the use of non-polluting vehicles within the community." Depending on demand for these facilities and availability of appropriate installation locations, additional installations in future phases may be appropriate.
- r. All new and re-developed institutional, commercial, and multi-family development shall provide bicycle parking facilities that include covered parking.
- s. The City shall continue cleaning public parking lots and catch basins.
- t. A three-square-mile area within the City Limits has a combined sanitary and storm water collection system that conveys storm water runoff to the wastewater treatment plant. The combined system serves some of the more densely developed and impervious areas of the City, including the downtown area. The storm water collected in this area is treated to remove oils and grease.
- u. These [Riparian Corridor and Wetland] provisions are also intended to: provide a pollutant-filtering zone for surface runoff.
- v. To reduce the need for and costs associated with in stream water quality monitoring, the City shall develop a program to monitor whether the storm water policies are being implemented.
- w. The city shall develop a program to minimize the conveyance of detrimental sediments and pollutants from public streets into streams and drainageways.

* * * MEMORANDUM * * *

JANUARY 27, 2010

TO: MAYOR AND CITY COUNCIL

FROM: JON S. NELSON, CITY MANAGER 

SUBJECT: JANUARY 27, 2010, CITY LEGISLATIVE COMMITTEE WORKING NOTES

1. Call to Order

The meeting was called to order by Mayor Tomlinson at 9:00 am, with Councilors Brauner and Brown in attendance; Councilor Daniels was excused. Also present was City Manager Nelson.

2. Post-Election Review of State Ballot Measures 66 and 67

State Measures 66 and 67 passed, avoiding a \$740 million shortfall in State funding. It was noted that, in the biennium, there is still a \$50 million shortfall in the State budget and that \$900 million in American Recovery and Reinvestment Act funds in the 2009-2011 biennium will not be available for the 2011-2013 biennium.

3. Special Legislative Session – February 1, 2010

Staff will work on an information piece that Mayor Tomlinson will share with Senator Morse, Representative Gelser, the City Council, and the League of Oregon Cities concerning our \$2 million in State-based revenues (alcohol taxes, cigarette taxes, business energy tax credits, and 9-1-1 telephone taxes) and the implications to City services if they are reduced.

Staff and Committee members will also monitor House Bill 2186 (see attached).

4. Schedule Future Meeting

The Committee will be on call during the Legislative Session, should there be a need for another meeting.

Following the Session, the next meeting of the Committee will be in preparation for the 2011 regular Legislative Session.

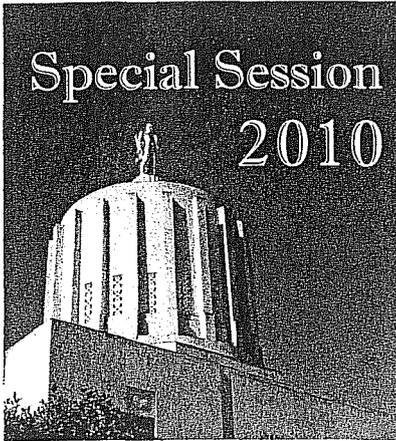
5. Other

City Council and Mayor candidates for the 2011-2012 Council term should be apprised of League of Women Voters legislative education opportunities and League of Oregon Cities Town Hall opportunities. These meetings will most probably occur in the fall.

6. Adjournment

The meeting adjourned at 9:15 am.

Special Session 2010



A Look at Bills Relevant to Cities

The 75th Oregon Legislative Assembly is slated to re-convene on February 1 for a special

session scheduled to last about one month. Similar to the February 2008 supplemental session, this is a continuation of the experiment that might result in a proposal for a constitutional amendment for annual legislative sessions.

The importance of next month's session, however, is heightened by continued uncertainty concerning the state's fiscal health. A few days before the Legislature convenes, the outcome of votes on Ballot Measures 66 and 67, raising \$727 million in new revenues, will be known. The results of the measures and the state's revenue forecast, scheduled for release February 9, will largely determine the focus of the February special session.

In order to manage the length of the session, rules have been adopted by both the House and the Senate restricting the number of measures that will be considered. House members and committees have been allowed to pre-session file one bill each. Hearings on these bills will be held only with the approval of the speaker. Members of the Senate and committees have been restricted to two pre-session bill requests. These rules, however, exempt the Joint Ways and Means Committee as it deals with appropriation and fiscal measures.

While state revenue issues may dominate the activity in Salem in February, there are policy issues of interest and concern to cities that are anticipated. Below are the highlights of the most prominent issues that were identified as *Local Focus* went to press:

Business Energy Tax Credit

Lawmakers are widely expected to consider legislation that would revamp elements of the Business Energy Tax Credit (BETC), including stricter limits on the administration and amount of tax credits.

Exempt Wells

The House Environmental and Water Committee, chaired by Representative Ben Cannon (D-Portland), is expected to introduce a bill that would reduce the amount of water that can be used by wells that are exempt from water permit

requirements, and authorize regulation of such wells in areas of groundwater concern.

Destination Resorts

The Senate Environment and Natural Resources Committee, chaired by Senator Jackie Dingfelder (D-Portland), has requested a placeholder bill to modify the statutory criteria used when counties are considering mapping and siting lands eligible for destination resorts—including measures to avoid or mitigate adverse transportation effects on state highways and other transportation facilities affected by the proposed resort within a certain distance of an urban growth boundary. The legislative concept was vetted by a work group appointed by Senator Dingfelder during the fall to review whether existing resort provisions are likely to continue to be effective for diverse areas of the state.

(continued on next page)

Living Legacy

Though much has changed over the past 60 years since we started, CH2M HILL is still right here in Oregon—with offices in Corvallis, Portland, and Salem—and our values remain the same. We are committed to doing good work and in treating people right. We listen to our clients and make sure we deliver what they need. And we look for innovative, community-driven solutions that minimize the environmental footprint.

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Recreational Immunity

Legislation will be introduced in the House Rules Committee, chaired by Representative Arnie Roblan (D-Coos Bay), to strengthen recreational immunity protection for landowners after a recent Supreme Court ruling. Oregon law protects land owners, including cities, from tort liability if they allow access to land for a recreational purpose.

However, the Oregon Supreme Court recently ruled that the State of Oregon is liable for injuries sustained by a mountain biker in a state park where the biker had rented a campsite. The legislation would specify that immunity from tort liability would only be waived on the portion of the owner's property that a person is charged to use.

Enterprise Zones

Legislation will be introduced to assist businesses that are struggling to meet the enterprise zone requirements during the current economic downturn. The proposed bill would allow local enterprise zone sponsors to extend a business' participation should they fail to meet job creation requirements in certain circumstances. These include levels of county unemployment and a minimum business investment threshold. This one-time extension would require businesses to pay property taxes during the time they did not meet their requirements.

New Market Tax Credits

Legislation will be proposed to create a state version of the Federal New Market Tax Credit program. The state program would match the tax credits provided to projects involved in the federal program, which are intended to stimulate economic development and capital investment in rural and emerging urban markets.

Manufactured/Floating Home Property Tax Cancellation

There will be legislation giving county boards the option of cancelling tax assessments on manufactured structures and floating homes with assessed value of less than \$12,500, including homes within city limits. The proponents' rationale is that the cost associated with billing, servicing and collecting the taxes on these structures exceeds revenues generated. As written, the concept could impact city property tax revenues.

Transportation/Land Use Planning

A report and possible legislation will be received by the Legislature during the special session pertaining to scenario planning and transportation and land use modeling to address the transportation sector's contribution to greenhouse gas emissions. A task force was created by HB 2186 approved during the 2009 regular session to review the application of these standards to all six of the state's Metropolitan Planning Organizations.

Transportation Funding

A corrections bill will likely be considered in the House Transportation Committee, chaired by Representative Terry Beyer (D-Springfield), fixing a drafting error in HB 2001, the Jobs and Transportation Act of 2009. The bill will ensure that all funds derived from registration fees on heavy-duty vehicles will be distributed according to the 50-30-20 (state, county, city) formula applied to all other new revenues generated by the new law.

Cities are invited to consult the *LOC Bulletin*, published electronically every Friday, for pre-session updates, and during the session for highlights of legislative activity of interest to cities. ■



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MEMORANDUM

To: Mayor and City Council
From: Karen Emery, Director *KS*
Date: January 25, 2010
Subject: Arts and Culture Commission Municipal Code

Issue:

The Corvallis City Council adopted a goal to establish a Commission for Arts and Culture during its 2009-2010 goal setting session.

Background:

Staff met with City Council during its November 2, 2009 work session to share the outcomes of the stakeholder community meeting held on October 19, 2009 and to receive direction to draft municipal code chapter 1.16 language regarding the scope, membership, definitions and other language typically covered in the code.

Staff presented draft municipal code chapter 1.16 language to Council at their December 7, 2009 meeting. Council changed the name of the Commission to *Arts and Culture Commission* and added an additional membership category of business/economic vitality.

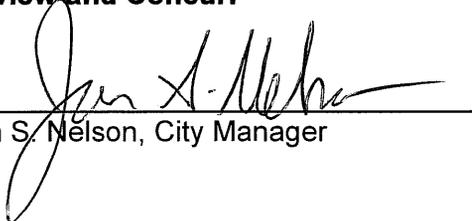
Discussion:

Council directed staff to initiate a review of the draft municipal code with the Arts and Culture Stakeholders. Staff met with the stakeholders on January 14, 2010 for this review and there were no changes to the draft code.

Recommendation:

Staff recommends that Council adopt the attached draft municipal code for the Arts and Culture Commission.

Review and Concur:



Jon S. Nelson, City Manager

Attachment: Arts and Culture Stakeholders minutes, January 14, 2010
Draft Municipal Code chapter 1.16

**CITY OF CORVALLIS
PARKS AND RECREATION DEPARTMENT
ARTS AND CULTURE COMMISSION STAKEHOLDERS MEETING #2
MINUTES
JANUARY 14, 2010**

Attending

Trish Daniels
Rod Davidson
Gale Hazel
Paul Rickey
Nancy Glines
Brenda Vandervelder
B.A. Beierle
Tim Flowerday
Hester Coucke

Staff

Karen Emery, Director
Mark Lindgren, Recorder

CONTENT OF DISCUSSION

I. INTRODUCTIONS.

II. REVIEW OF ARTS & CULTURE COMMISSION ORDINANCE. Director Emery stated the City Council had adopted a goal to develop a commission on arts and culture. The stakeholder meeting in October allowed the public to give input to the Council on the roles and responsibilities of the new commission. In a work session in November, the Council gave staff direction on how to proceed. Staff developed draft municipal code and gave it to the Council, which then made two significant adjustments, adding business and economic vitality as a membership category to the commission, and changing the name to the Arts and Culture Commission (ACC). Staff were directed to get public feedback on the draft code, which was the object of this meeting.

Director Emery distributed draft code. She said staff will develop orientation materials to communicate the purpose of the commission and help the commission develop its vision for the future.

During questions and comments, Emery stated that the commission would have nine members, with 14 categories for the Mayor to solicit from; many members would likely represent several categories. Councilor Daniels added that there would likely be times when one or more of the categories aren't represented; the Council was simply trying to give a sense of the kinds of interests that the Mayor needed to consider in appointing members.

B.A. Beierle said the draft code seemed comprehensive and that she was comfortable with the range of membership categories. Nancy Glines asked about terms of service; Emery replied she thought it was three years. Beierle added that there are usually staggered terms to start with in the first appointed commission. Daniels said there is usually a limit of three terms, but a commissioner may be re-appointed after a break.

Brenda Vandervelder asked about the commission's strategic plan. Emery replied that staff estimated costs of just under \$7,000 a year for the services of a recorder, advertising for a commission, materials and supplies, and staff administrative support; the department volunteered to donate commission liaison support (herself). The budgetary impact for developing a vision and

strategic plan was estimated at \$58,000, based on recent similar efforts. She related that Council input was that there was a lot of work to do in the first year defining goals and objectives, determining the inventory of what is in Corvallis, meeting once a month, perhaps with subcommittee work. Developing a strategic plan might be premature for the first year. With the budget reductions next year this was not the time for staff to present an enhancement. Councilor Daniels added that some Councilors were concerned about the cost of developing a strategic plan; she guessed the new Commission would be very busy figuring itself out during its first year. Many Commissions don't have Plans, though most Parks boards and commissions do. Emery noted that in the first stakeholders meeting, stakeholders brought forward the need for a community-wide arts and culture strategic plan, so that's why staff presented a cost estimate for it, but that its development would probably be postponed.

Rod Davidson asked about the independence of the commission's work; Emery replied that the Commission would advise the Council; Daniels added that advisory commissions give the Council advice. Emery said one of the primary reasons for an advisory group was that the Council wanted to hear from experts. Daniels stated that most boards and commissions have influence on key issues. Davidson asked what the Council's expectations were regarding output; Daniels replied there were varieties of interest, though all the Councilors were supportive. She said she would like to see the profile of Arts and Culture raised in the community and have it be a selling point for the community. The community owns the Majestic Theater building and the Arts Center. There's a lot going on in the city, and coordinating efforts for publicity and calendars would help draw people to visit and live here.

Paul Rickey highlighted art education and emerging artists; he advocated planning for the future by preparing young artists and actors by presenting them to the public.

Hester Coucke asked about the timeline; Emery replied the next step would be forwarding these comments to the Council in February; after that, it will be the will of the Council to move forward. If it becomes municipal code, it will be up to the Mayor to appoint members. Nancy Glines asked how long it would take to form a commission; Daniels replied that assuming if the code is adopted (it may take two meetings, though it is not controversial); it would likely take the Mayor about a month to appoint members. A first meeting could be as early as April.

Daniels thanked those who weighed in on the business aspect of the commission when it was missing. Glines asked what issues the Council was seeking advice on; Daniels replied that if the commission sees an aspect of arts and culture that is missing in an issue that the Council is considering, it should speak up. The arts and culture often tend to get overlooked. She said the commission can bring an arts and culture perspective into public debate. Emery added that the Council changes over time, so the Commission would provide a steady force over time; Daniels agreed on the importance of an ongoing role of boards and commissions in educating new Councilors on aspects of the Corvallis community.

Coucke asked about the role of commission and staff. Emery said City employees would support the commission, providing the meeting structure, administering agendas, ensuring minutes are taken, providing the chair's orientation, materials for the commission, advertising, setting up meeting rooms, etc. Staff help facilitate meetings, help coach the commission on protocol and keep the commission informed on community-wide issues that could be of interest to the commission. Coucke asked if commission members would be expected to work outside the commission; Emery replied that most commissions do have outside subcommittee meetings; the work doesn't all fall on staff. Staff would ensure that subcommittee information was tracked on

the agenda and the thread of those outside discussions and work would be brought back to the commission as a whole.

Tim Flowerday said that 4(c) in the draft code seemed to indicate capacity for more than just an advisory capacity; the commission could also work on implementation. Emery replied that that was correct; the Commission can also have a work plan. For example, Parks and Recreation has the Civic Beautification and Urban Forestry Advisory Commission (CBUF); its goals and objectives include working on a number of very hands-on, non-advisory actions that are appropriate. Flowerday suggested making appointees aware of that when they are interviewed. Daniels added the commission could also engage in advocacy; she said that that might provide the most value to the community on behalf of arts and culture. The commission's work could include building appreciation of arts and culture for the future; building capacity, including performing and exhibit spaces; and ensuring better shared communications and publicity.

Davidson said his impression was that the commission would be full of dynamic people advising the Council. He said the commission needs "doers", not just talk. The commission can help put Corvallis on the map, drawing tourists, residents, and artists.

Vandervelder said the prospect of the commission was very exciting; it should raise all boats; she thanked Emery for shepherding it forward. She encouraged the Mayor appoint doers, not seat warmers. Glines asked about the appointment process; Emery replied she would get back to the entire stakeholder list with that information. Daniels encouraged those interested in serving to contact the Mayor.

Davidson said that at the Council's work session, he related that he'd wanted the Councilors to understand that culture meant *everything* about Corvallis; culture has scope. Rickey stated he hadn't found as much art in his previous home in San Jose as here in Corvallis; stores here put art in their windows.

III. ADJOURN. Meeting adjourned at 6:18 P.M.

ORDINANCE 2010-_____

**AN ORDINANCE ESTABLISHING THE ARTS AND CULTURE COMMISSION,
AMENDING MUNICIPAL CODE CHAPTER 1.16, "BOARDS AND COMMISSIONS,"
AS AMENDED**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 1.16.336 is hereby established as follows:

Section 1.16.336 Arts and Culture Commission

- 1) An Arts and Culture Commission is hereby created for the City.**
- 2) The Commission shall consist of nine (9) voting members appointed by the Mayor. Appointments to the Commission should be selected to represent the diverse nature of the community. One member shall serve on the Public Arts Selection Committee. Membership will be selected from the following fourteen categories, recognizing that members may represent multiple categories:**
 - a) Literary arts**
 - b) Visual arts**
 - c) Performing arts**
 - d) Patrons of the arts**
 - e) Venues**
 - f) Cultural heritage**
 - g) Art education**
 - h) General cultural interests**
 - i) General citizens-at-large**
 - j) Fairs and festivals**
 - k) Emerging artists**
 - l) Oregon State University**
 - m) Cultural expression of diversity**
 - n) Business/economic vitality**
- 3) The Commission shall advise the Council in all matters pertaining to Arts and Culture, ensuring that Arts and Culture are a civic priority. Such matters shall include, but not be limited to, the following:**
 - a) Recommend policies and advise and propose strategies regarding Arts and Culture for approval by the City Council.**
 - b) Promote outreach to and solicit involvement of the community to advocate, to inform and engage citizenry, and to demonstrate the economic impact of Arts and Culture.**
 - c) Collaborate with other governmental agencies, volunteer organizations, non-profit, for-profit and City-related organizations in the advancement of Arts and Culture planning and programming to build capacity, enhance educational opportunities and ensure comprehensive communications.**

- d) Advise on development of Art and Culture facilities, programs and improved City services.
 - e) Develop a comprehensive Arts and Culture vision and strategic plan for the City.
 - f) Recommend and support financing alternatives and resources for Arts and Culture.
- 4) The functions of the Commission may be accomplished using subcommittees, task forces, or stakeholder committees.
- 5) Initial appointment. Commissioners shall serve the following terms: one year for 3 members, two years for 3 members and three years for 3 members.

Section 2. The Arts and Culture Commission shall be scheduled for review consistent with Section 1.16.400.

PASSED by the City Council this _____ day of _____, 2010.

APPROVED by the Mayor this _____ day of _____, 2010.

EFFECTIVE this _____ day of _____, 2010.

Mayor

ATTEST:

City Recorder

COUNCIL REQUESTS

FOLLOW-UP REPORT

JANUARY 28, 2010

1. Frequency of Hazardous Materials Responses (Hirsch)

The attached memorandum from Fire Division Chief Baily answers Councilor Hirsch's inquiry regarding hazardous materials responses.

2. House Bill 2626 – Energy Conservation Revolving Fund Loans (Nelson)

The attached memorandum explains the details of House Bill 2626 – Energy Conservation Revolving Fund Loans. Staff met with Mayor Tomlinson and Councilor Brauner regarding the Bill and its implications for the City. Barring Council direction otherwise, staff will not apply for the pilot revolving loan fund programs described in the memorandum.


Jon Nelson
City Manager



MEMORANDUM

CORVALLIS FIRE DEPARTMENT

DATE: 12 January 2010
TO: Administrative Services Committee
FROM: Division Chief Douglas Baily *DB*
RE: City Council Request - Hazardous Materials Team Responses

ISSUE

At the Administrative Services Committee a request was made to get information about the number of hazardous materials responses.

BACKGROUND

There are two types of hazardous materials responses the City of Corvallis Fire Department responds on. First, are small local incidents, most often associated with a motor vehicle accident or some kind of similar incident where some hazardous material has spilled. The second type is a larger hazardous material incident where a regional response under state criteria is required.

Personnel from Corvallis Fire Department, Albany Fire Department, and Lebanon Fire District form the Linn-Benton Regional Hazardous Materials Response Team (HM5). The team has been in existence since 1990. The Team's response "district" includes most of the combined area of Linn, Benton, Lincoln, and Polk Counties.

The Oregon State Fire Marshal (OSFM) provides cost recovery for responses to incidents meeting criteria established by the State. OSFM will pursue collection of the actual response costs from the responsible party, and the team receives an additional 8 percent fee to offset administrative costs. If there is no responsible party, or if OSFM is unable to collect, actual costs are reimbursed by the program's revolving fund.

FUNDING

The Regional Hazardous Materials Emergency Response Teams program is funded through the Petroleum Load Fee authorized in ORS 465.101-465.127. The fee is collected each time a load of petroleum products is withdrawn from a bulk facility or imported into the state.

RESPONSE PROCEDURE

The local first responder (fire or police) will arrive on scene and size up the incident. If it is determined that the incident is beyond their level of training and equipment, the incident commander will request a team through the Oregon Emergency Response System (OERS). Either OERS or the local responder will request the regional team. All

teams are authorized to respond to incidents meeting State response criteria without specific authorization from the OSFM duty officer.

The regional teams are responsible for mitigating and containing the incident; they do not become involved in clean up operations. Once the situation is stable, the Department of Environmental Quality works with the responsible party to assure that the cleanup is completed appropriately. A full team may not respond in every instance. The system provides for a tiered response, ranging from technical advice over the phone, to on-site recon, to a full team response.

When the regional team is activated direct costs are reimbursed to the organization. The state may also levy a penalty, depending on the incident.

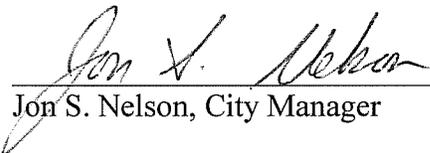
STATISTICAL INFORMATION

In 2009 the regional team responded to 3 State activations. Local response included 11 Hazardous Materials incidents and 24 motor vehicle collisions where there were hazardous materials present -- leaks, spills, etc. In 2008 the regional team responded to 7 State activations. Local response included 12 Hazardous Materials incidents and 16 motor vehicle collisions.

RECOMMENDATION

Staff recommends no changes to our current practice of billing directly for hazardous materials responses that occur locally. In a State team response, the City would not have the ability to levy a penalty since all billing would be handled at the State level.

REVIEWED & CONCUR:



Jon S. Nelson, City Manager



Nancy Brewer, Finance Director

MEMORANDUM

January 25, 2010

To: Charles C. Tomlinson, Mayor
Patricia Daniels, City Councilor
Hal Brauner, City Councilor
Dan Brown, City Councilor

From: Jon Nelson, City Manager
Steve Rogers, Public Works Director
Mary Steckel, Administrative Division Manager

Subject: HB 2626 - Energy Conservation Revolving Fund Loans

City staff has reviewed the implications of the pilot revolving loan fund (RLF) program contained in House Bill 2626. We do not believe it would be prudent to apply for this program at this time because there are too many unknowns and associated risks, there is no capacity within current staff resources for the additional work load needed to manage an expanded RLF program, and staff does not have the expertise needed to determine qualified commercial loan applicants.

As you may know, HB 2626, passed by the 2009 Legislature, calls for the development of pilot revolving loan fund (RLF) programs using funds from the State Energy Loan Program (already existing) and lottery-backed grants (proposed for June 2010). The Legislature would like these pilots to be structured such that the loan repayment amount would come from the energy savings on the utility bill. To accomplish this may require payback periods of 15 years or more.

While HB 2626 anticipates that grant funding would be available in June, the Oregon Department of Energy (ODOE) and the Energy Trust of Oregon (ETO) would like to begin the pilot projects as soon as possible. They have suggested that Corvallis consider using the City's EECBG RLF funding as a grant match to the State Energy Loan Program (SELP). In June, when the lottery-backed grants are available, the State would replace the EECBG funds with the lottery-backed funds, which theoretically would allow the EECBG funds to be loaned out again, but this time without the extensive federal requirements. It is not clear at this time whether the federal DOE would accept this as an official 'payback' of EECBG loans, and that acceptance would be needed to remove the federal requirements for reporting, etc.

The City would have to make a proposal for a SELP loan award to the ODOE for their consideration and approval. The ODOE and ETO have talked to City representatives about the parameters of a potential Corvallis proposal and indicated a preference that the proposal be for an RLF available only to businesses. This is because a pilot for residential properties is already in the works in Portland. A business-only RLF would be a change to the City's current EECBG RLF, which is being designed to target assistance to residential properties.

More specifically, these are the pros and cons that came out of staff's review.

Pros

1. If the City submitted a proposal before June, there would be less competition from other agencies for available funds.
2. If the federal EECBG funds used as a match could be 'paid off' by lottery funds in June, the federal reporting requirements would be replaced with potentially less onerous State reporting requirements.
3. These 'paid off' EECBG loan funds would be available for new loans that did not carry either federal or State requirements.

4. Funding from the ETO may be available to the Corvallis Environmental Center to administer the public outreach piece of a business-only pilot program.
5. The total pool of loan funds would be larger.
6. The potentially less onerous State reporting requirements could facilitate longer loan pay-back periods for the borrower, reducing the monthly payment and making the loan program more attractive.

Cons

1. There is a risk that the State's lottery-backed grant program will not come to fruition. If this occurs and the City has already committed to the pilot program, the administration of the EECSBG RLF will expand significantly, from 5 to 15 years, including extensive federal reporting requirements.
2. The program would postpone the current EECSBG RLF for residential properties.
3. The expanded pool of projects would fall under federal Davis-Bacon wage requirements, increasing project costs and the size of the loan needed.
4. The Legislature's goal to structure loans such that the loan payment comes from the savings on the monthly utility bill is more complicated for a business loan, because of the higher likelihood that the building owner and the building occupant are two different parties. In this situation, if the building occupant pays the utility bill, then the building owner would be liable for the loan pay back, but would not get the advantage of the energy savings, making the program less attractive.
5. Currently, the City does not have the staff resources to complete the work necessary for a viable, expanded RLF program or the expertise on staff to determine qualified commercial applicants.

Unknowns

1. Will the grant monies be available in June?
2. What are the State reporting requirements and how do they compare to the federal ones?
3. Will the federal DOE accept using the grant money from the State as a payback of the loans made to commercial customers?
4. How will the outreach to the business community be conducted if the ETO does not provide funding to the Corvallis Environmental Center?

The scenario described above is not the only option. To address the risk in the pilot program, the City could wait until the grant funds envisioned by HB 2626 are in place (June 2010) and then make a proposal to the ODOE that would carry less risk and complexity, but would be up against more competition from other agencies. To address the resource requirements, the advocates for the pilot program (ETO, Corvallis Environmental Center, Energy Action Team, etc.) could work with the local banking community, who have experience in commercial loans, to develop a proposal whereby a bank administers the commercial RLF program, as is occurring for the residential pilot in Portland.

**CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS**

Council Request Item	Requested By	Date of Request	CM Report Due Date	Assigned to	Response in CM Rpt No.	Comments
Frequency of hazardous materials responses	Hirsch	01-12-10	02-09-10	Emery, R.	CCR 01-28-10	
Transit and Right-of-Way Fee	Nelson	01-26-10	02-09-10	Rogers		
House Bill 2626 – Energy Conservation Revolving Fund	Nelson	01-19-10	01-26-10	Rogers	CCR 01-28-10	

MEMORANDUM

January 22, 2010

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director



RE: Corvallis Daytime Drop-in Center Quarterly Report

I. Background

In April 2009 the City Council approved a General Fund allocation of \$25,000 to support the efforts of the Corvallis Daytime Drop-in Center (CDDC) through the end of FY 09-10. Two program areas were specifically identified for funding: \$10,000 was provided to support a Chronic Homeless Needs Opportunity Fund, and \$15,000 was made available as match for CDDC grant applications to other funders to create a \$50,000 pool of funds which would pay the costs of hiring a street outreach worker to work directly with people in Corvallis who are homeless. In November the Council approved a request by the CDDC to move forward with use of the \$15,000 street outreach worker funding as a scaled down activity because they (CDDC) had not been able to leverage the City's funding into the larger \$50,000 pool to support the activity as initially proposed.

Under its funding agreement the CDDC is required to provide quarterly reports on the activities it has carried out using the City's funds. The second quarterly report was received, as called for, on January 15.

II. Discussion

Again this quarter the CDDC report (copy attached) does a good job of describing the types of assistance the CDDC and its affiliate organization, Project Action, provided from October through December of 2009. It should be noted that the report also describes what was accomplished during the quarter using funds from the City's Social Services Allocations; because those activities are funded under an agreement with United Way and reported to the City as part of United Way's administration of that program, they are not evaluated as part of this analysis.

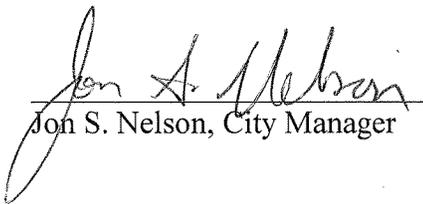
The CDDC report begins with a summary discussion about the organization's work during the quarter, then moves into discussions about activities that received or were eligible to receive City General Fund funding support. Activities in nine areas eligible for funding through the Chronic Homeless Needs Opportunity Fund are described; City funding in one activity area (issuing small loans for housing deposits) was utilized during the quarter. The total amount of City General Fund funding expended during the quarter was \$1,354.67. Although no funds were expended on work to be carried out by the Mental Health Outreach Worker, the position was filled in December and activity began on January 1. The next quarterly report will detail the outcomes of this activity.

The CDDC quarterly report is adequately thorough and the outcomes and achievements it describes continue to address and comply with the terms of the City's funding agreement. A financial report documenting expenditures by activity area is also attached to the quarterly report and supports the CDDC's narrative descriptions of its activities. Please note that the set of three numeric columns on the left side of the financial report reflect expenditures on City General Fund-supported activities; the center three columns detail Social Services expenditures, which are not discussed in this report.

III. Recommended Action

The attached quarterly report complies with the City/CDDC funding agreement that governs the Council's \$25,000 General Fund allocation. This report is provided for information only, and no City Council action is requested or required.

Review and Concur:


Jon S. Nelson, City Manager

RECEIVED

JAN 15 2010

QUARTERLY REPORT FROM PROJECT ACTION, CDDC BOARD, DEC.31,2009

COMMUNITY DEVELOPMENT

Report to City Housing Division regarding use of general fund dollars allocated to Project HOUSING Action in July, 2009. Project Action is operated by the Corvallis Daytime Drop in Center.

This report covers October, November, December of 2009. There were 670 individual visits to our office during that time. We provided services of some kind to 328 different individuals. Not all of these services were provided in our office. Often we were in contact with persons at the drop in center, or at the cold weather shelter.

We had a total of 570 hours of work donated by volunteers. Many of these volunteers are program participants who are either homeless or formerly homeless persons.

Project Action continued the use of city general funds and city social service funding in the same way that we did in July, August and September of 2009. Our Vista Volunteer April Pritchard, has functioned as our volunteer coordinator and has been a tremendously valuable addition to the program

Project Action operates the following services:

THE CLEAN UP TEAM. We identify homeless persons who are healthy enough to work and send them out to do yard work and other low skill miscellaneous jobs. We recruit potential employers through our partner churches. This gives the homeless an opportunity to earn some money and gain some self respect.

VOLUNTEER ADVOCATES We recruit volunteers to work one on one with the homeless. They listen to what the homeless person wants to achieve as goals and then they provide encouragement, information and advocacy to assist the participant in taking action to improve his life and his health.

BUS TICKETS The city provides free bus tickets to participants who are actively looking for work. Annual bus passes are available to participants who are official volunteers of the organization.

TRANSPORTATION In unusual circumstances we buy bus tickets for individuals to get back to relatives who are willing to take them in or to get to a location where a job has been promised to them. St Mary's gives us \$100 a month to help cover this expense.

INFORMATION AND REFERRAL Our office volunteers are trained to help homeless and low income persons make contact with other organizations that may help them with specific needs. We work closely with volunteers at the cold weather shelter and the day time drop in center to address specific problems that arise. There is a big overlap between the persons who come into our office and persons who use the Daytime Drop in Center. There is a lot of communication back and forth.

CLIENT ASSISTANCE These funds are used to cover miscellaneous expenses such as replacing identification or buying cell phone minutes for persons looking for work. Shoes, rain gear, gloves or special clothes needed for a new job are also provided. We have spent \$1,738 of city social service funds for this purpose. We have supplemented this amount with \$3,688 we have received in donations this year. We currently have \$2,254 on hand.

MEDICAL CARE We respond aggressively to medical needs of the homeless. Aleita Hass Holcombe, is the team leader for this service. We have working relationships with the Benton County Health Clinic, with the Health Department's mental health division, and with COI's

health clinic. We pay a \$20 access fee for the homeless to utilize the services of the county health clinic. They provide most other services for free. They also assist us in significantly reducing the cost of prescriptions.

The mental health division of the County health department provides high quality professional care to homeless persons who meet their diagnostic criteria.

Since we spent the city social service funds allocated for medical expenses first, we still have \$2,000 of the General Fund Dollars left. We also have \$433 of city social service funds left to use for medical expenses. We have recently been soliciting donations to help cover medical costs, because we don't want to run out before the end of the fiscal year.

RENTAL ASSISTANCE In 2009 we received a FEMA grant of \$2500 for rental assistance. We have now spent that allocation. We have left \$2000 for rental assistance from the city general fund dollars. We also rely on St. Mary's, We Care and Love Inc. to help pay rent for low income families. We focus our rent assistance on homeless persons that we have gotten off the streets into housing, but are struggling to earn enough money to pay rent.

REVOLVING LOAN FUND. We have used the \$6000 in our revolving loan fund to help homeless people pay for their deposits to get into housing. We have made 22 loans and have used the entire amount. We have received \$560 in repayment. The reality is that most of these folks have a very difficult time repaying loans because they have barely enough to cover basic essentials. At this point we are only making new loans when we have received repayments adequate to cover the new loan. It is urgent that we find a new resource to cover deposits, because that is a critical component in getting homeless persons into rental units and preventing families from moving into their cars.

MENTAL HEALTH OUTREACH WORKER In December we hired an outreach worker to work with the chronically homeless who also have mental health issues, physical disabilities or chronic illnesses. She started to work on January 1, 2010. She will work 18 hours a week for six months. She will assist her clients in following through on the paper work and physician's appointments necessary to apply for SSI or other disability benefits. She will partner with the Benton County Health Clinic and the mental health division of the county health department for persons requiring ongoing treatment. She will prepare some individuals to apply to enter the Partner's Place if that becomes a reality. She will work intensively with six or eight clients at a time and stand ready to do an assessment of any homeless person who is showing psychotic symptoms. The First Christian Church has donated office space for her to work in.

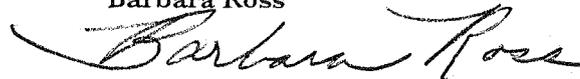
She will be paid \$18 an hour. The balance of the \$15,000 will be used for mileage, office supplies, and to pay for things her targeted clients need such as physical examinations and tests that we cannot get paid for any other way.

SUMMARY We are very grateful for the funds the city has supplied to Project Action and the Daytime Drop in Center. While the amounts themselves are not large, they are absolutely critical to our work to make a positive impact on our community's homeless population. Attached is the summary from A&S Accounting covering the expenditures for this quart

Aleita Hass-Holcombe

Board Chair
Corvallis Daytime Drop in Center

Barbara Ross



Co-chair
Project Action

Corvallis Day Time Drop In Center
 For City of Corvallis

31-Dec-09

	General Fund Budget	General Fund This Quarter	General Fund Year To Date	City Budget	Social This Quarter	Services Fund Year to Date	Total Budget	Total This Quarter	Total Year to Date
	Outreach Position	\$15,000						\$15,000	\$0.00
Revolving Loan Fund	\$6,000	\$1,354.67	\$6,000.00				\$6,000	\$1,354.67	\$6,000.00
Medical Expenses	\$2,000		\$0.00				\$2,000	\$0.00	\$0.00
Rental Assistance	\$2,000		\$35.19				\$2,000	\$0.00	\$35.19
Drop In Center Expense				\$2,000	\$1,000.00	\$1,000.00	\$2,000	\$1,000.00	\$1,000.00
Client Assistance				\$1,738		\$1,738.00	\$1,738	\$0.00	\$1,738.00
Medical Expenses				\$3,000	\$1,412.65	\$2,566.65	\$3,000	\$1,412.65	\$2,566.65
Total Expenses	\$25,000.00	\$1,354.67	\$6,035.19	\$6,738.00	\$2,412.65	\$5,304.65	\$31,738.00	\$3,767.32	\$11,339.84
Income	\$25,000.00		\$25,000.00		\$1,123.00	\$2,807.50			\$27,807.50
Balance on Hand			\$18,964.81		-\$1,289.65	-\$2,497.15			\$16,467.66

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS**

January 28, 2009

MEETING DATE	AGENDA ITEM
February 3	No meeting
February 17	<ul style="list-style-type: none"> • Municipal Code Review of Chapter 5.0, "Offenses" (background checks • Economic Development Allocations Second Quarter Reports
March 3	<ul style="list-style-type: none"> • Second Quarter Operating Report
March 17	<ul style="list-style-type: none"> • Ambulance Rate Review
April 7	<ul style="list-style-type: none"> • Allied Waste Services Annual Report • daVinci Days Loan Agreement Status Annual Report
April 21	<ul style="list-style-type: none"> • Transit and Right-of-Way Fee
May 5	<ul style="list-style-type: none"> • Economic Development Allocations Orientation
May 10 (special) 5:00 pm	<ul style="list-style-type: none"> • Economic Development Allocations Presentations
May 13 (special) 5:00 pm	<ul style="list-style-type: none"> • Economic Development Allocations Deliberations
May 19	<ul style="list-style-type: none"> • Economic Development Allocations Third Quarter Reports
June 9	<ul style="list-style-type: none"> • Third Quarter Operating Report • 2010-2011 City Council Team Building and Goal Setting Facilitator Process
June 23	
July 7	<ul style="list-style-type: none"> • Land Use Application Fees Review
July 21	<ul style="list-style-type: none"> • Municipal Code Review: Chapter 5.03, "Offenses" (Prohibit Feeding Wild Turkeys)
August 4	
August 18	
September 8	<ul style="list-style-type: none"> • Fourth Quarter Operating Report • Economic Development Allocations Fourth Quarter Reports
September 22	
October 6	<ul style="list-style-type: none"> • Council Policy Reviews: <ul style="list-style-type: none"> • CP 91-1.01, "Copying of City Material; Charges for" • CP 92-1.05, "Miscellaneous Property Ownership"
October 20	

MEETING DATE	AGENDA ITEM
November 3	<ul style="list-style-type: none"> • Utility Rate Annual Review • Economic Development Application Process and Calendar
November 17	<ul style="list-style-type: none"> • Comprehensive Annual Financial Report
December 3	<ul style="list-style-type: none"> • Economic Development Allocations First Quarter Reports
December 22	<ul style="list-style-type: none"> • First Quarter Operating Report

ASC PENDING ITEMS

- | | |
|---|-----------------------|
| • Corvallis American Legion Baseball Annual Report | Community Development |
| • Enforcement on Undeveloped Lots at SW Fairhaven Drive | Community Development |
| • Lease – Clear Wire | Public Works |
| • Utility Rate Structure Review | Public Works |
| • Voluntary Donations on Electronic Utility Payments | Finance |

Regular Meeting Date and Location:

Wednesday following Council, 3:30 pm – Madison Avenue Meeting Room

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS**

January 28, 2009

MEETING DATE	AGENDA ITEM
February 2	<ul style="list-style-type: none"> • The Arts Center Annual Report • Public Art Selection Commission Annual Report
February 17	<ul style="list-style-type: none"> • Social Services Semi-Annual Report • Municipal Code Review of Chapter 5.03, "Offenses" (Busking)
March 2	
March 16	
April 6	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Second Quarter Report • Council Policy Review: <ul style="list-style-type: none"> • CP 98-4.12, "Guidelines for Public Art Selection"
April 20	<ul style="list-style-type: none"> • Majestic Theatre Annual Report • Boys and Girls Club Annual Report • Municipal Code Review: Chapter 5.03, "Offenses" (Smoking Enforcement Hiatus)
May 4	<ul style="list-style-type: none"> • Liquor License Annual Renewals
May 18	<ul style="list-style-type: none"> • Corvallis Fall Festival Annual Report
June 8	<ul style="list-style-type: none"> • Boards and Commissions Sunset Review: <ul style="list-style-type: none"> • Committee for Citizen Involvement • Citizens Advisory Commission on Civic Beautification and Urban Forestry • Council Policy Review: <ul style="list-style-type: none"> • CP 07-4.15, "Use of Computer Lab Equipment & Public Internet Access at Senior Center" • Corvallis Farmers' Markets Annual Report
June 22	<ul style="list-style-type: none"> • Social Services Allocations – Fiscal Year 2010-2011
July 6	
July 20	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Third Quarter Report
August 3	<ul style="list-style-type: none"> • Parks and Recreation Annual Fee Review
August 17	<ul style="list-style-type: none"> • Social Services Semi-Annual Report
September 8	
September 21	<ul style="list-style-type: none"> • Rental Housing Program Annual Report

MEETING DATE	AGENDA ITEM
October 5	<ul style="list-style-type: none"> • Council Policy Reviews: <ul style="list-style-type: none"> • CP 91-1.02, "Liquor License Approval Procedures" • AP 08-1.11, "Identity Theft Prevention and Red Flag Alerts" • CP 91-1.04, "Official Flower" • CP 95-1.07, "Policy Regarding the City Flag"
October 19	
November 2	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Fourth Quarter Report
November 16	
December 7	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 94-4.07, "City-Owned Art Objects on Private Property"
December 21	

HSC PENDING ITEMS

- Contract with Legal Aid for Retaliatory Landlord Complaints
 - Municipal Code Revision to Chapter 5.01, "City Park Regulations"
(Alcoholic Beverages in Parks)
- Community Development
Parks & Recreation

Regular Meeting Date and Location:

Tuesday following Council, 12:00 pm – Madison Avenue Meeting Room

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS**

January 28, 2009

MEETING DATE	AGENDA ITEM
February 4	<ul style="list-style-type: none"> • Sidewalk Café Process (public comment/deliberations)
February 18	<ul style="list-style-type: none"> • Sidewalk Café Process (if needed)
March 4	<ul style="list-style-type: none"> • Council Policy Reviews <ul style="list-style-type: none"> • CP 07-1.10, "Advertising on Corvallis Transit System Buses" • CP 97-7.13, "Municipal Airport and Industrial Park Leases"
March 18	<ul style="list-style-type: none"> • Systems Development Charge Annual Review • Circle Boulevard Traffic Calming Six-Month Review
April 8	<ul style="list-style-type: none"> • Downtown Transit Center Restroom Maintenance
April 22	
May 6	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program"
May 20	
June 10	<ul style="list-style-type: none"> • Boards and Commissions Sunset Review: <ul style="list-style-type: none"> • Airport Commission
June 24	
July 8	
July 22	
August 5	
August 19	
September 9	
September 23	
October 7	
October 21	
November 4	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 98-9.06, "Transportation Corridor Plans"
November 18	
December 9	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 91-9.03, "Residential Parking Permit District Fees"

MEETING DATE	AGENDA ITEM
December 23	

USC PENDING ITEMS

- Council Policy Review: CP 91-7.08, "Sidewalk Policy" Public Works
- Downtown Restroom Hours Public Works
- Fire Protection Services in Health Hazard Residential Areas Fire
- Municipal Code Revision to Chapter 1.16, "Boards and Commissions" (Airport Commission) City Manager's Office
- Reducing Potential for Fire Spread Involving Natural Resources Fire
- Renewable Energy Sources City Manager's Office
- Sidewalk Café Ordinance Review Community Development
- Traffic Calming Program Public Works

Regular Meeting Date and Location:
 Thursday following Council, 4:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST



City of Corvallis

JANUARY - JUNE 2010
(Updated January 28, 2010)

JANUARY 2010

Date	Time	Group	Location	Subject/Note
28	7:00 pm	Budget Commission	Downtown Fire Station	
30	10:00 am	Government Comment Corner	Library Lobby - <i>Mike Beilstein</i>	

FEBRUARY 2010

Date	Time	Group	Location	Subject/Note
1	12:00 pm	City Council	Downtown Fire Station	
1	7:00 pm	City Council	Downtown Fire Station	
2	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
2	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
2	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
2	7:00 pm	Budget Commission	Downtown Fire Station	
3	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
3	7:00 pm	Planning Commission	Downtown Fire Station	
3	7:30 pm	Library Board	Library Board Room	
4	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
4	7:00 pm	Budget Commission	Downtown Fire Station	
4	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
5	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
6	10:00 am	Government Comment Corner	Library Lobby - <i>David Hamby</i>	
9	7:00 pm	Historic Resources Commission	Downtown Fire Station	
10	8:20 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
10	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
11	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
11	7:00 pm	Budget Commission	Downtown Fire Station	
13		No Government Comment Corner		
15		City holiday - all offices closed		
16	12:00 pm	City Council	Downtown Fire Station	
16	7:00 pm	City Council	Downtown Fire Station	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
17	5:00 pm	Housing and Cmty Dev Cmsn	Madison Avenue Mtg Rm	
17	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm <i>Osborn Aquatic Center</i>	
17	7:00 pm	Planning Commission	Downtown Fire Station	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
20	10:00 am	Government Comment Corner	Library Lobby - <i>Richard Hervey</i>	
22	7:00 pm	Joint City Council/Plng Cmsn	Downtown Fire Station	
23	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
23	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
27	10:00 am	Government Comment Corner	Library Lobby - <i>Patricia Daniels</i>	

MARCH 2010

Date	Time	Group	Location	Subject/Note
1	12:00 pm	City Council	Downtown Fire Station	
1	7:00 pm	City Council	Downtown Fire Station	
2	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
2	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
2	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
3	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
3	7:00 pm	Planning Commission	Downtown Fire Station	
3	7:30 pm	Library Board	Library Board Room	
4	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
4	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
5	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
6	10:00 am	Government Comment Corner	Library Lobby - <i>Jeanne Raymond</i>	
8	7:00 pm	Mayor/Council/City Manager Quarterly Work Session	Madison Avenue Mtg Rm	tentative
9	7:00 pm	Historic Resources Commission	Downtown Fire Station	
9	7:00 pm	Ward 2 meeting (Daniels)	Depot Suites, 700 SW Washington Avenue	City sponsored
10	8:20 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
10	3:00 pm	Community Policing Forum	Police Conference Room	
10	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
10	7:00 pm	Budget Commission	Downtown Fire Station	
11	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
11	7:00 pm	Budget Commission	Downtown Fire Station	
13	10:00 am	Government Comment Corner	Library Lobby - TBD	
15	12:00 pm	City Council	Downtown Fire Station	
15	7:00 pm	City Council	Downtown Fire Station	
16	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
16	7:00 pm	Budget Commission	Downtown Fire Station	
17	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
17	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
17	7:00 pm	Planning Commission	Downtown Fire Station	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
20	10:00 am	Government Comment Corner	Library Lobby - TBD	
23	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
23	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	
27	10:00 am	Government Comment Corner	Library Lobby - <i>David Hamby</i>	

APRIL 2010

Date	Time	Group	Location	Subject/Note
1	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
2	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
3	10:00 am	Government Comment Corner	Library Lobby - <i>Charles Tomlinson</i>	
5	12:00 pm	City Council	Downtown Fire Station	

Date	Time	Group	Location	Subject/Note
5	7:00 pm	City Council	Downtown Fire Station	
6	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
6	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
7	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
7	7:00 pm	Planning Commission	Downtown Fire Station	
7	7:30 pm	Library Board	Library Board Room	
8	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
8	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
10	10:00 am	Government Comment Corner	Library Lobby - <i>Richard Hervey</i>	
13	7:00 pm	Historic Resources Commission	Downtown Fire Station	
14	8:20 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
14	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
15	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
17	10:00 am	Government Comment Corner	Library Lobby - TBD	
19	12:00 pm	City Council	Downtown Fire Station	
19	7:00 pm	City Council	Downtown Fire Station	
20	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
21	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
21	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
21	7:00 pm	Planning Commission	Downtown Fire Station	
22	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
24	10:00 am	Government Comment Corner	Library Lobby - <i>Mike Beilstein</i>	
27	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
27	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	

MAY 2010

Date	Time	Group	Location	Subject/Note
1	10:00 am	Government Comment Corner	Library Lobby - TBD	
3	12:00 pm	City Council	Downtown Fire Station	
3	7:00 pm	City Council	Downtown Fire Station	
4	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
4	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
4	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
4	7:00 pm	Budget Commission	Downtown Fire Station	
5	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	7:00 pm	Planning Commission	Downtown Fire Station	
5	7:30 pm	Library Board	Library Board Room	
6	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
7	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
8	10:00 am	Government Comment Corner	Library Lobby - <i>Patricia Daniels</i>	
10	5:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	<i>Economic Develop. allocations presentations</i>
11	7:00 pm	Budget Commission	Downtown Fire Station	
11	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	
12	8:20 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
13	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	

Date	Time	Group	Location	Subject/Note
13	5:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	Economic Develop. allocations deliberations
15	10:00 am	Government Comment Corner	Library Lobby - TBD	
17	12:00 pm	City Council	Downtown Fire Station	
17	7:00 pm	City Council	Downtown Fire Station	
18	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
19	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
19	5:30 pm	<i>Watershed Mgmt Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
19	7:00 pm	Planning Commission	Downtown Fire Station	
20	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
20	6:30 pm	Parks, Natural Areas, and Rec Board	Downtown Fire Station	
22		No Government Comment Corner		
24		City holiday - all offices closed		
25	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
29	10:00 am	Government Comment Corner	Library Lobby - TBD	

JUNE 2010

Date	Time	Group	Location	Subject/Note
2	7:00 pm	Planning Commission	Downtown Fire Station	
2	7:30 pm	Library Board	Library Board Room	
3	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - <i>David Hamby</i>	
7	12:00 pm	City Council	Downtown Fire Station	
7	7:00 pm	City Council	Downtown Fire Station	
8	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
8	7:00 pm	Historic Resources Commission	Downtown Fire Station	
9	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
10	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
10	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
12	10:00 am	Government Comment Corner	Library Lobby - <i>Dan Brown</i>	
14	5:00 pm	City Council work session	Madison Avenue Mtg Rm	Plng Cmsn interviews tentative
14	7:00 pm	Mayor/City Council/City Manager quarterly work session	Madison Avenue Mtg Rm	tentative
15	5:00 pm	City Council work session	Madison Avenue Mtg Rm	Plng Cmsn and Hist Res Cmsn intrvws - tentative
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
19	10:00 am	Government Comment Corner	Library Lobby - TBD	
21	12:00 pm	City Council	Downtown Fire Station	
21	7:00 pm	City Council	Downtown Fire Station	
22	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
23	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
24	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
26	10:00 am	Government Comment Corner	Library Lobby - TBD	

Bold type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting

TBD To be Determined

1-27-10
- Fran Baber Hess
- Show in CC packet
Jon

Housing First: A compassionate strategy that also saves money.

The chronically homeless population can cost taxpayers a lot of money. Repeated trips to the emergency room, hospital stays, jail time, court and law enforcement expenses all add up. Moving these people out from under the bridge and into housing saves us all money.

What does the research say?

In one year, the so-called "Housing First" program cut costs from about \$8 million to \$4 million across the study sample, Mary E. Larimer, PhD, of the University of Washington, and Colleagues reported in the April 1 issue of the Journal of the American Medical Association.

"The findings support the basic premise of Housing First: providing housing to individuals who remain actively addicted to alcohol ... can reduce the public burden associated with overuse of crisis services and reduce alcohol consumption," the researchers said.

Researchers in the University of Washington study found that permanent, rather than temporary, housing may be necessary to fully realize cost savings, because, as Dr. Larimer pointed out, the cost offsets continued to grow over time.

"Other studies of housing first or similar housing programs have shown a reduction in use of other services when people are housed. Dr. Larimer told Medscape Psychiatry in a follow up interview. In our study, we actually showed a substantial cost offset above the administrative costs of providing housing," Furthermore, she added, the study also showed that those who remained in housing longer had larger cost reductions over time.¹

How would this work in Corvallis?

Potential tenants must be long term homeless persons. Meaning they have been homeless for at least a year, or have had repeated periods of homelessness. Many will have chronic illnesses, physical problems, mental health issues, and alcoholism or drug addiction.

To be accepted for admission, the prospective tenant must be willing to abide by house rules, to keep in regular contact with the case manager, and attend resident meetings. In

¹ **Primary source:** Journal of the American Medical Association
Source reference:

Larimer ME, et al "Healthcare and public service use and costs before and after provision of housing for chronically homeless persons with severe alcohol problems" *JAMA* 2009; 301(13): 1349-1357.

the judgment of the screening team, he will need to be able to care for himself and control his behavior enough to live compatibly with his neighbors.

How will operating costs be covered?

Housed persons will pay rent. Some potential tenants are receiving veterans or SSI benefits. We are aggressively researching other rent assistance possibilities, such as project based HUD vouchers, Rapid Re-housing stipends, mental health vouchers, FEMA food and housing assistance, and Continuum of care subsidies. We are already assisting possible tenants in completing paperwork to apply for appropriate benefits.

How will you pay for the social service costs that this target group need to get back on their feet?

We will need to employ a half time case manager to coordinate services for residents. We will negotiate memorandum of understanding with other organizations to clarify what services they are able to provide to Housing First residents. The Benton County Health Clinic, county mental health, the COI medical clinic, the hospital, and the Community Services Consortium are already providing very valuable services to the homeless. Volunteers will also provide important support. We are intending to apply for funds through the State Housing and Community Services Division to cover the coordination of these services.

How will we buy the property?

In order to make this project a reality we will need to apply for city, state and federal funds, as well as approaching private foundations. We have already submitted an application to the City of Corvallis for \$500,000 in HOME funds. We will have a local fundraising campaign with individual donors to help cover start up costs. A draft agreement for a lease with an option to buy has been worked out with the owner. He expects reconstruction to be complete by about Aug of 2010. While our ultimate goal will be to buy the property, it is unrealistic to expect that we would have the total funds needed to cover the purchase price by August. The draft agreement calls for us to lease the facility for a year at \$3000 a month with \$1000 of that going toward the purchase price. There is no penalty for buying it earlier. The projected price of the property is \$715,000.



In December 2009 Community Outreach provided the following:

- **Housing (men)** – 674 nights of housing for 35 homeless men
- **Housing (families with children)** – 159 nights of housing for 8 homeless families, including 219 nights for 10 children
- **Housing (women)** – 338 nights of housing for 14 homeless women
- **Medical Clinics** – 227 visits, 16 general medical clinics held this month, plus 3 physical therapy clinics, 3 psychiatric clinics, and 2 dental clinics
- **Alcohol and Drug Treatment** – 265 contact hours for 20 individuals, including 11 co-occurring clients (meaning they receive substance abuse and mental health treatment)
- **Mental Health** – 69 contact hours for 27 mental health clients
- **Therapeutic Childcare** – 495 hours working with 9 children
- **Family Support Services** – 58 hours working with 10 families
- **Crisis, Information, and Referral Services** – 545 calls or visits
- **Homeless Emergency Services** – 532 visits providing a shower or use of the community kitchen/food pantry
- **Abuse Intervention Counseling** – 89 contact hours for 18 individuals
- **Emergency Food** – 83 food boxes distributed, feeding 322 people
- **Case Management** – 121 case management meeting hours for men and women (residential)
- **Mail Services** – 66 clients
- **Bus Tickets** – 255 Corvallis city and Albany loop tickets
- **Permanent Supportive Housing** – 48 continuing clients

Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director



Date: January 22, 2010

Subject: LUBA Remand of the Brooklane Heights Planned Development Approval (PLD06-00018; SUB06-00006)

I. Issue

At issue is the Oregon Land Use Board of Appeals (LUBA) remand of City Council Order 2009-0007, which approved the Brooklane Heights Conceptual and Detailed Development Plan and Tentative Subdivision Plat.

II. Background

The Brooklane Heights subject site is a 25.88 acre property that is currently undeveloped, except for an underground sanitary sewer line that runs along the western and southwestern boundary, and a small gravel access road that enters the site near its southwest corner. The site is located northwest of Brooklane Drive, northeast of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site is identified as Tax Lot 1000 on Benton County Assessor's Map 12-5-10 C. The property is owned by Stephen J. Schaberg. The application was submitted in 2006, prior to adoption of the 2006 Land Development Code, and is subject to the 1993 Land Development Code.

Case History

- June 20, 2007 - The Planning Commission deliberated and voted to deny the application. A notice of decision was signed on June 22, 2007.
- July 5, 2007 – Applicant, Stephen Schaberg, filed an appeal of the Planning Commission's decision.
- September 4, 2007 - The City Council overturned the Planning Commission's decision, thereby approving the proposal, with conditions.
- October 9, 2007 - The City received a Notice of Intent to Appeal the City Council decision to LUBA. The decision was appealed by Anne Davies, Attorney, on behalf of Petitioners, Arthur and Barbara Boucot, et. al. (Boucot et. al vs City of Corvallis, LUBA No. 2007-200)
- May 30, 2008 - LUBA issued a Final Order and Opinion. LUBA determined that the City had not made adequate findings in support of the proposal with respect to two of the assignments of error raised in opposition and portions of two others.

- February 2, 2009 – City Council reviewed the remand issues and approved the application subject to adoption of Formal Findings. Formal Findings were adopted and signed on March 2, 2009.
- March 31, 2009 - The City received a notice that the decision to approve the application was being appealed a second time to LUBA (Morre et. al vs City of Corvallis, LUBA No. 2009-042).
- October 29, 2009 - LUBA remanded the case after determining that the City failed to make adequate findings that the individual lot grading and stormwater treatment plans satisfied applicable review criteria in the Comprehensive Plan.
- December 16, 2009 - The applicant submitted a letter to the Planning Division asking the City to act on the remand. This correspondence was received by the Planning Division on approximately December 21, 2009.
- January 4, 2010 – The City Council scheduled a hearing for February 1, 2010, to consider the specific issues in the LUBA remand. The Council also decided to make a decision on the application based on information already in the record. Because the Council's decision will be based on information already in the record, the Council decided to open a public hearing regarding the remand issues only to give the opportunity to rebut Councilor declarations. The Council decided that written or oral testimony on the application will not be accepted.

II. Discussion

LUBA remanded the Brooklane Heights application because it found the Council did not make adequate findings regarding Corvallis Comprehensive Plan (CCP) policies 4.6.7 and 4.11.12 (**Exhibits A and C**). LUBA also found that the City was wrongly deferring consideration of compliance with these policies to a future review process that would not provide public notice or opportunity for public input. These remand issues were specific to individual lot grading plans and stormwater drainage plans (**Exhibit C**).

Individual Lot Grading Plans

In its March 2, 2009, via Order 2009-007, the City Council approved a two phase approach to site grading (**Exhibits B and D**). First, portions of the site, including the locations of streets and utilities would be mass graded. Mass grading would prepare the site for street and utilities, and would create flat pads on certain lots for building construction. During the second phase of the grading plan, the ground on individual lots, that were not mass graded, would be prepared to accommodate custom building designs.

The City Council evaluated the grading plan for compliance with CCP 4.6.7, and found that through application of Conditions of Approval 22 and 27, the grading plan was consistent with this review criterion (**Exhibit B**). Condition of approval 27 required all areas not mass graded to comply with the Hillside Development Standards in 2006 LDC Section 4.5.80.03. The determination of compliance with 2006 LDC Section 4.5.80.03 would occur when applications to develop individual lots (non-mass graded) were submitted. Council found that because LDC Section 4.5.80.03 provided clear and

object standards, Staff discretion would not need to be exercised in determining compliance, and consequently, a public hearing would not be required.

LUBA was not convinced by this finding. LUBA remanded the Council decision stating that the City should have made a determination that the proposed individual lot grading complied with CCP 4.6.7, provided there was substantial evidence in the record to support this determination. LUBA also stated that just because standards are nondiscretionary does not mean that compliance with those standards can be deferred to a future, non-public, decision making process, when the standards are otherwise applicable to an application that requires a public hearing. Even if nondiscretionary standards could be excepted from consideration during a public review process, LUBA found that the Council findings did not adequately explain why the applicable standards in 2006 LDC Chapter 4.5 are clear and objective (**Exhibit C. 4**).

Stormwater Drainage Plans

The City Council approved the proposed stormwater drainage and treatment plans subject to Condition of Approval 19 (**Exhibit B.27**), which required the applicant to design stormwater facilities consistent with the City's Stormwater Master Plan (SWMP). The Council found that if constructed to the standards in the adopted SWMP, the stormwater facilities would be consistent with CCP 4.11.12, the review criterion at issue. Compliance with the SWMP would be determined through review of PIPC applications, outside of the public hearing process.

Like the findings regarding individual lot grading, LUBA determined that,

“because the city deferred a finding of compliance with 4.11.12 to a future proceeding involving a determination regarding compliance with the SWMP standards, and failed to ensure that that future proceeding will be a public proceeding, those findings are inadequate. On remand, the city must clarify that a future proceeding to determine compliance with the SWMP standards will be subject to public participation” (**Exhibit C.7**).

III. Council Options and Staff Recommendations

The Council has three options with respect to the application and issues on remand. The Council may:

- 1) Review the record and, if there is sufficient evidence, make new findings that the application complies with CCP policies 4.6.7 and 4.11.12; or
- 2) Approve the application with conditions of approval that require individual lot grading plans and stormwater management plans to be reviewed through a public hearing process to determine compliance with CCP policies 4.6.7 and 4.11.12; or
- 3) Review the record and, if there is sufficient evidence, deny the application for failure to comply with applicable decision making criteria.

Staff recommend the Council pursue the second option and approve the application with revised conditions of approval that require review of the stormwater management and lot grading plans through a future public hearing process.

Previous Council decisions approved the application based on voluminous and detailed findings regarding the proposal's compliance with applicable standards and policies. For the most part, LUBA upheld these findings, and sustained the Council's decisions concerning aspects of the Conceptual and Detailed Development plan such as, but not limited to, street alignments and connections, lot configuration, site design, and visual compatibility. The only exceptions are with respect to Council findings regarding individual lot grading and stormwater management plans relative to CCP policies 4.6.7 and 4.11.12. When developing the appealed findings, the Council did not determine, based on the information in the record, that CCP policies 4.6.7 and 4.11.12 were satisfied. Rather, the Council applied conditions of approval requiring more detailed plans that would be reviewed administratively. On remand, LUBA determined that the City erred by permitting the more detailed information to be reviewed without a public process. LUBA also stated that such a review could occur at a future date if done through a public hearing process. Specifically, LUBA stated,

“On remand, the city must clarify that a future proceeding to determine compliance with the SWMP standards will be subject to public participation”
(Exhibit C. 7).

Following LUBA's direction, Staff recommend that Council revise Conditions of Approval 20 and 27 as shown below. The revised Conditions would require the applicant to submit more detailed stormwater management and individual lot grading plans. Review and approval of the these plans would be required through a public hearing review process prior to authorization of PIPC permits, in the case of stormwater management, and prior to issuance of excavation and grading permits, in the case of individual lot grading plans. As the body that hears LUBA remand issues, the more detailed stormwater treatment and individual lot grading plans would be heard by the City Council.

Staff recommended revising Conditions 20 and 27 as follows. Suggested new text is in bold 10 point font and deleted text is struck-through.

Condition 20

Public Water Quality Facility Design & Maintenance – The applicant shall submit the information required in this condition of approval. This information shall be reviewed for consistency with Comprehensive Plan Policy 4.11.12 and approved through a City Council Public Hearing review process prior to issuance of PIPC permits.

As part of the plans for public improvements the applicant shall provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill

properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.

All water quality facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for **two years after acceptance by the City** ~~one year after build-out of all portions of the site that drain to the facilities~~. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for stormwater facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the **warranty for storm water quality facilities is terminated** ~~are accepted by the City~~.

The design for the public water quality facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the water quality facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. All associated functional landscaping shall be installed and well established prior to any paving activity on the development site.

Condition 27

Lot Grading and Structures - Mass grading shall be limited to the areas shown on the grading plan identified as **Drawing X – Brooklane Heights Grading and Tree Preservation Plan, and Drawing Y – Brooklane Heights Cut/Fill Analysis (Exhibits D.1, 2)**. ~~Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council~~. Cuts and fills in the areas permitted to be mass graded shall not exceed the measurements shown in **Drawing Y Attachment I.8**. All mass graded areas, as shown in **Drawing Y Attachment I.8** shall be engineered and constructed such that retaining walls are neither required nor used.

Prior to grading and excavation activities in areas not approved for mass grading, as shown in Drawing Y (Exhibit D.2), the applicant shall obtain approval by the City Council through a public hearing review process, detailing how the grading plan(s) for development on individual lots are consistent with Comprehensive Plan Policy 4.6.7.

~~Grading and excavation activities in areas not approved for mass grading, as shown in Attachment I.8, shall comply with Section 4.5.80 – Hillside Development Standards of the 2006 LDC Chapter 4.5 – Natural Hazards and Hillside Development Provisions. Regardless of the presence of extenuating circumstances, cuts and fills in areas not mass-graded shall comply with the eight-foot standard as defined in LDC Section 4.5.80.03 – Definitions. Exceptions or alterations to these standards shall only be permitted through the Planned Development process.~~

By approving the application, as conditioned, the Council is approving all aspects of the proposed Conceptual and Detailed Development Plan except for the individual lot grading and stormwater treatment plans. Application of these conditions of approval will ensure that development is consistent with CCP policies 4.6.7 and 4.11.12, and will provide opportunity for public participation in the decision making process, thus resolving the two LUBA remand issues.

Recommended Motion

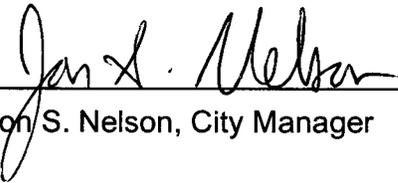
If the City Council accepts the above recommendations the following motion is suggested:

I move to approve the Brooklane Heights Conceptual and Detailed Development Plan, and Tentative Subdivision Plat (PLD06-00018, SUB06-00006). This motion is based on the Formal Findings supporting approval of the application in Order 2009-00007, and the conditions of that approval, including Conditions 20 and 27 as revised in the January 22, 2010, memorandum from the Community Development Director. This motion is also based on the findings made during City Council deliberations on this matter.

Exhibits

- A. Comprehensive Plan Policies 4.6.7 and 4.11.12
- B. Notice of Disposition, Order 2009-00007
- C. LUBA Final Order and Opinion, regarding LUBA NO.2009-042
- D. Drawing X – Brooklane Heights Revised Grading and Tree Preservation Plan;
Drawing Y – Brooklane Heights Cut / Fill Analysis

Review and Concur



Jon S. Nelson, City Manager



Scott Fewel, City Attorney

Comprehensive Plan Policies

The following are the two Comprehensive Plan policies at issue in the LUBA remand, as explained in the LUBA Final Order and Opinion (**Exhibit C**).

4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:

- A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.
- B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.
- C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.
- D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.
- E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.
- F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.
- G. Demonstrate a concern for the view of the hills as well as the view from the hills.
- H. Provide landscaping that enhances the identified open space resources.
- I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.

4.11.12 Development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands.



CITY COUNCIL NOTICE OF DISPOSITION

Community Development
Planning Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6908
FAX (541) 754-1792

ORDER: 2009-00007

CASE: **Brooklane Heights Planned Development**
(PLD06-00018, SUB06-00006)

REQUEST: Approval of a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to create 45 residential lots and 4 common tracts on 25.88 acres of land, and to vary from certain Land Development Code standards.

The City Council approved the applicant's proposal on September 17, 2007, and this decision was appealed to the Oregon Land Use Board of Appeals (LUBA). On May 30, 2008, LUBA remanded the City Council decision to approve the Brooklane Heights Planned Development and Subdivision. The applicant requested that the City Council consider the issues remanded by LUBA and uphold Council's previous decision to approve the application.

APPLICANT/OWNER: Stephen Schaberg
2535 SW Whiteside Drive
Corvallis, Oregon 97333

LOCATION: The 25.88 acre site is located northwest of Brooklane Drive and north of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site consists of one parcel which is identified on Benton County Assessor's Map 12-5-01 C as Tax Lot 1000.

On January 5, 2009, the City Council held a duly-advertised public hearing to consider the issues remanded by LUBA. The public hearing was continued until January 20, 2009. The hearing was closed, but the written record was held open for seven additional days. On February 2, 2009, the Council deliberated on the matter; and after consideration of all the testimony and evidence, the Council voted to approve Conceptual and Detailed Development Plan and Tentative Subdivision Plat requests, with conditions, subject to adoption of Formal Findings and Conclusions. On March 2, 2009, the City Council adopted Formal Findings and Conclusions, thereby upholding the previous Council decision to approve.

If you wish to appeal these decisions, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

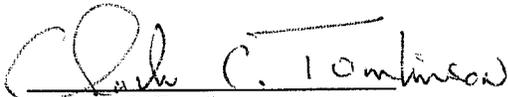
The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

Brooklane Heights (PLD06-00018, SUB06-00006)
City Council Notice of Disposition re. LUBA Remand

Page 17
Page 1 of 2

"A Community that Honors Diversity"

Exhibit B.1



Charles C. Tomlinson
Mayor, City of Corvallis

Signed: March 2, 2009
Appeal Deadline: March 23, 2009

Expiration Date(s) (If Not Appealed): March 2, 2012
(Conceptual and Detailed Development Plan)

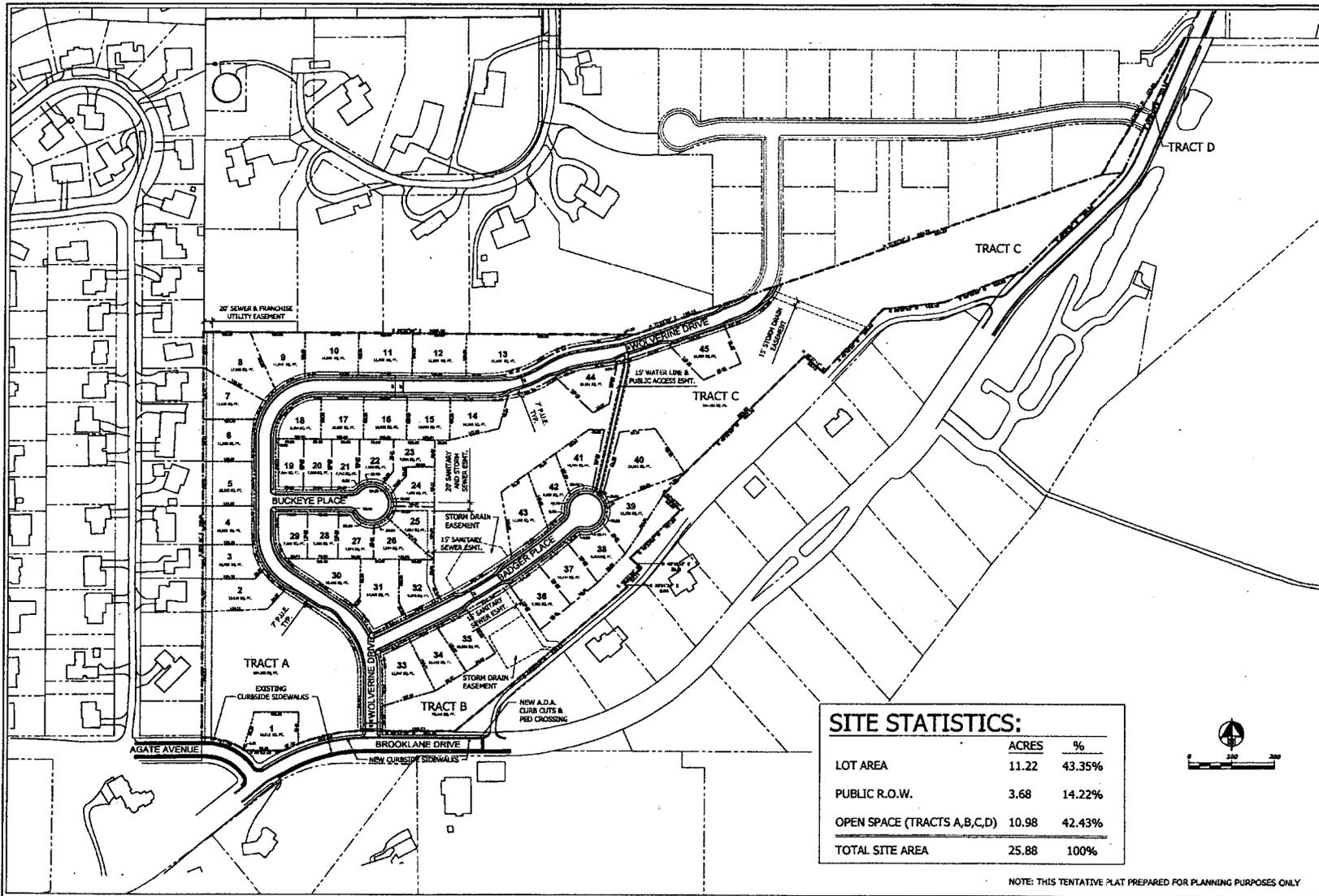
March 2, 2011
(Tentative Subdivision Plat)

If no appeal is filed by the appeal deadline, the Conceptual and Detailed Development Plan shall be valid for three years. If the applicant has not begun construction of the development or its phases within this period, the approval shall expire on March 2, 2012. At its discretion, and without a public hearing, the Planning Commission may extend the approval one time for up to two additional years if it finds that conditions have not changed. If an extension is desired, the applicant is required to file a written request for the extension with the City's Planning Division prior to the expiration date.

If no appeal is filed by the appeal deadline, the Tentative Subdivision Plat shall be valid for two years. If the applicant has not submitted a final subdivision plat within two years (with appropriate assurances for improvements, if applicable), the approval shall expire on March 2, 2011. At its discretion, and without a public hearing, the Planning Commission may extend the approval one time for up to one additional year if it finds that conditions have not changed. If an extension is desired, the applicant is required to file a written request for the extension with the City's Planning Division prior to the expiration date.

Attachments:

- Conditions of Approval
- Excerpt of approved plans (Tentative Subdivision Plat, Cut/Fill Analysis)
- City Council Adopted Formal Findings and Conclusions



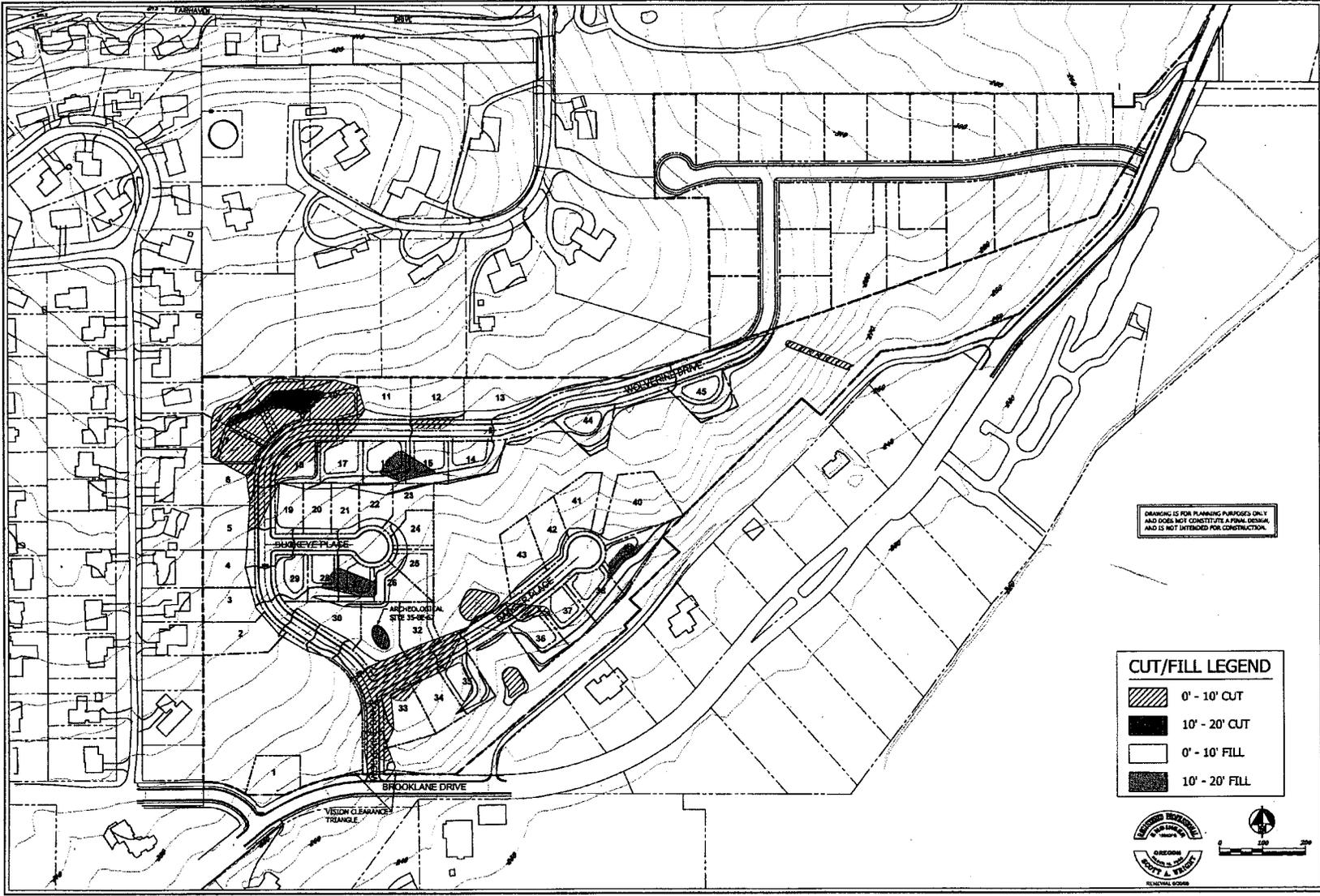
SITE STATISTICS:

	ACRES	%
LOT AREA	11.22	43.35%
PUBLIC R.O.W.	3.68	14.22%
OPEN SPACE (TRACTS A,B,C,D)	10.98	42.43%
TOTAL SITE AREA	25.88	100%

NOTE: THIS TENTATIVE PLAT PREPARED FOR PLANNING PURPOSES ONLY

UBA RECORD 2009-042
 METOLIUS CONSULTING
 BROOKLANE HEIGHTS
 REVISED TENTATIVE SUBDIVISION PLAT
 Page 19
 CORVALLIS, OR 97330
 541-753-1987
 DATE: JUNE 11, 2009
 DRAWING NO. 2009-042

Exhibit B.3



DRAWING IS FOR PLANNING PURPOSES ONLY
AND DOES NOT CONSTITUTE A FINAL DESIGN,
AND IS NOT INTENDED FOR CONSTRUCTION.

CUT/FILL LEGEND	
	0' - 10' CUT
	10' - 20' CUT
	0' - 10' FILL
	10' - 20' FILL



Exhibit B.4

**Conditions of Approval
Brooklane Heights (PLD06-00018, SUB06-00006)**

The following Conditions of Approval have been applied on remand and contain new Conditions and revisions not included in the City Council Order 2007-111. These Conditions of Approval supplant those in Order 2007-111.

Condition No.	Condition Language
1	<p><u>Consistency with Plans</u> – Development shall comply with the narrative and plans identified in or referenced in Attachment IX of the August 10, 2007, Memorandum to the City Council from Community Development Director, Ken Gibb, except as modified by the conditions below or unless a requested modification otherwise meets the criteria for a Planned Development Modification and/or a Tentative Plat Modification. Such changes may be processed in accordance with Chapters 2.4 and 2.5 of the Land Development Code.</p> <p>A Home Owners Association (HOA) shall be established and shall be subject to the requirements stated in the following Conditions of Approval.</p>
2	<p><u>Secondary Access</u> - Per LDC section 4.0.70.c.3, development of lots shall be limited to Lot 1, and 18 additional lots on a street segment not to exceed 600 feet, or 150 feet beyond an emergency turn-around until secondary access, as proposed, is achieved. If development occurs on the 600 foot street segment, prior to development of secondary access, the street terminus shall be constructed with turn-arounds to accommodate emergency vehicles. The turn-around area shall comply with applicable Oregon Uniform Fire Codes, or as specified by the Corvallis Fire Marshall.</p>
3	<p><u>Landscaping Construction and Maintenance</u> – The following landscaping provisions shall apply to overall development of the site:</p> <p><u>Landscape Construction Documents</u> – Prior to issuance of PIPC permits, the applicant shall submit to the Community Development Director, a Detailed Landscape Plan for this site that contains a specific planting plan (including correct plant names in the Latin format), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site in sufficient detail to show the relationship between required landscaping and public utilities, franchise</p>

Condition No.	Condition Language
	<p>utilities, driveways, and other streetscape elements such as light poles, signs and mailboxes. Where conflicts arise between landscaping and streetscape elements and public facilities, flexibility in the location of trees may be permitted. However, a reduction in the number of required streets trees shall not be permitted unless modified through a Planned Development Modification approval.</p> <p>Plantings shall comply with LDC Section 4.2 and other conditions of this approval. Required street trees shall have at least a 1½-inch trunk diameter at the time of installation and shall be chosen from the list of species provided in LDC Section 4.2.60, or as approved by the Community Development Director. The plans must have been reviewed and approved prior to installation of landscape materials.</p> <p>The landscape plans shall address the following additional requirements:</p> <p><u>Landscape Installation and Maintenance</u> – Street trees and ground cover in planter strips in Brooklane Drive shall be installed with PIPC improvements, except for street trees adjacent to Lot 1. Street trees and ground cover in planter strips fronting Lot 1 shall be installed prior to issuance of Final Inspection for Lot 1. Street trees and ground cover in planter strips in other proposed local streets shall be installed on lot frontages as individual lots are developed, and shall be installed prior to Final Inspection for homes on the associated lot. Street trees on Wolverine Drive northeast of lot 13 shall be installed prior to Final Inspection for lot 45.</p> <p>The locations of all required trees will be shown on all site plans submitted for public improvement design. A maintenance plan for all plantings shall be provided prior to the City's on-site approval of the landscape installation. This plan shall provide measures to assure all new plantings attain the minimum 90 percent ground cover required by LDC Section 4.2.20 within three years from the date of installation approval.</p> <p><u>Security for Landscape Installation and Maintenance</u> – Prior to the approval of the landscaping plan, a Performance Bond (or other LDC-approved financial security) will be provided to the City to secure installation of all required landscaping along new local streets and within Tracts. Prior to Final Plat approval, A 3-year maintenance Bond (or other LDC-approved financial security) shall be provided to the City to cover</p>

Condition No.	Condition Language
	<p>50 percent of the costs for landscape materials and labor (plus costs for administration) associated with landscaping installed along all new local streets and Tracts.</p> <p><u>Home Owners' Association Landscape Maintenance Responsibilities</u> – After completion of the required three-year maintenance period, the Home Owners' Association created for this subdivision will be responsible for the perpetual maintenance of any landscaping and management of wooded areas within in Tracts. Prior to final plat approval, the applicant shall submit for approval by the Community Development Director, the Home Owners' Association's Codes, Covenants and Restrictions (CC&Rs) and or bylaws. The Homeowners' Association's CC&R's or bylaws shall include all language from this Condition of Approval.</p>
4	<p>Erosion Control - Prior to issuance of excavation and grading permits, the applicant shall obtain erosion control permits. Where required by Development Services staff, the applicant shall install an erosion control and re-vegetation product capable of functioning on a 2:1 slope, that will result in 90% vegetation coverage within 3 years, without using irrigation.</p>
5	<p>Tree Preservation and Planting – Prior to issuance of any permits, the applicant shall submit a report by a certified arborist that identifies <u>all</u> significant trees proposed to be removed in this application. Identified trees shall include those identified in the arborist report submitted with the subject application (Attachments S and R.55 of the May 25, 2007, staff report to the Planning Commission) trees impacted by construction of the pedestrian path between Badger Place and Wolverine Drive, trees impacted by construction of the stormwater swale in the north portion of the site, and trees potentially impacted by construction and use of the detention ponds in Tracts B and C.</p> <p>Unless approved for removal through this application , trees in Tracts A, B, C, an D, as identified in the approved Revised Tentative Subdivision Plat shall be preserved unless a tree is determined to be a hazard tree, or its removal is necessary to protect the health and longevity of an Oregon White Oak tree. Prior to removal of any tree a certified aborist's report shall be submitted to the Community Development Department for review, and trees shall only be removed if the City's Urban Forester concurs with the analysis and recommendations in the arborist's report.</p>

Condition No.	Condition Language
	<p>Regarding the pedestrian path, stormwater swale, and ponds, the arborist's report shall detail methods to preserve as many significant trees as possible in or adjacent to these site components. The applicant shall follow tree preservation methods outlined by the arborist. Unless already approved for removal, (any) significant trees may be removed only if a certified arborist recommends removal and the City Forester concurs with the arborist's recommendation.</p> <p>The arborist's report shall also illustrate all trees approved/proposed to be preserved. To ensure protection of trees, there shall be no cutting, filling, trenching, nor compaction of the soil under tree canopies and to a minimum distance of 5 feet outside the canopy's dripline, consistent with Section 4.2.20.c of the Land Development Code. To assure this protection, a minimum 5-foot high construction fence (constructed of metal chain link, and supported by metal posts sunk into the ground) shall be installed 5 feet outside the canopy's dripline for all trees to be preserved, prior to any excavation and grading of the development site. An exception may occur upon inspection and a recommendation by a certified arborist.</p> <p>Existing trees, including trees on adjacent properties with driplines within 10 feet of the subject site, and construction protection fences shall be illustrated on all site plans submitted for excavation, erosion control, PIPC, and building permits. Tree protection plans shall be submitted to the City for review and approval, and tree preservation fencing shall be installed and inspected, prior to issuance of any excavation and grading, erosion control, PIPC, or building permits.</p>
6	<p><u>Wetland Determination</u> - Prior to issuance of PIPC permits, the applicant shall submit a wetland determination report indicating the presence of wetlands. If wetlands are found to be present on the site, prior to issuance of excavation and grading permits, the applicant shall submit documentation from the Department of State Lands verifying that the site development and wetland mitigation plans comply with all applicable local, state, and federal wetland regulations.</p>
7	<p><u>Archaeological Resources</u> - Prior to issuance of excavation and grading permits, the applicant shall have the site surveyed by a State Historic Preservation Office (SHPO) qualified archaeologist to determine the presence of archaeological resources on the site, in addition to those identified as site 35-BE-67. The archaeologist shall submit findings and</p>

Condition No.	Condition Language
	<p>recommendations regarding site development to the applicant/developer, Corvallis Development Services Division, and SHPO for review. The applicant shall comply with all State and Federal regulations pertaining to archaeological, cultural, and historic materials. Prior to issuance of grading and excavation permits and any earth disturbing activities the applicant shall submit a letter from the SHPO verifying that the proposed development complies with applicable State and Federal regulations relative to archaeological, cultural, and historic materials. During construction of the site, the applicant shall continue to comply with applicable regulations.</p>
8	<p>Public Improvement Plans - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments (including locations for detention facilities) that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations. Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.90. Note: Land Development Code Section 4.0.70 has been amended to establish street lights as public utilities. Under the revised Code Section, developers shall provide an engineered design for street light installation; obtain appropriate electrical permits from the Development Services Division; and install the street light system concurrent with public improvements.</p>
9	<p>Right-of-Way Dedication - As part of Phase I, additional ROW shall be dedicated along SW Brooklane Drive in order to achieve the minimum half street standard width of 33 ft from the original ROW centerline.</p> <p>Also as part of Phase I, 50 ft of ROW shall be dedicated in Tract D to allow the proposed Oakmont Addition to construct Hawkeye Avenue between the Oakmont Addition subdivision and SW Brooklane Drive.</p>

Condition No.	Condition Language
	In addition, an environmental assessment for all land to be dedicated must be completed in accordance with LDC Section 4.0.110.h.
10	Frontage Improvements - At the time of development, curbside sidewalk shall be installed along the north side of SW Brooklane Drive between SW Agate Avenue and the private alley located along the northwest portion of Brooklane Park Estates. The sidewalk will connect to existing sidewalk located at SW Agate Avenue to the west. Curb cuts will be provided on both sides of SW Brooklane Drive just west of the private alley described above. New and existing curb cuts shall be constructed or re-constructed to meet current ADA standards.
11	Public Improvements - Prior to Final Plat approval the applicant shall construct or secure all public improvements within the subject site.
12	Vision Clearance - The City's Off-Street Parking and Access Standards require a vision clearance triangle be maintained between an elevation of 2 feet and 8 feet above the roadway height for all intersecting streets. The legs of the vision clearance triangle shall be determined from table 3 of the City of Corvallis Off-Street Parking and Access Standards. Site plans showing an unobstructed vision clearance triangle as outlined shall be submitted concurrent with application for public improvement permits.
13	Construction Traffic Plan - Prior to issuance of excavation and grading permits, the applicant shall prepare a detailed construction traffic plan that outlines proposed hours of operation, route maps, and direction of travel for loaded and empty trucks. This plan shall prohibit construction traffic from using Local Streets as classified in the 1996 Corvallis Transportation Plan. Additionally, construction traffic on the new section of SW Brooklane Drive shall be limited to vehicles of less than 12,000 lbs loaded weight. The construction traffic plan shall be submitted to the City of Corvallis, Development Review for review and approval.
14	Public Sidewalk/Landscape Strip Improvements - At the time of development, park strips and setback sidewalks shall be constructed adjacent to Tracts A, B, and C. All other park strips and setback sidewalks will be constructed when individual lots are developed as specified in the LDC 4.0.40.a.3.b.
15	Transit Improvements - The applicant shall place a bus shelter easement and provide a flat, graded pad, adjacent to the Brooklane Drive ROW. The location should be selected in cooperation with City of

Condition No.	Condition Language
	Corvallis, Transportation Division.
16	Looped Waterline - City standards are to loop all waterlines to eliminate dead-end runs. The waterline in Buckeye Place shall be looped. When the waterline leaves the ROW, it shall installed in an utility easement. A 15 ft utility easement will be required with a single utility, and a 20 ft utility easement will be required if two utilities run parallel to each other.
17	Deed Restrictions for Pressure Reducing Valves - In order to ensure that future owners of lots 33 thru 36 are aware of the need to install pressure reducing valves (PRV), and as part of the building permit process, the developer shall record deed restrictions outlining this need against lots 33 thru 36 concurrent with the final plat. All costs related to PRV installation and maintenance shall be borne by the property owners.
18	Public Drainage - All public storm drainage facilities located outside of ROW shall be placed in public drainage easements. This includes pipes, water quality manholes, drainageways, swales, and detention ponds. The minimum required easement width is 15 ft for a single utility and 20 ft for two utilities, or, for drainageways, the 1.5X + 5 LDC 4.5.80 (d)(3) formula. The easement must fully encompass drainageways, swales, and detention ponds. All weather accesses must also be provided to the water detention facilities.
19	Public Detention Facility Design & Maintenance Agreement - The design of the storm water detention facilities shall incorporate all recommendations of the March 16, 2007, Geotechnical report that was conducted by Foundation Engineering, Inc. The geomembrane liner recommended in the Geotechnical report shall be placed on a slope of 3(h):1(v), or flatter and it shall be covered with at least 12 inches of soil. The detention pond shall remain in the same location and footprint as shown on the submitted Utility Plan. Any alteration to the placement of the pond and its associated structural features may require a Planned Development Modification. As part of the plans for public improvements the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2-year, 5-year, and 10-year storm events. The detention facilities

Condition No.	Condition Language
	<p>shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting detention requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The detention analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.</p> <p>The design for the public detention facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the detention facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. All associated functional landscaping shall be installed and well established prior to any paving activity on the development site.</p> <p>All detention facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for stormwater facilities identified in the King County, Washington, Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the detention facilities are accepted by the City.</p>
20	<p>Public Water Quality Facility Design & Maintenance - As part of the plans for public improvements the applicant shall provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not</p>

Condition No.	Condition Language
	<p>more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.</p> <p>All water quality facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for stormwater facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the water quality facilities are accepted by the City.</p> <p>The design for the public water quality facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the water quality facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. All associated functional landscaping shall be installed and well established prior to any paving activity on the development site.</p>
21	<p>Tree Protection on Private Lots - Homes on lots 1, 2, 5, 13, 24, and 43 shall be designed to minimize impacts to trees. Prior to issuance of permits for excavation and grading for home construction, a minimum 5-foot high, metal, chain-link construction fence, supported by metal poles sunk into the ground, shall be installed 5-feet outside the tree canopy driplines. If an alteration proposed by a certified arborist is reviewed and approved by City staff, an exception to this fencing location standard may occur.</p>
22	<p>House Size Deed Restrictions - Concurrent with final plat approval, the applicant shall record the following deed restrictions: Dwelling unit size on lots 19-29 shall not exceed 1,200 square feet. Buildings on Lots 2-13 and 44 and 45 shall be limited to one story above grade, with the option</p>

Condition No.	Condition Language
	to construct daylight basements. The roof pitch of all buildings on all lots shall not exceed a 6:12 (rise:run) ratio. Cuts within any building footprint may exceed eight feet.
23	Tentative Subdivision Plat and Grading Plans - The approved Tentative Subdivision Plat shall be the revised Plat submitted with the July 5, 2007, appeal letter (Attachment I.6 of the August 10, 2007, Staff Memorandum to the City Council). The approved grading plan shall be the revised grading plan submitted with the July 5, 2007, appeal letter (Attachments I.7, 8 of the August 10, 2007, Staff Memorandum to the City Council).
24	Cul-de-Sac Length - As reflected in the revised Tentative Subdivision Plat submitted on July 5, 2007, the length of cul-de-sacs shall be limited to 600 feet.
25	Trail Width - The width of the paved portion of the pedestrian and bicycle trail between Badger Place and Wolverine Drive shall be 8 feet.
26	Off-Site Drainage - Prior to final plat approval, the applicant shall develop a storm water drainage plan that ensures site surface drainage is captured in area drains before it crosses the Brooklane Park Estates alleyway. If new off-site area drains are required above the alleyway, the applicant will utilize the existing utility easements, which were specifically designed for storm drainage and sanitary sewer, and will construct such facilities to discourage storm water from crossing the alleyway.
27	Lot Grading and Structures - Mass grading shall be limited to the areas shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council. Cuts and fills in the areas permitted to be mass graded shall not exceed the measurements shown in Attachment I.8. All mass graded areas, as shown in Attachment I.8 shall be engineered and constructed such that retaining walls are neither required nor used. Grading and excavation activities in areas not approved for mass grading as shown in Attachment I.8 shall comply with Section 4.5.80 - Hillside Development Standards of the 2006 LDC Chapter 4.5 - Natural Hazards and Hillside Development Provisions. Regardless of the presence of extenuating circumstances, cuts and fills in areas not mass-graded shall comply with the eight-foot standard as defined in LDC Section 4.5.80.03 - Definitions. Exceptions or alterations to these standards shall only be permitted through the Planned Development process.

Condition No.	Condition Language
	<p>Lots shall only be developed with single-family, detached homes and accessory structures consistent with conditions of this approval and 2006 LDC Sections 3.2.30 (except subsections 3.2.30.m - q), 3.2.40, and LDC Sections 4.3.30 and 4.3.40 for accessory structures. Landscaping shall be in accordance with the provisions of 1993 LDC Chapter 4.2 - Landscaping, Buffering, and Screening. Development on all lots shall comply with the 2006 LDC Chapter 4.10 - Pedestrian Oriented Design Standards and criteria in LDC Sections 4.10.10 through 4.10.50.</p> <p>Modifications to applicable LDC standards, or standards established through this approval may only occur through a planned development major modification process.</p>
28	<p>Maintenance Obligations - Individual homeowners shall be prohibited from applying pesticides, herbicides, fungicides, or fertilizers to their property. For the entire subdivision, the Homeowners Association (HOA) shall hire a Licensed Commercial Operator to apply any and all pesticides or herbicides on the site. The commercial operator shall be licensed by the Oregon Department of Agriculture, with licenses in the categories of Ornamental and Turf/Herbicide and Ornamental and Turf/Herbicide and Fungicide, or other applicable categories, with the appropriate insurance for that license. The Licensed Commercial Operator is to practice Integrated Pest Management as defined in Oregon Revised Statute 634.650. The use of any pesticide material that contains any of the top ten leachable ingredients, as identified by the Oregon Department of Agriculture, Department of Environmental Quality, and/or USGS for Oregon is strictly prohibited. Prior to recordation of the final plat, the applicant shall submit for review and approval by the Planning Division manager draft CC&Rs for the development that provide notice to homeowners of this condition of approval. The CC&Rs shall clearly state that the obligation for maintenance of all tracts within the subdivision will be held by the HOA.</p>

DEVELOPMENT RELATED CONCERNS

- A. **Mailbox Locations** - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

- B. **Excavation and Grading Plans** - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

- C. **Other Permits** - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading, and/or excavation, one acre of the site. Additionally, any permits required by other agencies such as the Division of State Lands; Army Corps of Engineers; Railroads; County; or Oregon Department of Transportation, shall be approved and submitted to the City prior to issuance of any City permits.

- D. **Infrastructure Cost Recovery** - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

- E. **Franchise Utility Plans** - Prior to issuance of public improvement permits, the applicant shall submit, as part of the public improvement plan set, an overall site utility plan that shows existing and proposed franchise utility locations, including vaults, poles, and pedestals. The proposed franchise utilities shall conform to requirements outlined in Land Development Code Section 4.0.100 - Franchise Utility Installations, including provision of appropriate public utility easements.

- F. **Streetscape Plan** - As part of the public improvement plans, the applicant shall include a "streetscape" plan that incorporates the following features: composite utility plan; street lights; proposed driveway locations; vision clearance triangles for each intersection; street striping and signing (in conformance with the MUTCD); and proposed street tree locations.

- G. **Development Standards** - Construction of homes on the site will be subject to the development standards of the 2006 LDC, including, but not limited to RS-5 Development Standards and development standards in Article IV, to, Chapter 4.10-

Pedestrian Oriented Design Standards, Chapter 4.11-Minimum Assured Development Area, and Chapter 4.12-Significant Vegetation Provisions

- H. **Spring** - Application materials reference a spring that is believed to be located in the East Drainage. Development on the site should be designed with consideration given to the spring and its potential impacts to future buildings and infrastructure.

2009 WL 3734561 (Or Luba)

Land Use Board of Appeals
State of Oregon

*1 ARTHUR BOUCOT, BARBARA BOUCOT, LANCE CADDY, SHERYL OAKES CADDY, JOE CASPROWIAK, PAM CASPROWIAK, LAURIE CHILDERS, BALZ FREI, SIMONE FREI, MARK HOMMER, WILLIAM KOENITZER, SUSAN MORRE, JEFFREY MORRE, JOHN SELKER, ROBERT SMYTHE, JUSTIN SOARES, LINA SOARES, GEORGE TAYLOR, LUCINDA TAYLOR, CAROLYN VER LINDEN AND ELIZABETH WALDRON, Petitioners,
vs.
CITY OF CORVALLIS, Respondent.

LUBA No.
2009
-
042

REMANDED October 29, 2009

FINAL OPINION AND ORDER

Appeal from City of Corvallis.

Anne C. Davies, Eugene, filed the petition for review and argued on behalf of petitioners.

David E. Coulombe, Corvallis, filed the response brief and argued on behalf of respondent. With him on the brief was Fewel, Brewer & Coulombe.

RYAN, Board Member; BASSHAM, Board Chair; HOLSTUN, Board Member, participated in the decision.

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Opinion by Ryan.

NATURE OF THE DECISION

Petitioners appeal a city decision approving conceptual and detailed development plans and a tentative subdivision plat for a 45-lot subdivision.

FACTS

The challenged decision is the city's decision on remand following our opinion in *Boucot v. Corvallis*, __ Or LUBA __ (LUBA No. 2007-200, May 30, 2008) (*Boucot I*). The subject property is an approximately 26-acre parcel located on the southeast slope of Country Club Hill in southwest Corvallis near the confluence of the Marys River and Willamette River. The property is zoned Low Density Residential with a Planned Development Overlay. The property is currently vacant except for gravel roads. The applicant proposes 45 residential lots.

In *Boucot I*, we sustained four of the petitioners' assignments of error and remanded the city's decision. On remand, the city council held a hearing and again approved the applications, adopting 75 pages of findings in support of the decision. This appeal followed.

FIRST ASSIGNMENT OF ERROR

On remand, the city adopted several pages of findings that purported to clarify whether and how various Corvallis Comprehensive Plan (CCP) policies provide review criteria that apply to the application. Record 38-41. We understand the city to take the position that because many CCP policies do not contain measurable development standards, those CCP policies are not approval criteria against which the proposed development must be evaluated. The city has taken similar positions in other appeals. See *Burgess v. Corvallis*, 55 Or LUBA 482, 502-03 (2008) (rejecting city's position that certain Corvallis Land Development Code provisions did not provide applicable approval criteria). In their first assignment of error, petitioners argue that to the extent the city attempted on remand to determine that certain provisions of the CCP are not applicable approval criteria, that determination is inconsistent with the city's previous position in the proceedings that led to the city's first decision, and is inconsistent with LUBA's decision in *Boucot I*, and with *Beck v. City of Tillamook*, 313 Or 148, 153, 831 P2d 678 (1992) (issues that were raised and resolved by the city in the local proceedings that led to the city's first decision generally may not be revisited in the local proceedings following LUBA's remand of the first decision). Petitioners do not assign error to any specific finding, however, and do not argue that the city's findings that certain CCP provisions are not applicable approval criteria provide an independent basis for reversal or remand of the decision. Thus, we need not and do not reach the issue.

SECOND ASSIGNMENT OF ERROR

*2 CCP Policy 4.6.7, while literally written as a planning directive for future amendments to the LDC, in this case applies directly to the disputed development as an approval criterion. [FN1] In *Boucot I*, the city found that the applicant's proposed grading plan would satisfy CCP Policy 4.6.7. [FN2] The city based that determination on its imposition of a condition of approval (Condition 27), which required that the applicant demonstrate that the proposed development complies with 2006 LDC Chapter 4.5 at a time in the future when the lots on the property are developed. We sustained petitioners' assignment of error challenging Condition 27:

"[W]e agree with petitioners that the city's findings regarding whether the provisions of CCP 4.6.7 are satisfied are inadequate. First, the city's adopted findings do not address compliance with each of the provisions of CCP 4.6.7. Instead, the city appears to have concluded that compliance with the 2006 LDC hillside development provisions in a future review process will suffice to demonstrate compliance with CCP 4.6.7. However, even assuming that is the case, the city cannot defer such a demonstration of compliance with CCP 4.6.7 to a future review process that does not provide notice or opportunity for public participation. If the city is going to rely on compliance with the 2006 hillside development standards to demonstrate compliance with CCP 4.6.7, it must address those 2006 standards in a process that provides notice and opportunity for public participation." *Boucot I* at slip op 11-12 (citing *Rhyne v. Multnomah County*, 23 Or LUBA 442 (1992)).

On remand, the city adopted the following findings:

"The City Council notes that grading of the site consists of two phases. The first is grading to install the streets and utilities (mass grading). The Council notes that some lot grading will occur at this time to minimize the need to haul materials off-site. The Council notes that this grading will be accomplished in compliance with the applicants' exhibit 'Y' - Brooklane Heights Cut/Fill Analysis (Attachment I.8 of the August 10, 2008, Staff Memorandum to City Council).

"The City Council notes that the second phase of grading will consist of grading for the development of individual lots. The Council notes that this grading will be done in compliance with the 2006 LDC Chapter 4.5 - Hillside Development Standards as described in Condition 27.

"The Council notes that Condition 27 requires all areas not proposed and approved to be mass graded to comply with the Hillside Development Standards in LDC Section 4.5.80. Council notes that these standards limit cuts and fills to eight feet, as defined in LDC Section 4.5.80.03. Council notes that based on Condition 27, exceptions to this standard may only be granted if approved through the Planned Development Major Modification

process, which requires a public hearing.

*3 "On remand, Council finds that the Hillside Development Standards applied through Condition 27, and Condition 22, which permits cuts to exceed 8 feet only if within the building footprint, are clear and objective and do not require discretion or a future review proceeding to determine compliance. Council finds that development that does not comply with these standards shall not be permitted, unless a variation to the standards is approved through the major modification process, which will require a quasi-judicial public hearing." Record 68-69.

Revised Condition 27 provides:

"Mass grading shall be limited to the areas shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council. Cuts and fills in the areas permitted to be mass graded shall not exceed the measurements shown in Attachment I.8. All mass graded areas, as shown in Attachment I.8 shall be engineered and constructed such that retaining walls are neither required nor used. Grading and excavation activities in areas not approved for mass grading as shown in Attachment I.8 shall comply with Section 4.5.80 - Hillside Development Standards of the 2006 LDC Chapter 4.5 - Natural Hazards and Hillside Development Provisions. Regardless of the presence of extenuating circumstances, cuts and fills in areas not mass-graded shall comply with the eight-foot standard as defined in LDC Section 4.5.80.03 - Definitions. Exceptions or alterations to these standards shall only be permitted through the Planned Development process." Record 30.

In adopting the above-quoted findings, the city determined that the applicant's proposed "mass grading" activities on the property, such as grading for roads and utilities and other cuts and fills that do not involve development of specific lots, satisfy CCP 4.6.7. With respect to the grading of individual lots, we understand the city to have found that CCP 4.6.7 will be satisfied when the applicant demonstrates at some time in the future that individual lot grading meets the requirements of 2006 LDC Chapter 4.5.

In the second assignment of error, petitioners argue that the city's findings addressing CCP 4.6.7 are inadequate and are not supported by substantial evidence. Petitioners first argue that the applicant's grading plan fails to satisfy various provisions of 2006 LDC Chapter 4.5, which petitioners argue sets out the relevant approval criterion because the city has previously determined that 2006 LDC Chapter 4.5 implements CCP Policy 4.6.7. However, petitioners are incorrect that 2006 LDC Chapter 4.5 applies directly to this application for subdivision approval, which predates 2006 LDC Chapter 4.5. It is CCP Policy 4.6.7 that applies directly to the application. Because 2006 LDC Chapter 4.5 does not apply directly to the application, the city was not required to determine whether the applicant's proposed grading of the property satisfies those provisions. Rather, the city was required to determine whether those activities satisfy CCP 4.6.7, which is the relevant approval standard. The city appears to have made that determination, based on evidence in the record in the form of the applicant's revised grading plan. Petitioners do not argue that that plan does not constitute substantial evidence that the city could rely on in determining that the applicant's mass grading activities comply with CCP 4.6.7. For that reason, we need not address the numerous challenges that petitioners raise regarding whether the grading plan satisfies all the requirements of the 2006 LDC Chapter 4.5, with respect to mass grading, and petitioners' argument provides no basis for reversal or remand.

*4 But with regard to proposed grading of individual lots, for reasons known only to the city, the city determined that it would apply 2006 LDC Chapter 4.5, instead of CCP 4.6.7, and apply 2006 LDC Chapter 4.5 at some unspecified future date when the lots are developed and would do so without providing the public hearing process that is required for conceptual and detailed development plan approval. Petitioners argue that the city's condition requiring that the applicant's proposed grading of individual lots for development will comply with 2006 LDC Chapter 4.5 continues to suffer from the same flaw that led LUBA to remand the decision in *Boucot I*. In adopting the above-quoted findings, we understand the city to have concluded that, contrary to our decision in *Boucot I*, its decision to apply 2006 LDC Chapter 4.5 instead of CCP 4.6.7 to grading of individual lots, and its decision to apply 2006 LDC Chapter 4.5 in the future without the public hearing process that is required for conceptual and detailed development plan approval is permissible because application of 2006 LDC Chapter 4.5 in the future will not require the exercise of judgment. Petitioners argue that that finding contravenes our decision in *Boucot I* that in order for the city to defer

its finding of compliance with LDC Chapter 4.5, the city was required to address LDC Chapter 4.5 in a future process that provides notice and opportunity for public participation, consistent with our decision in *Rhyme*. [FN3]

We agree with petitioners. On remand, the city had at least three options regarding application of CCP 4.6.7 to individual lot grading, if it wished to again approve the disputed subdivision. First, similar to its decision regarding the applicant's mass grading activities, the city could have made a present determination that the proposed lot grading complies with CCP 4.6.7, provided there is substantial evidence in the record that supports that determination. Second, the city could have made a present determination that the applicant's lot grading plan complies with the provisions of 2006 LDC Chapter 4.5 that the applicant apparently has agreed to have apply to that lot grading in place of CCP 4.6.7. Third, the city could have deferred a determination as to whether the individual lot grading complies with CCP 4.6.7 (or 2006 LDC Chapter 4.5) to a future proceeding that allows for public participation.

There are at least two problems with the city's decision to demonstrate that individual lot grading will comply with CCP 4.6.7 by applying LDC Chapter 4.5 to that lot grading in the future, without providing the public process that would be required for a current determination concerning CCP 4.6.7 or LDC Chapter 4.5. First, there is nothing in either our *Rhyme* decision or *Boucot I* decision that recognizes an exception that would allow the city to decide not to apply the criteria that the city's land use laws require to be applied in a public process when granting conceptual or detailed plan approval and instead defer application of those criteria (or substitute criteria) to a future non-public process, simply because those criteria are "nondiscretionary" or "clear and objective." The Court of Appeals' recent decision in *Gould v. Deschutes County*, 216 Or App 150, 171 P3d 1017 (2007), does not seem to recognize such an exception and in fact explicitly states that the deferred decision making must be "infuse[d] with the same participatory rights" that would have been required if the decision making had not been deferred. Second, even if such an exception did exist, the city does not adequately explain why all of the applicable standards in LDC Chapter 4.5 are clear and objective and could be applied in the future without requiring any exercise of judgment, no matter what circumstances are encountered on the lots, and we do not see that they are. [FN4]

*5 The second assignment of error is sustained, in part.

THIRD ASSIGNMENT OF ERROR

In *Boucot I*, we remanded the city's decision in part because we agreed with petitioners that, absent the existence in the record of typical building elevation drawings for the proposed houses that appeared to be required by LDC 2.5.50.01(a)(3), there was not substantial evidence in the record to support the city's conclusion that the proposal complied with CCP Policy 4.6.7(G), CCP Policy 9.2.5 and CCP Policy 9.2.1. We held:

"On remand, the city must either require submission of the typical building elevations, or in their absence identify a sufficient evidentiary basis to conclude that the development complies with applicable criteria." *Boucot I* at slip op 8.

Although we sustained petitioners' challenges to the decision in *Boucot I* on an evidentiary basis, on remand, the city adopted findings explaining how the city believes the proposal complies with CCP Policy 4.6.7(G), CCP Policy 9.2.1 and 9.2.5 notwithstanding the absence of typical building elevation drawings. [FN5] Petitioners argue that the findings are not supported by substantial evidence in the absence of typical building elevation drawings and that the findings are inadequate. We address those findings in turn.

1. CCP Policy 4.6.7(G)

CCP Policy 4.6.7(G) requires in relevant part that development "demonstrate a concern" for views from and to the hillside. On remand, the city found in part that the proposal satisfies CCP Policy 4.6.7(G) because Condition 27 requires development on individually graded lots to comply with 2006 LDC Chapter 4.5. Record 55. For the reasons we explained in our resolution of the second assignment of error, deferring a present finding of compliance with CCP 4.6.7(G) to a future proceeding that does not allow public participation is inconsistent with our decision in *Boucot I* and *Rhyme*.

However, the city also found that because 90 percent of the significant trees on the property will be preserved, and

conditions 22 and 27 impose building height restrictions and limits on the types of buildings allowed, the proposal “demonstrates a concern” for views to and from the hillside and satisfies CCP Policy 4.6.7(G). Record 54. Petitioners do not challenge that finding. That finding appears to provide a sufficient explanation on its own for the city to conclude that CCP Policy 4.6.7(G) is satisfied. [FN6]

2. CCP Policies 9.2.1 and 9.2.5

a. General Findings

CCP Policy 9.2.1 requires that land use decisions “protect and maintain” the neighborhood characteristics that are defined in CCP Policy 9.2.5. CCP Policy 9.2.5 requires a demonstration that the development “reflects neighborhood characteristics appropriate to the site and area.” [FN7] On remand, the city explained that condition 22 limits buildings on lots on the west and north sides of the property to one story with a daylight basement and limits roof pitches and that such a limitation will be compatible with adjacent developments, which contain a variety of housing sizes and types. [FN8] The city also explained that Condition 27 limits houses on the site to single family detached houses and accessory buildings, matching the development on adjacent properties. [FN9] The city concluded:

*6 “[B]ecause the uses permitted on the subject site are limited to those of uses on adjacent sites, the proposed development will reflect the neighborhood characteristics appropriate to the site and area.” Record 62.

The city's findings on remand appear to rely on the illustrations and images provided by the applicants and pictures provided by the opponents of the proposal, and the similarity between existing houses in adjacent and close by developments, as well as the architectural features required by the LDC. The city's findings also relied on the conditions of approval limiting certain houses to a single story and limiting the development to single family detached homes as its reasons for determining that the development is consistent with the identified neighborhood characteristics. Although it is a close call, the required considerations under CCP Policies 9.2.1 and 9.2.5 are subjective and we agree with the city that the city's findings that the development will be compatible with the neighborhood are supported by substantial evidence in the record.

b. 2006 LDC Chapter 4.10 (Pedestrian Oriented Design Standards)

The city found that the proposal complies with CCP Policy 9.2.5. See n 7. However, the city also imposed Condition 27, which requires the development of individual lots to comply with 2006 LDC Chapter 4.10, which the parties refer to as Pedestrian Oriented Design Standards or PODS. PODS require dwellings to be oriented towards the street and contain other requirements that the city believes makes developments more pedestrian friendly. The city council found that certain provisions of CCP Policy 9.2.5 were satisfied by imposition of that condition, and went on to conclude that because PODS are “clear and objective standards,” no public participation will be required when the applicant seeks to demonstrate compliance with those provisions. Record 64-65.

Petitioners argue that the city's attempt to defer a finding of compliance with CCP 9.2.5 through the imposition of condition 27 requiring future compliance with the PODS standards is inconsistent with our decision in *Boucot I*. If the city had completely failed to consider whether the proposal complies with CCP Policy 9.2.5, and instead deferred that consideration to a requirement that the applicants comply with the PODS standards in a future proceeding that does not involve participatory rights for the public, we would agree. However, as explained above, the city made a current finding that CCP Policy 9.2.5 is satisfied, and imposed an *additional* obligation on the applicants to comply with otherwise non-applicable criteria (the PODS standards.) That is not inconsistent with our decision in *Boucot I* or with *Rhyne*.

3. CCP Policies 3.2.2 and 3.2.7

Petitioners also assert that there is not substantial evidence in the record that supports the city's findings that the application complies with CCP Policy 3.2.2 and 3.2.7. The city responds that petitioners are precluded from raising the issue of compliance with comprehensive plan policies that were not raised in *Boucot I*. Response Brief 21-22. We agree with the city that petitioners may not raise the issue of the applications' compliance with those plan policies for the first time in this appeal. *Beck v. City of Tillamook*, 313 Or 148, 831 P2d 678 (1992).

*7 The third assignment of error is denied.

FOURTH ASSIGNMENT OF ERROR

In *Boucot I*, we remanded the city's decision in part because we concluded that the city's findings were inadequate to explain how the development satisfied CCP Policy 4.11.12, and that the city improperly deferred compliance with that approval criterion to a future proceeding with no opportunity for public participation. [FN10]

On remand, the city adopted findings that first explained that CCP Policy 4.11.12 is met by a showing of compliance with the city's 2002 Storm Water Master Plan (SWMP), which is part of the CCP:

“City Council notes that CCP 4.11.12 is not a measurable development standard. Council notes that the City has adopted clear and objective stormwater quality and quantity standards in the City's 2002 Storm Water Master Plan (SWMP) that must be met for development to occur. Council notes that upon the adoption of the SWMP, that the SWMP became an amendment to the City's Comprehensive Plan, implementing the CCP along with CCP 4.11.12.” Record 76-77.

The city found that the applicant proposed to use a combination of detention ponds and new public storm drain pipes to detain and capture runoff. The city also imposed Condition 19, which requires the applicant to design storm water facilities consistent with Appendix F of the SWMP. The city then determined that the standards set forth in Appendix F are “clear and objective.” Record 79.

In the fourth assignment of error, petitioners first argue that Appendix F requires all water quality facilities and detention facilities to be designed in accordance with the King County, Washington Surface Water Design Manual (King County Manual), and that that manual requires that a drainage plan be submitted at the time of application. Thus, we understand petitioners to argue, a drainage plan is required to be submitted at the time the application is submitted, and because no drainage plan has been submitted, the proposal does not satisfy the relevant standards.

The city responds initially that petitioners did not raise this issue during the evidentiary proceedings on remand and are thus precluded under ORS 197.763(1) and ORS 197.835(3) from raising the issue in their appeal to LUBA. Petitioners responded to the city's waiver assertion during petitioners' rebuttal portion of oral argument, with a general response that did not include citations to places in the record where the issue was raised below. Given that lack of specificity, we treat the city's waiver argument as if there had been no response to it. [FN11] However, even if the issue was not waived, we also agree with the city's response that the SWMP's incorporation of *design standards* set forth in the King County Manual does not also incorporate *application requirements* that are part of that manual.

Petitioners also argue that a drainage plan is required by LDC 2.5.50.01.a.5. [FN12] We do not agree. That LDC provision requires submission of a utility plan. A utility plan is generally understood to identify the location of utilities such as power, gas, sewer and water on the property. It may also contain a plan for storm drainage. But that does not mean the code requires submission of a drainage plan.

*8 Finally, petitioners argue that the city's deferral of a present finding of compliance with CCP Policy 4.11.12 to a time in the future when a drainage plan is submitted is inconsistent with our decision in *Boucot I* and *Rhyme* because it is not clear that that future decision will allow for public participation. Although the city's findings regarding this criterion do not expressly state that because the SWMP contains “clear and objective” standards no public proceeding will be required, the city takes the position in its response brief that:

“Because the City's SWMP regulations are clear and objective, and because the city council approved the [applications] varying from certain standards, but subject to compliance with the City's SWMP regulations, the *Rhyme* concern noted by LUBA in *Boucot I* is obviated.” Response Brief 34.

If that is what the city intended in finding the SWMP standards to be “clear and objective,” then we agree with petitioners. As we explained in *Boucot I*:

“[T]he city appears to have completely deferred consideration of proposed drainage plans and facilities to a subsequent review process that does not provide for notice or opportunity for public input. As we explained above such a deferral is inadequate to justify a finding of compliance with an applicable criterion.” *Id.* at slip op 16.

We explained above in our resolution of the second assignment of error why the city's attempt to defer a determination regarding compliance with an applicable approval criterion to a non-public process is inconsistent with *Rhyne*. Because the city deferred a finding of compliance with CCP Policy 4.11.12 to a future proceeding involving a determination regarding compliance with the SWMP standards, and failed to ensure that that future proceeding will be a public proceeding, those findings are inadequate. *See Soares v. Corvallis*, 56 Or LUBA 551, 566 (2008) (city improperly deferred consideration of SWMP design standards to a later process that did not involve public participation). On remand, the city must clarify that a future proceeding to determine compliance with the SWMP standards will be subject to public participation.

Petitioners also argue that the proposed development violates certain SWMP provisions. However, we need not address the numerous challenges that petitioners raise at this stage regarding whether the application can satisfy all the requirements of the SWMP. Petitioners will have the opportunity during the future public proceeding to determine compliance with the SWMP to raise challenges under it.

The fourth assignment of error is sustained, in part.

FIFTH ASSIGNMENT OF ERROR

In their fifth assignment of error, petitioners argue that the city's findings regarding CCP Policy 4.2.2 and Policy 4.10.9 are inadequate. CCP Policy 4.2.2 requires that "natural features" and "areas determined to be significant" shall be preserved, mitigated or reclaimed. CCP Policy 4.10.9 provides that negative impacts on habitat and migration corridors for birds and wildlife, and on open space, shall be minimized.

*9 The city council concluded:

"[T]he proposal protects the majority of significant trees and nearly 42% of the site will be retained in tracts, protecting the habitat created, primarily, by the preserved oak groves. Council finds that protection of this habitat area is consistent with CCP 4.2.2 and 4.10.9. The City Council finds that protection of the significant trees and oak groves, amounting to 42% of the site, is sufficient mitigation for any loss to the other natural features on the site. The City Council finds that protection of significant trees and oak groves minimizes the negative impacts on habitat for birds, wildlife, aquatic life and on open space. Accordingly, the City Council concludes that the proposal as conditioned is consistent with CCP Policies 4.2.2 and 4.10.9." Record 93-94.

Although their arguments are difficult to follow, we understand petitioners to argue that the city erred in not recognizing other significant natural features on the site, including wildlife habitat, upland prairie, oak woodlands, natural hazard slopes, scenic views, archaeological resources, and open space, and in failing to determine whether CCP Policy 4.2.2 was met regarding these other features. Petition for Review 34.

As far as we can tell, the city council determined that significant natural features on the site are oak groves, upland prairie habitat, and wetlands, and that the open space values of the property were not a significant natural feature under CCP Policy 4.2.2. The city council concluded that the proposal to preserve tracts of the property containing the oak groves satisfies CCP 4.2.2 and CP 4.10.9, because it will preserve both a significant natural feature and also identified habitat located within the oak groves. Record 92. The council also concluded that the property is not a migration corridor for birds or other wildlife, and that the upland prairie habitat has been degraded, but that mitigation through protection of other natural features on the site will satisfy CCP 4.2.2 and 4.10.9. Petitioners do not explain why those findings are inadequate to demonstrate compliance with the CCP.

Regarding the protection of wetlands, the city council concluded that adverse impacts to the wetlands will not occur or will be minimized by the applicants' proposed storm detention ponds and use of a manhole-based water quality system in addition to compliance with the city's water quality and quantity standards. Record 88-89. We understand petitioners to argue that the city erred in making this finding without the required drainage plan that petitioners ar-

gued in their fourth assignment of error is required by the LDC, and further that a manhole based water treatment facility is not typically allowed under the SWMP's standards. We also understand petitioners to argue that the city erred in failing to assess the impacts of the development on western pond turtles, which petitioners assert may be present south of the property.

*10 We disagree with petitioners that the city erred in finding that wetlands located on the property would be preserved or impacts on them minimized through mitigation and water treatment methods. Even in the absence of a detailed drainage plan, the city could find that the use of detention ponds and compliance with city water quality treatment standards was sufficient to preserve or mitigate the impact on wetlands. In addition, the city concluded that the quantity of water entering pond turtle habitat will not be so significant as to impact turtle habitat, and that compliance with water quality standards will also minimize any negative impacts on pond turtle habitat. Record 104. Petitioners have not explained why these findings are insufficient to demonstrate compliance with CCP 4.2.2 and Policy 4.10.9.

The fifth assignment of error is denied.

The city's decision is remanded.

[FN1]. As we explained in *Boucot I*:

“[T]he challenged decision was deemed complete before the 2006 LDC went into effect. Thus the 2006 LDC is not directly applicable. The city explains that the 1998 CCP is applicable to the challenged decision, and that CCP anticipated that there would be a period of time between the effective date of the CCP and the effective date of the 2006 LDC where the CCP policies to be implemented by the 2006 LDC would be directly applicable.” *Boucot I* at slip op 10, n 4.

The city adopted amendments to the 1993 version of the Corvallis Land Development Code (LDC) in 2006. The challenged decision and the parties' arguments reference both the 1993 LDC and the 2006 LDC. In this opinion, we refer to the 1993 version of the LDC as “LDC” and the 2006 version of the LDC as “2006 LDC.”

[FN2]. CCP Policy 4.6.7 provides:

“In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:

“A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.

“B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.

“C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.

“D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.

“E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.

“F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.

“G. Demonstrate a concern for the view of the hills as well as the view from the hills.

“H. Provide landscaping that enhances the identified open space resources.

“I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.”

[FN3]. In *Rhyne*, we stated:

“Where the evidence presented during the first stage approval proceedings raises questions concerning whether a particular approval criterion is satisfied, a local government essentially has three options potentially available.

First, it may find that although the evidence is conflicting, the evidence nevertheless is sufficient to support a finding that the standard is satisfied or that feasible solutions to identified problems exist, and impose conditions if necessary. Second, if the local government determines there is insufficient evidence to determine the feasibility of compliance with the standard, it could on that basis deny the application. Third, if the local government determines that there is insufficient evidence to determine the feasibility of compliance with the standard, instead of finding the standard is not met, it may defer a determination concerning compliance with the standard to the second stage. In selecting this third option, the local government is not finding all applicable approval standards are complied with, or that it is feasible to do so, as part of the first stage approval (as it does under the first option described above). Therefore, the local government must assure that the second stage approval process to which the decision making is deferred provides the statutorily required notice and hearing, even though the local code may not require such notice and hearing for second stage decisions in other circumstances. *Holland v. Lane County*, 16 Or LUBA 583, 596-97 (1988).” *Rhyne v. Multnomah County*, 23 Or LUBA 442, 447-48 (1992) (footnotes omitted).

[FN4]. For example, maximum cut and fill height varies depending on whether there are one or two “Extenuating Conditions,” and whether the lot would “otherwise be unbuildable.” 2006 LDC 4.5.80.04(d)(1). While the LDC provides some guidance regarding extenuating conditions, even with that guidance, those are not clear and objective criteria.

[FN5]. On remand, the applicant did not submit typical building elevations, but provided images and illustrations that it claimed were examples of houses that could be built on the lots. Record 901-903.

[FN6]. The city also determined that Policy 4.6.7(G) is not an applicable approval criterion. Record 54. However, because the city made alternative findings that CCP Policy 4.6.7(G) is satisfied, we need not determine whether the city's finding that Policy 4.6.7(G) does not apply is correct.

[FN7]. CCP Policy 9.2.5 provides:

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

“A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

“B Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

“C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

“D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

“E. Neighborhoods have a mix of densities, lot sizes, and housing types.

“F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

“G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

"H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

"I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.

"J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

"K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

"L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

"M. Neighborhoods have street trees in planting strips in the public right-of-way."

[FN8]. Condition 22 provides:

"Concurrent with final plat approval, the applicant shall record the following deed restrictions: Dwelling unit size on lots 19-29 shall not exceed 1,200 square feet. Buildings on Lots 2-13 and 44 and 45 shall be limited to one story above grade, with the option to construct daylight basements. The roof pitch of all buildings on all lots shall not exceed a 6:12 (rise:run) ratio. Cuts within any building footprint may exceed eight feet." Record 29-30.

[FN9]. Condition 27 provides in relevant part:

"Lots shall only be developed with single-family, detached homes and accessory structures consistent with conditions of this approval and 2006 LDC Sections 3.2.30 (except subsections 3.2.30.m - q), 3.2.40, and LDC Sections 4.3.30 and 4.3.40 for accessory structures. Landscaping shall be in accordance with the provision of 1993 LDC Chapter 4.2 - Landscaping, Buffering, and Screening. Development on all lots shall comply with the 2006 LDC Chapter 4.10 - Pedestrian Oriented Design Standards and criteria in LDC Sections 4.10.10 through 4.10.50.

"Modifications to applicable LDC standards, or standards established through this approval may only occur through a planned development major modification process." Record 31.

[FN10]. CCP 4.11.12 provides:

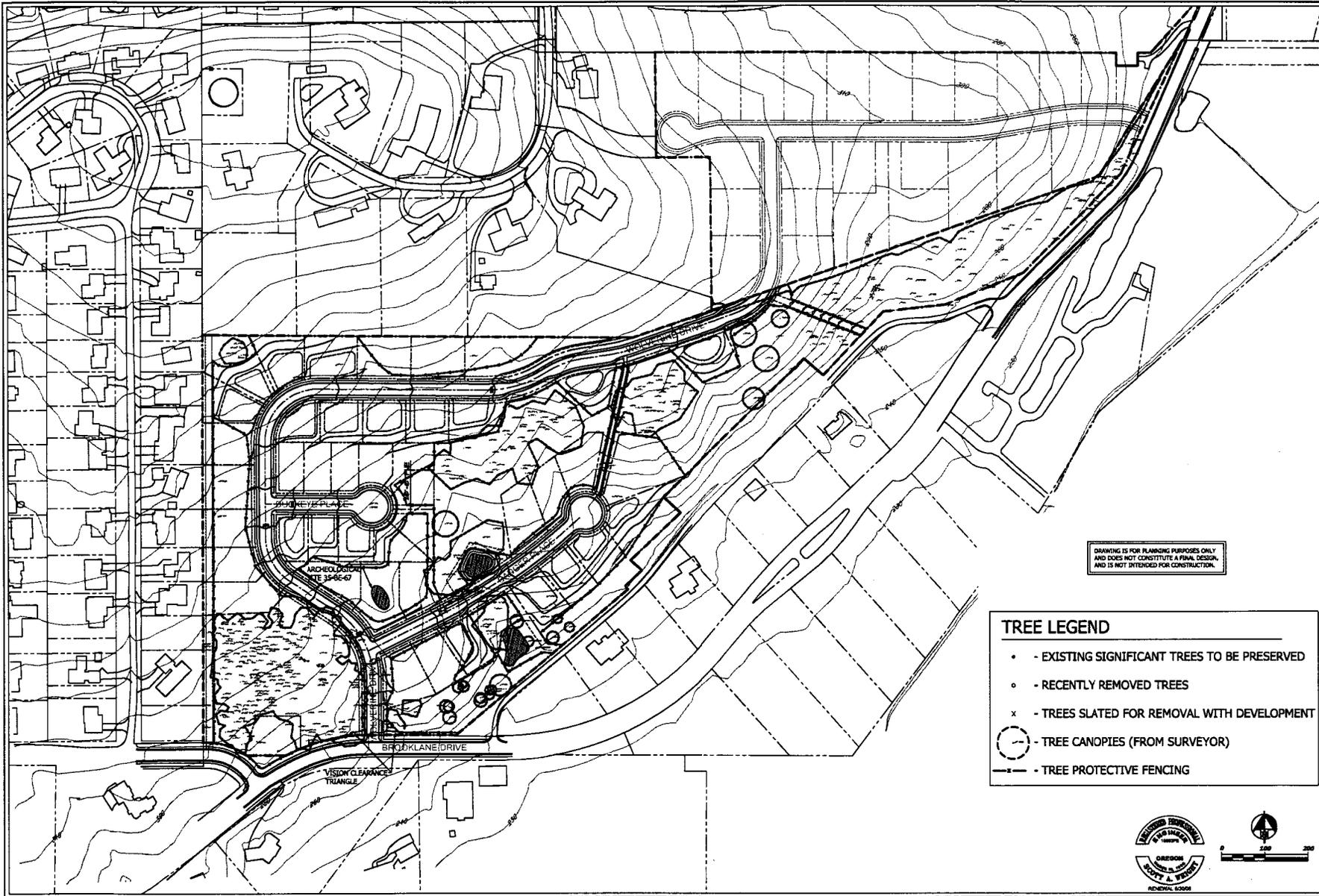
"Development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands."

[FN11]. It is generally inappropriate to wait until the rebuttal portion of oral argument to respond to a waiver argument that was raised in the response brief. *See Laurance v. Douglas County*, 45 Or LUBA 393, 398 (2003) (a petitioner at LUBA may not cite to evidence supporting petitioners' arguments for the first time during rebuttal at oral argument.)

[FN12]. LDC 2.5.50.01.a.5 requires a detailed development plan to contain in relevant part:

"[A] [d]etailed utilities plan indicating how sanitary sewer, storm sewer, drainage, and water systems will function[.]"

2009 WL 3734561 (Or Luba)
END OF DOCUMENT



DRAWING IS FOR PLANNING PURPOSES ONLY
AND DOES NOT CONSTITUTE A FINAL DESIGN,
AND IS NOT INTENDED FOR CONSTRUCTION.

TREE LEGEND

- - EXISTING SIGNIFICANT TREES TO BE PRESERVED
- - RECENTLY REMOVED TREES
- x - TREES SLATED FOR REMOVAL WITH DEVELOPMENT
- - TREE CANOPIES (FROM SURVEYOR)
- - TREE PROTECTIVE FENCING



METOLIUS CONSULTING	Designed: DD Drawn: TR Checked: DD Date: June 11, 1997
	BROOKLANE HEIGHTS REVISED GRADING & TREE PRESERVATION PLAN
WILLAMETTE VALLEY PLANNING CONSULTANTS, INC. CORVALLIS, OR 97330 541-753-1987	

Exhibit D.1



Exhibit D.2

Designed: DD
 Drawn: IS
 Checked: DD
 Date: Apr 11, 1991
 Revision:

METOLIUS
 CONSULTING

BROOKLANE HEIGHTS
CUT/FILL ANALYSIS

WILLAMETTE
 VALLEY PLANNING
 340 NW POLK AVENUE
 CORVALLIS, OR. 97330
 541-753-1987

**HUMAN SERVICES COMMITTEE
MINUTES
January 20, 2010**

Present

Michael Beilstein, Chair
Dan Brown
Jeanne Raymond

Staff

Jon Nelson, City Manager
Gary Boldizar, Police Chief
Jonathan Sassaman, Investigations and
Support Services Division Manager/
9-1-1 Director
Pamela Hicks, 9-1-1 Supervisor
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. City of Adair Village Request for 9-1-1 Dispatch Services			Include Adair Village as a 9-1-1 User Board member to receive full dispatch services from the Corvallis Regional Communications Center when staffing levels are adequate and necessary trunked radio improvements have been made to the radio system so current services will not be decreased to existing customers
II. Other Business			

CONTENT OF DISCUSSION

Councilor Beilstein called the meeting to order at 12:00 pm.

I. City of Adair Village Request for 9-1-1 Dispatch Services (Attachment)

City Manager Nelson noted that this issue will be presented to representatives of the 9-1-1 Users Board (Board) member agencies.

Police Captain Sassaman commented that the Board received its first request in at least 22 years from an agency requesting membership on the Board and receipt of full dispatch services.

During 2008, the Association of Public-Safety Communications Officials (APCO) International reviewed the Corvallis Regional Communications Center (CRCC) and developed a strategic plan. The review considered operations, administration, staffing, and service delivery. The review identified a staffing shortage (which has been addressed

during the past year), the need for additional supervisory positions, and the need for an improved radio system.

For approximately 18 months, AV representatives have attended Board meetings; they are aware of the APCO review and recommendations. Informally, the Board advised AV during 2008 that the CRCC could not provide dispatch services to an additional agency. During October 2009, AV officially requested dispatch services. The request involves a formal process, including review by City and Benton County counsels. The Board serves as an advisory body to the ten member governing entities, discusses the request, and forwards a recommendation to the governing entities. The ten Board member governing entities are the Cities of Corvallis and Philomath, Benton County, and seven rural fire protection districts, which are governed by boards of directors. A membership change requires unanimous approval of the ten Board member governing entities. This procedure was developed during 1983.

The CRCC is funded by a cost-share formula based upon calls for service (computer-aided dispatch [CAD]). The overall amount needed to fund the CRCC is apportioned to the Board member governing agencies, based upon the proportion of CADs related to each agency. The Corvallis Police Department has the greatest activity and the greatest share of the financial cost for the CRCC, followed by Benton County Sheriff's Office (BCSO), Corvallis Fire Department, and Philomath Police Department.

Staff has data for four months of police activity for AV, since creation of its Police Department. This data was extrapolated to 12 months and estimated at 768 CADs to the CRCC. This level of activity, calculated with activity levels of current Board members, would equate to an \$18,579 cost share for AV. Currently, BCSO is dispatched for all law enforcement services in AV. AV Police Department does not have dispatch services. In life-threatening situations, Benton County Sheriff Simpson will extend radio frequency access to AV Police Officers to allow them to communicate with other emergency personnel with no charge to AV. The CRCC is unable to extend dispatch services to AV, but the frequency is extended by BCSO to ensure Officers' safety.

During 2008, BCSO responded to 198 calls for service in AV. Considering the calls for service during the four months AV Police Department has been operating and extrapolating that data to 12 months, staff estimated 613 CADs for AV, for an activity increase of 323 percent. BCSO may still respond to calls in AV, but a substantial amount of work is involved in adding dispatch service for another agency. The activity levels are based upon AV having one full-time Police Chief and one part-time Police Officer. AV intends to have two full-time Police Officers and three reserve Police Officers, who would each volunteer at least 32 hours per month. Five AV Police Officers could dramatically increase dispatch activity. AV Police Officers talk with each other, with supplemental radio frequency access as approved by Sheriff Simpson. AV representatives' request for services from the Willamette Valley Communications Center (Marion and Polk Counties) was denied because that Center is dealing with essentially the same situation as the CRCC – radio frequency saturation and the inability to accommodate service to a new agency. Western Oregon State University was considered as a resource, but it does not

provide emergency dispatch services. AV representatives have not investigated seeking services from Oregon State Police (including the dispatch unit at Oregon State University), City of Albany, and Linn County.

Captain Sassaman explained the current dispatch equipment situation and plans for improving the system. Law enforcement in Benton County operates from a single frequency, so keying a microphone activates the same frequency, resulting in only one person being able to use the frequency at a time. This seriously restricts communication, especially in situations of multiple simultaneous crises. There is congestion and "competition" for air time on the single frequency. With CRCC's current equipment, radio signals go to a single tower, which transmits the signal as far as possible. Towers in the system are independent and do not communicate at the same time. Adding an agency at the edge of the county exacerbates the problems of communication and frequency saturation. Staff is working to resolve the problems.

AV asked whether adding staff to the CRCC would enable the Center to provide dispatch services to AV. APCO reviewed the CRCC in terms of maximum system capacities. Providing dispatch services for AV would be an additional activity for the CRCC staff, in addition to dealing with radio frequency and saturation issues.

The Board listened to AV's request and asked many questions. AV intends to have five Police Officers trained and available for work by March 2010. The Board presented for each member governing entity's approval a recommendation to include AV as a Board member to receive full dispatch services from the CRCC when staffing levels are adequate and necessary trunked radio improvements have been made to the radio system so current services will not be decreased to existing customers. Adding a new agency to the current dispatch system will result in a decrease in service to existing dispatch customers.

Captain Sassaman reviewed the three recommendation options the Committee can make to the Council:

1. Concur with the Board's recommendation;
2. Reject the Board's recommendation and accept AV as a Board member effective immediately; or
3. Reject the Board's recommendation and reject providing dispatch services to AV.

Staff recommended that the Committee and Council concur with the Board's recommendation. Staff wants to be able to provide dispatch services to AV but only when doing so would not decrease services to existing customers and infrastructure is available to accommodate AV as a Board member. Staff wants to provide a safe system for all customers.

Deputy City Attorney Brewer prepared a ballot for the City's representative to complete and return to Captain Sassaman, indicating the Council's decision. Captain Sassaman reported that City of Philomath and Philomath Rural Fire Protection District received the staff report, met with their respective Board representatives, and recommended concurring with the Board's recommendation.

Councilor Raymond surmised that adding staff to the CRCC would not resolve the problems involving radio frequency and necessary trunked radio improvements.

Captain Sassaman confirmed, explaining that, in a trunked radio system, all repeaters within the county would activate at once when a microphone is keyed, providing coverage exponentially. Currently, only one repeater activates upon microphone keying; and radios must be tuned to appropriate repeaters, which transmit signals as far as possible. A trunked system would have eight repeaters, allowing three or four people to communicate simultaneously, decreasing the current safety-related issues and allowing more open air time. However, CRCC staff must be available to monitor the radio activity. The CRCC is currently staffed by two or three dispatchers at one time to handle all fire, emergency medical, and law enforcement services county-wide. The CRCC handles 450 to 500 calls in a 24-hour period. Staff believes that the future goal of four dispatchers on consoles 24 hours per day and a trunked radio system would resolve these problems, allowing the CRCC to provide all services to all customers.

Captain Sassaman further explained that a trunked radio system would cost \$8 to \$10 million. Technology would be added to the current radio infrastructure, allowing enhanced communication. Improvements to the CRCC would also be needed. A new radio tower would not be needed. A trunked system can be implemented in phases, allowing addition of radio frequencies, improved communications, and accommodation of AV dispatch services sooner than waiting for implementation of an entire trunked system.

Captain Sassaman said APCO's review indicated that the CRCC is barely meeting needs and must make specific improvements, including increasing staffing and enhancing the radio system, to meet existing service demands.

In response to Councilor Raymond's inquiry, Captain Sassaman explained that providing dispatching service to AV is unrelated to the estimated cost share that would be allocated to AV. The problem involves the number of staff members available to answer calls for assistance and listen to radio traffic. During evening hours, the CRCC is staffed by two dispatchers who juggle calls and communications for fire, emergency medical services, and law enforcement throughout Benton County. The dispatchers are not assigned to dispatch services for any particular agency. Extensive discussions have been held regarding current and potential cost sharing scenarios. The Board told AV that a service contract could be developed for dispatch services, with the CRCC staffed with trained dispatchers handling AV dispatching services during the hours AV's Police Department operates; this would be a much higher cost to AV than the cost share cited earlier. AV was not interested in a service contract and wanted to be included in the cost-share formula, by which AV would gain the benefit of a larger agency (Corvallis Police Department) paying the majority of the CRCC operational costs. AV is aware of the cost estimate for dispatch services. Captain Sassaman had meetings with AV's Mayor, City Manager, and Police Chief regarding the APCO review, the strategic plan, and dispatch service costs.

Councilor Brown inquired whether the planned technological changes would be bandages for the current technology and whether it would be better to "start from scratch."

Captain Sassaman responded that trunked radio systems are resilient and have been used for 30 years. However, it is expensive to develop a trunked system. He opined that the radio system has been "bandaged" over the past 20 to 30 years to keep it operational. The CRCC operates a conventional radio system, using one tower at a time. Radio towers have been added to improve coverage; however, radios must be tuned to appropriate towers to enable communication. Additionally, radio communications cannot be heard in some portions of Benton County because of poor radio transmissions. Radio trunking is good technology. During 2008 and 2009, the City received a grant and contracted with Motorola for an engineering study, which recommended a hybrid 700-megahertz VHF trunked system.

Police Chief Boldizar emphasized that trunked radio systems are not obsolete technology.

Captain Sassaman confirmed Councilor Brown's speculation that it would be better to transfer everyone to a radio system that would enable them to communicate with everyone else. Today's radios are computers. Radio trunking is the current and future communication mode. Advancements involve the frequencies being used and how the frequency spectrums are assigned. The type of frequency used is an advancement. VHF is a commonly used radio frequency. Trunking allows communication across larger areas.

Councilor Beilstein noted that AV did not have a representative at today's meeting, which made him less sympathetic to AV's request.

Captain Sassaman said AV's Police Chief was notified of today's meeting.

In response to Councilor Beilstein's inquiry, Captain Sassaman explained that AV residents receive emergency services through the CRCC, which dispatches BCSO and Corvallis fire and emergency medical services. AV developed a Police Department, knowing the existing CRCC dispatching challenges and communications issues.

Councilor Beilstein said he was inclined to recommend concurring with the Board, but he wanted to first discuss several issues to better understand how the CRCC operates. He asked how Police activity generates CRCC activity.

Captain Sassaman explained that Police Officers can talk with each other, but CRCC dispatchers hear and record the conversations for the sake of the Officers' safety. Every traffic stop generates a call to the CRCC as a CAD event.

Councilor Beilstein observed that the City budgeted funds to increase CRCC staffing but has not achieved the desired staffing level. He inquired about the hiring and training process.

Captain Sassaman explained that hiring and training dispatchers and Police Officers is very similar; dispatchers receive slightly less training at the police academy. Hiring and training can take nine months to one year. The four new dispatcher positions were advertised last year, and 120 people applied; of those applicants, there may be only two

qualified candidates. In response to further inquiry, he stated that the CRCC is authorized for 18 dispatchers; however, this is not necessarily the optimal staffing level. Mr. Nelson added that the APCO review recommended that supervisory positions be enhanced.

Councilor Beilstein noted that increasing the CRCC staff would increase the cost of dispatching services. He inquired whether Board member agencies have input into the CRCC operating costs.

Captain Sassaman responded that the staffing increase was discussed with Board member agencies before the budget request was submitted. Board member agencies understood that approved staffing increases could increase their service rates. Mr. Nelson added that Philomath Police Chief Elwer, who serves as Board Chair, and Sheriff Simpson attended the City's Budget Commission meeting and supported the requested staffing increase. Chief Boldizar commented that the Board member representatives received an estimate of their respective share of the cost of adding four dispatchers.

In response to Councilor Beilstein's further inquiry, Captain Sassaman said the CRCC has a strategic plan. Efforts are proceeding to increase staffing. Staff is seeking grants to fund a multi-million-dollar radio system enhancement. The CRCC works as a consortium with Benton and Linn Counties, applying for grants through the BCSO. The CRCC recently signed an agreement with Motorola to invest \$1.6 million to pursue the trunked radio solution. It is difficult to say when the trunked system will be implemented because it is not known when grant funds will be received or the amounts of those allocations.

In response to Councilor Brown's inquiry, Captain Sassaman explained that the \$18,579 cost share for AV was based upon the cost-share formula, which does not relate to full direct costs. The cost-share formula is based upon call activity.

Councilor Brown clarified his question, asking whether the City would be subsidizing AV through the cost-share formula.

Chief Boldizar explained that the cost-share formula is based upon the total calls for service. The budget for the CRCC is established. The CRCC usually receives State telephone tax revenue of approximately \$500,000 annually, which is deducted from the Center's costs, leaving the balance to be paid by the Board member agencies. The balance is divided by the number of service calls, resulting in a cost-per-service-call charge (approximately \$18). Each Board member agency would pay \$18 times the number of service calls attributable to the agency. Captain Sassaman added that the Board member agencies, collectively, pay \$1 to \$1.4 million annually to fund the CRCC.

Councilor Beilstein opined that it would be ideal if the CRCC was fully funded at the level that would provide the best service without using property tax revenue. He noted that the State telecommunications tax revenue is insufficient to fully fund the Center. He inquired about the ability to enact a local telecommunications act specifically for funding the Center.

Mr. Nelson responded that the Council approved a proposed five-percent telecommunications tax. Voters defeated the proposed tax. Information on the proposed tax covered the growing number of cell-phone users using 9-1-1 and that only land lines pay franchise fees.

Councilor Beilstein further opined that it was a disservice to the community to not have a telecommunications tax, and he said he was interested in exploring the option but did not want to spend Council or staff time doing so. A local telecommunications tax could make it more feasible to add AV to the Board, assuming that AV residents and businesses would be subject to the tax.

Councilor Raymond observed that there did not seem to be an alternative to Corvallis residents essentially paying for service calls to AV. AV indicated that it did not want to pay for a dedicated dispatcher. She surmised that the Council would accept the Board's recommendation, but none of the Board member agencies are contributing their share to the Center's costs.

Captain Sassaman confirmed. He explained that changing the current funding formula would be almost a complete change to how the Center is funded. He believes changing the funding formula with the existing Board member agencies is almost impossible. A different, creative funding formula might be successful.

Mr. Nelson noted that BCSO currently pays for service calls for AV.

Based upon a motion moved and seconded by Councilors Brown and Raymond, respectively, the Committee unanimously recommends that Council include Adair Village as a 9-1-1 User Board member to receive full dispatch services from the Corvallis Regional Communications Center when staffing levels are adequate and necessary trunked radio improvements have been made to the radio system so current services will not be decreased to existing customers.

II. Other Business

- A. The next regular Human Services Committee meeting is scheduled for February 2, 2010, at 12:00 pm, in the Madison Avenue Meeting Room.

Councilor Beilstein adjourned the meeting at 12:58 pm.

Respectfully submitted,

Michael Beilstein, Chair

**CORVALLIS POLICE DEPARTMENT
MEMORANDUM**

December 22, 2009

MAYOR/City Council Hwa HSC (JMA)
TO: 911 User Board/Governments

Jonathan M. Sassaman
FROM: Jonathan M. Sassaman, ISSD Captain – 911 Director

SUBJECT: 911 Dispatch Services and City of Adair Village Police Department

ISSUE:

The City of Adair Village Police Department officially requested to be included as a member of the 911 User Board and to receive full dispatch services. On December 17, 2009 the 911 User Board met to consider this request and made its recommendation. Council action is required.

BACKGROUND:

The Corvallis Regional Communications Center (CRCC) operates under the guidance of the CRCC User Board established through the 911 Implementation Plan pursuant to the Emergency Communications Act of 1981, ORS 401.710 to 401.790, and the Intergovernmental Agreement of 1983 under the provisions of ORS190. Current members of the 911 User Board include all law enforcement, fire and emergency medical organizations county-wide.

The City of Corvallis' City Council Human Services Committee, the Benton County Board of Commissioners and the City of Philomath City Council were presented with a staff report following the APCO International (Association of Public Safety Communication Officials) review of the CRCC's operations and services.

The report highlights the CRCC staffing shortage, need for additional supervisory positions, and the need for an improved radio communication system. Each are being addressed through the existing strategic plan, however are not yet accomplished and require time and substantial funding to implement.

DISCUSSION:

City of Adair Village Police Department

During 2008, the City of Adair Village has been present at the quarterly 911 User Board Meetings. Discussions at the meetings have included the APCO report, financial impacts, staffing and supervision issues, and radio technology improvement needs.

The City of Adair Village has received details regarding the operational and service capacity issues at the CRCC and were advised the CRCC is unable to take on an additional emergency services agency at this time.

The City of Adair Village began providing law enforcement services through their own police department in July of 2009, without dispatch services from the CRCC.

The City of Adair Village submitted an official request for membership in October 2009. The 911 User Board held a special meeting on December 17, 2009 to consider the formal request from the City of Adair Village. The minutes of the meeting are attached to this report as Attachment A

Membership Process

The Corvallis City Attorney and Benton County legal council collaborated to provide direction on the membership process. City Attorney Jim Brewer drafted a memorandum detailing the procedure, Attachment B. In short, the local 911 User Board receives a formal request for membership. The 911 User Board deliberates, a motion is created and a vote taken. This recommendation vote, must be forwarded to each of the ten governments who must unanimously agree, in writing, for the admission of a new member. Following the formal process, the 911 Director is responsible for filing an updated "Enhanced 911 Service Plan" and "911 Recovery Plan" with the State of Oregon's Office of Emergency Management, if a change in membership occurs. This formal process has been shared with the City of Adair Village.

On December 17, 2009, the 911 User Board, after hearing from the City of Adair Village, deliberated and unanimously agreed to recommend the City of Adair Village be granted membership upon staffing level improvements and radio technology improvements whereby services to existing User Board members would not be diminished.

Financial Impact if Adair Village Police Department is Granted Membership

The cost share formula for the 911 User Board members is calculated each year based on the number of computer-aided dispatches (CADS) or calls-for-service (any activity requiring the CRCC to track and/or provide service). Once the number of CADS is established, a percentage of usage is applied to the respective emergency service discipline, which establishes their annual costs.

The City of Adair Village tracked activity levels which would generate a CAD for a four month period. By extrapolating the four months too twelve months, it's estimated the activity level would account for 768 CADS, or an annual cost share fee of \$18,579 dollars.

Activity Impact Analysis

In 2008, prior to the City of Adair Village activating their police agency, the Benton County Sheriff's Office responded to 198 calls for service, self-initiated activities, follow-ups, and activities occurring within the City of Adair Village. This number does not include traffic stops the Benton County Sheriff's Office may have made in the City of Adair Village. The Benton County Sheriff's Office does not have a contract for service with Adair Village and therefore did not assign a deputy to patrol the streets of Adair Village.

The City of Adair Village reports for a four month period 213 calls for service, self-initiated activities, or other activities occurring within Adair Village. Estimated over a 12 month period, this represent 613 events or a 323% increase in activity over what the Benton County Sheriff's Office provided to Adair Village in 2008. Additionally, in the same four month period Adair Village conducted 43 traffic stops. These activity levels came from one full-time and one part-time employee. The traffic stops were generated by one full-time employee.

The City of Adair Village reports they expect to employ two full-time sworn police officers and three Reserve Police officers. Reserve Officers are required to work 32 hours per month. When staffed with 5 employees providing law enforcement services, activity levels will increase above current reported levels from Adair Village.

Current Operations for the City of Adair Village and Alternatives

Currently, Adair Village communicates between themselves. They are not being serviced full time by a 911 Center. The Benton County Sheriff has authored an agreement with Adair Village to share the primary law enforcement frequency for "... the purpose of coordinating emergency information which involves crisis officer safety information with the Benton County Sheriff's Office and the Corvallis Regional communication Center, but does not authorize the use of the frequency as a primary or general operating frequency." The establishment of this agreement was to ensure in those most critical of life threatening events, communications was available.

The City of Adair Village sought dispatch services from the Willamette Valley Communications Center. This request was denied as the Sheriff in Polk County would not authorize use of their frequency due to frequency congestion. Western Oregon State University was an option explored by Adair Village however they do not provide emergency service dispatching. Adair Village has not sought to obtain dispatch services from other resources, such as, the Oregon State Police, Linn County, Albany Police or Oregon State Police at Oregon State University, or to establish themselves a secondary public answering point at Adair Village.

Radio Technology Issues

Law Enforcement currently operates on a conventional radio system. Simply put, all the law enforcement agencies share a single radio frequency on five separate radio repeaters throughout Benton County. When two or more officers/deputies talk at the same time, neither communications is heard, by the officer/deputies or the dispatch center. A repeater in south Benton County will not reach north Benton County and vice-versa, causing operational challenges for law enforcement personnel. This limitation of the current radio infrastructure highlights the need for an improved system. The 911 User Board has been working in collaboration with Linn County on a Radio Engineering Study via Motorola, whom presented a VHF/700 Mhz hybrid trunked radio solution at a cost estimated between 8 and 10 million dollars. Both Benton and Linn County emergency service users are actively engaged in seeking grants to fund the transition. A trunked radio system eliminates the competition for a single frequency, talking over each other and not hearing each other from one end of the County to another. The 911 User Board understands the current operational dilemma, the frequency saturation which currently exists and is acutely aware of safety factors related to the existing radio system

Question

The City of Adair Village stated and questioned, that current agencies are adding staff, so if the CRCC doesn't have staffing to take on Adair Village, then how does the CRCC have staff to take on more staff from current agencies.

When APCO International conducted the review of the CRCC, the team members understood their review to consider current realized staffing levels and authorized staffing levels. The APCO recommendations considered user agencies maximum staffing impacts on the CRCC and the radio frequency. Therefore, to consider the City of Adair Village's impact on the CRCC, it must be viewed as an additional entity/agency (not a few officers) and all related services above and beyond those agencies currently being served. Additionally, the CRCC has denied services to existing users and denied external requests, all predicated on capacity within the CRCC and frequency congestion.

RECOMMENDATION:

The 911 User Board understands the need to have four dispatchers at console 24 hours a day and 7 days a week in order to meet current service demands, and that an improved trunked radio system is necessary to solve the current frequency saturation problem. As such, any service addition to the CRCC and to the current law enforcement frequency will diminish current service levels provided to existing 911 User Board members.

The 911 User Board made the following recommendation for the ten governments to vote on.

Adair Village will be included as a 911 User Board member and receive full dispatch services from the CRCC when staffing levels are adequate and necessary trunked radio improvements have been made to the radio system, so current services will not be decreased to existing customers.

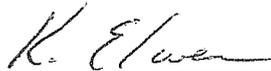
911 User Board Government's options include the following:

1. Accept the recommendation of the 911 User Board as stated, recognizing there will be considerable time before the CRCC is postured to provide dispatch services.
2. Reject the 911 User Board recommendation and accept Adair Village as members of the 911 User Board effective immediately and provide dispatch services.
3. Reject the 911 User Board recommendation and reject providing dispatch services to Adair Village indefinitely.

The 911 User Board and staff recommend option number one.

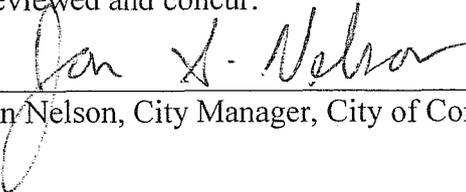
Attachment A: December 17, 2009, 911 User Board meeting minutes
Attachment B: Corvallis City Attorney membership process memorandum, dated July 8, 2009.

Reviewed and concur:



Ken Elwer, 911 User Board Chair
Chief of Police, City of Philomath

Reviewed and concur:



Jon Nelson, City Manager, City of Corvallis

**9-1-1 USER GROUP MEETING
MINUTES
THURSDAY, DECEMBER 17, 2009
SPECIAL MEETING**

Members Present

Ken Elwer, PPD
 Chuck Lane, Blodgett Fire
 Gary Boldizar, CPD
 Randy Harrison, CFD
 Greg Ridler, BCSO

Staff

Jon Sassaman
 Terry Buhr
 Pam Hicks
 Eric Baxter

Absent

George Foster, Alsea Fire
 Diana Simpson, BCSO
 Ray Systma, PPD
 Dave Evans, KVF
 Roy Emery, CFD
 Mary King, BCEM
 Rick Smith, Monroe Fire
 Ed Young, Blodgett Fire
 Tom Phelps, PFD
 Chuck Carver, CFD

Visitors

Drew Foster, Adair City Administrator
 Justin Jones, Adair Police Chief

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
City of Adair's formal request to be a member of the 911 User Group Board		X	Motion and unanimous vote

CONTENT OF DISCUSSION

Chief Elwer called the meeting to order at 2:33 PM.

The next regular meeting will be **Thursday, January 21, 2010 at 2:30.**

Agenda item: City of Adair's request to become a member of the 911 User Group Board

Captain Sassaman reminded the board members of the reason for the special meeting. At the last quarterly meeting the Board received a formal request from the City of Adair to become a member of

the 911 User Group Board and receive dispatch services.

Captain Sassaman worked together with Chief Jones to come up with an estimated cost for the City of Adair. Since Adair did not have a full 12 months of history, Chief Jones provided 4 months and folded that number into the cost share. Based on that, the estimate for a 12 month period would be approximately 768 calls that generated calls, which would amount to \$18,579 per year.

Captain Sassaman also had a request from Adair to prepare an amendment for inclusion. Following advice from the City Attorney's Office, this was not done at this time. If there is a unanimous vote from the Board an amendment will be done.

Captain Sassaman explained that today will be a motion and vote, he will then complete a staff report for each member to take to their governing bodies with the recommendation.

Chief Jones stated that bringing Adair into the 911 User Group Board would be best for Adair and Benton County for officer safety issues. Shared work can also be minimized because Benton County will not respond to calls when it's not necessary. He also said that current agencies are adding staff, so if we don't have staffing to take on Adair, then how do we have staffing to take on more in our own agencies.

Chief Jones answered several questions for the Board. The Adair Police Department now has the Chief, one full time officer, and three reserves. They will have no more than two officers on at one time. They will work 10 hour shifts, days and swing from 0630 - 0300 hours 5 or 6 days a week.

Their policing philosophy is based on safety. Their primary focus for traffic is safety, presence, complaints, or high speed or reckless driving. For criminal issues, they will be mostly complaint based, or safety issues.

Their expectation is that dispatch will be there for an emergency or safety issue, but that now they run their own vehicles, warrant checks, etc.

Captain Sassaman reiterated that the Board recognizes the benefit to Adair of having dispatch services from our dispatch center and that it is the Board's desire to find a way to do that. However, the results of the APCO report remain the same, our staffing level is not adequate and our air frequency is saturated. We have denied services to other paying and external customers.

Lt. Ridler agreed that at times it is difficult to get air time and the officers and deputies talk over each other which is very frustrating to them.

Chief Boldizar stated that we are gradually getting back to our full staffing levels but it takes time. We are already a customer and when we get up to full staffing, it will get worse before it gets better.

Captain Sassaman stated that last year we got authorization for 4 new dispatch positions and we were already down 2 so we needed to hire 6. We have brought on 2 dispatchers who are in training and we have opened up the recruitment to hopefully bring on 4 more. This would get us going in the right direction.

Chief Phelps would like to have more information on the number of calls for service Adair will generate

and the average of responses compared to other agencies. He would like to have a complete picture to take to his governing body.

Chuck Lane suggested we develop an impact analysis. He also stressed that the issue is saturation, not financial.

Chief Phelps suggested the option of possibly contracting with Adair for services for a trial period to be able to see the impact before bringing them on.

Chief Elwer reminded the Board that the purpose for the meeting today is to vote and take the recommendations back to our agencies.

Lt. Ridler, Benton County Sheriff's Office, then made a motion, that Adair Village will be included as a 911 User Board member and receive full dispatch service from the CRCC when staffing levels are adequate and necessary trunked radio improvements have been made to the radio system, so current services will not be decreased to existing customers.

Captain Sassaman added that this would be at the earliest time possible that would accommodate the staffing and technology. Once we have 4 dispatchers on at all times, CPD can be on it's own frequency which would free up the frequency the agencies now share. The technology portion does not necessarily have to be at the completion of the trunking project, but at some phase into the project.

Lt. Ridler reminded the Board of the motion. Randy Harrison, Corvallis Fire Department, seconded the motion. The motion was passed unanimously.

Captain Sassaman will prepare a report for all entities to take to their respective Boards. He will have this complete by the end of December so they can schedule with their Boards in January.

MEMORANDUM

To: Captain Jon Sassaman
From: Jim Brewer, Deputy City Attorney
Date: July 8, 2009
Subject: Process to Modify 911 Plan to Include New Member

Question:

What process is required to modify the existing 911 plan to include the City of Adair Police Department as a new member?

Brief Answer:

The City of Adair would need to ask the 911 Board to revise the plan (and the pro-rata cost sharing provisions) to include the City of Adair police department. The 911 Board would discuss, deliberate and come to a decision. The governing bodies of all current members would need to provide written approval of any revision.

Discussion:

Oregon statutes do not specifically require a local 911 communications center to accept a request by a public safety agency to join the local 911 communications center. But ORS 401.720(2) requires every public and private safety agency in this state to participate in a 911 emergency reporting system. Until recently, the Benton County Sheriff's Office has provided the public safety emergency service for the City of Adair. Now that the City of Adair has its own public safety agency (in this case, a police department), that police department is required to participate in some 911 emergency reporting system. The State's Office of Emergency Management is charged with setting rules, and with assisting local governments in their 911 emergency plans. ORS 401.755 (5) does not allow the Office of Emergency Management to approve a revised plan unless the plan is accompanied by written approval of the governing bodies of all agencies affected by the plan. In the case of the local 911 Board, that means that the Board would deliberate and vote, and then the governing body of each current member would need to agree to a plan or plan revision. Revisions include any change in the agencies served by the 911 jurisdiction (ORS 401.755(1)(d)). Since City of Adair did not have its own police department, served by the 911 jurisdiction, including that police department now would require a revision of the plan, under the statute. Accordingly, the governing body of each of the current members must agree, in writing, to the admission of the City of Adair. It follows that the pro-rata cost sharing provisions (Exhibit B: "Funding and Cost Sharing" and the associated "Division of Costs Between Agencies") would need to be revised in the same manner.

The written agreements in place (the Bylaws and User Agreement) do not specifically discuss how to expand (or reduce) the membership. Article 15 of the Bylaws has a brief discussion of amendments in general. Article 15 does not specifically say that the amendments must be approved by the Office of Emergency Management, or that they require written approval of the governing bodies, but the statutory scheme would seem to require this. Paragraph 4C of the User Agreement generally allows written modifications of the agreement.

Conclusion:

In terms of process for a new public safety agency to join the existing 911 Board, the new agency could either send a letter to the 911 Board or appear at a scheduled meeting of the 911 Board to request that the local plan be revised to include the new agency. While the 911 Board could discuss, deliberate and come to a decision, the Office of Emergency Management could not approve the amended plan until each governing body provided written approval.

911 User Board Governments

All of the governing bodies of the parties to the Intergovernmental Agreement that created and governs the 911 User Board are required to give their written permission to add or delete parties to the Intergovernmental Agreement, or to make any change to the Intergovernmental Agreement.

This memorandum is intended to officially document the decision of the various governing bodies considering the formal request by the City of Adair Village Police Department to become members of the 911 User Board and to receive full 911 dispatch services.

The 911 User Board made the following recommendation:

Adair Village will be included as a 911 User Board member and receive full dispatch services from the CRCC when staffing levels are adequate and necessary trunked radio improvements have been made to the radio system, so current services will not be decreased to existing customers.

911 User Board Government's options include the following:

- A motion to accept the recommendation of the 911 User Board as stated, recognizing there will be considerable time before the CRCC is postured to provide dispatch services.
- A motion to reject the 911 User Board recommendation and accept Adair Village as members of the 911 User Board effective immediately and provide dispatch services.
- A motion to reject the 911 User Board recommendation and reject providing dispatch services to Adair Village indefinitely.

This memorandum documents that on ____/____/2010 the governing body of _____ (Member Entity), considered the City of Adair Village's request to join the 911 User Board. A motion was duly made before the governing body to _____.

The motion carried by a vote of _____ to _____.

To be signed by authorized agent of _____:
Member entity's governing body

Signature of authorized agent

Date

Authorized agent title

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
January 20, 2010**

Present

Hal Brauner, Chair
Councilor Mark O'Brien
Councilor Joel Hirsch (3:35 pm)

Staff

Jon Nelson, City Manager
Steve Rogers, Public Works Director
Mary Steckel, Public Works Admin Divn' Manager
Carla Holzworth, City Manager's Office

Visitors

Bob Wilson, Corvallis resident
Jack Davis, Corvallis resident

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Transportation Maintenance Fee Review			Adopt a Transportation Maintenance Fee with a five year review and no sunset provision; retain the current \$1.36 as the 2011 monthly base fee and use the Engineering News Record (ENR) Construction Cost Index (Seattle) as the annual escalator; use TMF funds for pavement preservation projects on any city street built to city standards and use other funding, such as JTA, for street reconstruction projects; and retain the current level of activity supported as recommended by staff by means of an Ordinance to be read by the City Attorney.
II. Other Business	*		

Chair Brauner called the meeting to order at 3:30 p.m.

CONTENT OF DISCUSSION

I. Transportation Maintenance Fee Review (Attachment)

Mr. Rogers said the Transportation Maintenance Fee (TMF) has fulfilled the ordinance, particularly in terms of reconstruction on Western and Walnut Boulevards. Both projects were completed on time and under budget. The TMF has also provided funds to complete pavement preservation projects on arterial and collector streets. Mr. Rogers outlined the TMF's history, including the task force that recommended its adoption. The ordinance sunsets in June 2011 and staff is looking ahead to the impact.

Referring to the cost of street repairs outlined at the bottom of page 2 of the staff report, Mr. Rogers said street preservation is more cost effective than deferring repairs to the point where reconstruction is required. He noted that the poor and very poor categories in the table at the top of page 2 represent reconstruction needs.

The State’s Jobs and Transportation Act (JTA), which becomes effective July 1, will bring an additional \$1.1 million in revenue to the Street Fund. Unfortunately, even with the new JTA funding, the Street Fund’s financial plan projects that expenses will exceed revenues, absent renewal of the TMF. If the TMF is continued, a portion of the JTA funds can be used on local street reconstruction projects that have been deferred for about ten years. To illustrate how TMF and JTA funding could be used, Mr. Rogers referred to the following matrix staff drew on the whiteboard:

<u>Street Type</u> <u>Work Type</u>	<u>Current</u>	<u>Proposed</u>
<u>Local Streets</u> Reconstruction	None	\$500,000 JTA
<u>Local Streets</u> Preservation	\$75,000 - base Street Fund budget (not TMF)	TMF
<u>Arterial/Collector</u> Reconstruction	TMF/Surface Transportation Program	Surface Transportation Program only
<u>Arterial/Collector</u> Preservation	TMF	TMF

Surface Transportation Program (STP) monies, which are federal dollars, come to the Metropolitan Planning Organization (MPO). Corvallis competes with Philomath, Adair Village, and Benton County for the funds, which are allocated by the MPO Policy Board. The allocation model requires at least 51% of the funds be used for maintenance and those maintenance dollars are prioritized based on the condition of the streets.

Mr. Rogers said staff recommends retaining TMF funding at the current service level. While \$1 million would maintain streets on an idyllic cycle, the large influx of American Recovery and Reinvestment Act (ARRA) funds last summer allowed staff to address many miles of arterial and collector streets; more ARRA funding is expected this spring. Additional personnel would be required to handle more work, but increasing staff is not recommended. The work is seasonal and requires specialized equipment, and is therefore best accomplished through contracting.

Mr. Rogers noted staff’s additional recommendations, including the addition of review periods, not having a sunset provision, and linking fee increases to an appropriate index.

Bob Wilson said he served on the TMF task force and he supports renewal of the TMF. He read from a prepared statement (Attachment A).

Jack Davis said he also served on the TMF task force and the Budget Commission. He cited results from the recent Citizen Survey, including resident dissatisfaction with street repairs. Mr. Davis opined the current \$1.36 per month fee is negligible and he supports renewal of the TMF. In response to Councilor Hirsch's inquiry, Mr. Davis said he would support a larger fee and he believes citizens will as well because the funds are dedicated to a specific purpose.

In response to Councilor Hirsch's inquires, Mr. Rogers said the \$75,000 base budget in the Street Fund only pays for about five to seven miles of slurry seal per year. The proposed budget allows for more miles of repair and Mr. Rogers said it is better to contract out the work.

In response to Councilor O'Brien's inquiries, Mr. Rogers said \$500,000 will pay for about 1,000 feet of street reconstruction per year. The reconstruction project for Dixon and 11th Streets would take about three years at a cost of \$1.5 million. Approximately 2/3 of the \$3 million in the Street Fund projects would be accomplished by City staff and the remaining 1/3 would be contracted out.

Referring to Attachment 1 in the staff report, Chair Brauner observed that many cities have a TMF and most of them charge far more than Corvallis. Mr. Rogers noted the staff report does not list the agencies that also have a local gas tax, such as Eugene and Washington County. In response to Councilor Hirsch's inquiry, Mr. Rogers said he is not aware of any agencies that have both a local gas tax and a TMF.

Councilor Hirsch initially proposed increasing the base fee. Councilor O'Brien opined that capacity for a fee increase might be best saved for phase II TMF discussions, which could involve allocating monies for sidewalk safety and other transportation-related programs. Chair Brauner said he supports retaining the monthly base fee of \$1.36.

The Committee unanimously recommends that Council adopt a Transportation Maintenance Fee ordinance with a five year review cycle and no sunset provision; retain the current \$1.36 as the 2011 monthly fee and use the Engineering News Record (ENR) Construction Cost Index (Seattle) as the annual escalator; use TMF funds for pavement preservation projects on any city street built to city standards and use other funding, such as the Jobs and Transportation Act, for street reconstruction projects; and retain the current level of activity supported as recommended by staff.

A copy of the redline-strikeout version of a draft ordinance is included with the minutes as Attachment B and a clean draft copy of the ordinance is included as Attachment C.

In response to Councilor O'Brien's inquiries, Mr. Rogers said pothole repairs come from the \$75,000 base budget in the Street Fund and the City uses both recycled and virgin asphalt. Old asphalt is either given to the contractor to reduce the final project cost, or it is donated to Benton County to improve County roads.

In response to Councilor Hirsch's inquiry, Mr. Rogers said he believes the low citizen survey ratings for snow removal relate to the City's limited resources due to a low level of annual snowfall. City streets are prioritized for snow removal, with residential streets in higher elevations being serviced after major streets are cleared.

An email supporting renewal of the TMF was received after the meeting (Attachment D).

II. Other Business

Chair Brauner said he will miss the February 1 noon Council meeting, but he will attend the evening meeting.

Councilor O'Brien requested follow up about scheduling review of the American Legion Baseball report and the undeveloped properties on Fairhaven Street. Staff will check on the status of those two items and report back to the Committee. Mr. Nelson noted that the Fairhaven issue involves coordination by several departments.

The February 3 meeting is canceled. The next regular Administrative Services Committee meeting is scheduled for 3:30 pm, Wednesday, February 17, 2010 in the Madison Avenue Meeting Room.

Respectfully submitted,

Hal Brauner, Chair

MEMORANDUM

January 11, 2010

To: Administrative Services Committee
From: Steve Rogers, Public Works Director *SR*
Subject: Transportation Maintenance Fee

Issue

The Transportation Maintenance Fee (TMF) is scheduled to sunset on June 30, 2011. Council direction is needed on whether the fee should be continued beyond that date and if so, whether changes to the structure of the fee are appropriate.

Background

A number of cities in Oregon supplement the amount of State Highway Fund revenue they receive for street maintenance, operations and improvements with funds generated locally. Typically, a local gas tax, a transportation utility fee, or property taxes are used for this purpose. Attachment 1 shows the cities in Oregon that currently use transportation utility fees and the monthly rate charged for single-family residential properties.

The City Council authorized the implementation of a TMF in Corvallis on July 1, 2006. Components of the TMF include:

- The monthly fee is based on the estimated use of the transportation system (trip generation (a 'trip' is the one-way travel from a starting point to a destination)). The average number of trips for each property type is determined using data contained in the Institute of Traffic Engineers Trip Generation Handbook.
- All occupied properties within the city limits pay the fee.
- The fee was set to generate a target revenue of \$420,000 per year, with 75% of the revenue coming from residential properties and 25% from non-residential properties.
- The fee sunsets after five years.
- The use of the revenue is restricted. After \$20,000 per year is allocated to the costs to administer the fee, 62% of the remaining TMF funds must be used on the Western and Walnut Boulevard reconstruction projects and 37% used on grind/inlay pavement preservation projects on arterial and collector streets. Attachment 2 shows the projects funded by the fee to date.
- The amount of the monthly fee does not change over time unless the use of the property changes.

Since the implementation of the TMF, the 2009 State Legislature passed the Jobs and Transportation Act (JTA) that, beginning in FY 10-11, will bring additional revenues into the Street Fund. When fully implemented, the JTA will result in an estimated \$1.1 million of new State Highway Funds. Based on the three-year Street Fund financial plan (Attachment 3), which reflects the loss of the TMF revenues in FY 11-12 but includes the existing level of expenditures for pavement preservation projects, the new JTA funds will be sufficient to maintain the existing level of services after the sunset of the TMF in FY 10-11.

The need to maintain, at a minimum, current levels of street maintenance is demonstrated by the information in the table below. The pavement condition of major streets (arterials and collectors) was rated in 2003 and 2009. The focus of the TMF-funded projects has been on these major streets and the level of effort to preserve these pavements has resulted in a greater number of street miles in 2009 rated 'good' to 'excellent'.

Pavement Condition Index	Street Condition	2003 Arterial/Collector Linear Miles	2009 Arterial/Collector Linear Miles	2003 Residential Linear Miles
<35	Very Poor	1.72	0.69	3.23
36-45	Poor	2.38	0.70	2.58
46-55	Average/need action	5.01	4.98	10.97
56-65	Average/evaluate	7.21	5.80	23.22
66-75	Good	9.78	6.27	29.03
75-85	Very Good	10.52	9.15	29.67
>85	Excellent	6.75	15.75	21.93
	Total System	43.34	43.34	120.62

Residential streets have not been rated since 2003 and the number of miles of local streets rated 'poor' and 'very poor' at that time represents a large liability. Minimal resources are currently allocated to forestalling the decline of local streets from 'good' to 'poor'.

The table below depicts the cost for pavement preservation (the first four items) and street reconstruction; showing the cost to reconstruct a street is about 10 times the cost of preserving the street pavement.

Type of Repairs	Repair Cost per Square Foot
Slurry Seal Local Street	\$ 0.16
Slurry Seal Arterial/Collector Street	\$ 0.32
Grind and Inlay Street	\$ 1.84
Reconstruct Street	\$ 17.36

Once constructed to City standards, maintenance of local streets is the City's responsibility. The Council received testimony in 2008 and 2009 about local streets requiring reconstruction due to a lack of funding for preservation activities. Providing funding for reconstruction of streets already deteriorated is less expensive for the tax/rate payer than an eventual bond issue.

The August 31, 2009 staff report to the Administrative Services Committee is attached as background for the transportation funding discussion (Attachment 4).

Discussion

The community has been notified of the City Council's deliberation of this fee through an article in "the City" and web page notices. In addition, members of the citizen advisory group (the Transportation Funding Alternatives Task Force) that in 2004 developed the TMF recommendation to Council have been notified by letter.

The TMF program has been successful in improving and preserving the arterial and collector system of pavement. Continuing to use the TMF funds in the future on pavement preservation projects is the most cost effective way to forestall a street's deterioration to the level where the only option for rehabilitation is an expensive reconstruction. If the TMF was renewed to generate revenue for preservation programs, it would free up capacity in the new JTA revenue to fund new programs where resources have been lacking in the past, such as local street reconstruction. For these reasons, staff recommends that the TMF be renewed.

It should be noted that a renewed TMF will not meet all the street preservation needs. Staff's analysis indicates that the program level necessary to maintain pavement surfaces without allowing derogation to a reconstruction level is about \$1 million dollars per year of preservation activities. The current TMF generates approximately \$400,000 per year.

If the TMF is renewed, staff suggests making changes to how the funds can be used. Allocating 100% of the funds (after administrative costs) to pavement preservation activities would be the most cost-effective use of the revenues. Pavement preservation activities would include grind/inlay, slurry sealing, chip sealing or crack sealing, and would be selected depending on the street functional classification, current condition and type of pavement distress. Staff also recommends expanding the types of streets that can receive these treatments to include local streets.

Over time, as costs for maintenance activities increase, a static TMF funds a lesser amount of street mile improvements. Staff suggests the inclusion of a mechanism to adjust the amount of the fee to maintain a consistent level of activity. Possible mechanisms include annual adjustments based on an index (such as Consumers Price Index or the Engineering News Record) or a periodic review.

In this proposed scenario, necessary street reconstruction projects on arterial and collector streets would not be funded by the TMF. However, rehabilitation of arterial and collector pavements is eligible for funding from federal funds allocated by the Metropolitan Planning Organization (MPO) and it is recommended that this be the source used in the future.

Currently, there is no dedicated funding source for local street reconstruction and the condition table above shows that in 2003 almost 6 miles of streets needed this level of improvement ('poor' and 'very poor'). A modest local street reconstruction program would be possible beginning in FY 11-12 using some of the new JTA monies, provided the TMF is renewed for preservation activities. This program would likely be proposed at \$500,000 per year, which would be sufficient for approximately 3 blocks (1,000 linear feet) of reconstruction.

Direction

A City Council decision is needed on whether to renew the TMF beyond the June 30, 2011 sunset date. If Council decides to do so, staff is seeking direction on these components of a renewed fee.

1. Amount and escalator

Staff recommends continuing the program at the existing levels (i.e., \$1.36 per month for single family residential properties) and the inclusion of a mechanism to increase the fee over time to maintain the buying power of the funds.

2. Term and review

Staff recommends no sunset date. This recommendation is based on the recent State legislative action to implement the JTA, which makes it unlikely that other, new funding sources will be available in the future. Staff further recommends a review schedule to include an annual report on the TMF funds and five-year reviews of the TMF program.

3. Use of funds

Staff recommends the funds be eligible for pavement preservation projects on any city street built to city standards. These projects may include grind/inlay, slurry sealing, chip sealing and crack sealing.

4. Level of activity supported

Even though the calculated program cost exceeds the current level of TMF funding, staff does not recommend increasing the current level of activity. This is primarily due to the fact that the recent federal stimulus-funded projects reduced the amount of preservation work necessary in the near term for arterial and collector streets. In addition, the current level of activity results in a level of project and contract management that can be administered within current staffing levels.

Next Steps

Based on the outcome of this deliberation, staff will draft ordinance language for Council approval that reflects the direction provided.

Recommendation

Staff recommends that the Administrative Services Committee recommend a direction to the City Council on whether to renew the Transportation Maintenance Fee and if so, on the components of the fee described in the four items above.

Review and concur,



Jon S. Nelson, City Manager

Attachments

- #1 Current TMF Charges for Oregon Cities
- #2 Summary of Uses of TMF Funds to Date
- #3 Three-year Street Fund Financial Plan
- #4 August 31, 2009 Staff Report to the Administrative Services Committee

Transportation Maintenance Fees in Oregon Cities

Monthly Rate for Single Family Residential Properties

January 2010

<i>City in Oregon</i>	<i>Monthly Rate</i>
North Plains	\$0.90
Corvallis	\$1.36
Philomath	\$2.00
Phoenix	\$3.02
Grants Pass	\$3.00
Tigard	\$3.01
Tualatin	\$3.42
Milwaukie	\$3.55
Talent	\$3.93
Lake Oswego	\$4.00
Wilsonville	\$4.03
Bay City	\$5.00
Eagle Point	\$5.00
Medford	\$6.55
Ashland	\$7.94

City of Corvallis
Transportation Maintenance Fee Expenditures to Date

January 2010

Fiscal Year 06-07

Street Reconstruction

Western Boulevard, 26th Street to 35th Street
Walnut Boulevard, Highland Drive to 25th Street, Phase I

Pavement Preservation

9th Street, Circle Boulevard to Conifer Boulevard

Fiscal Year 07-08

Street Reconstruction

Walnut Boulevard, Highland Drive to 25th Street, Phase II

Pavement Preservation

Arnold Way, Harrison Boulevard to Monroe Avenue
Elks Drive, Satinwood Drive to 9th Street

Fiscal Year 08-09

Street Reconstruction

Walnut Boulevard, Highland Drive to 25th Street, Phase III

Pavement Preservation

Glenridge Drive, Walnut Boulevard to Ponderosa Avenue
26th Street, Philomath Boulevard to Western Boulevard
Kings Boulevard, Grant Avenue to Arthur Place

Fiscal Year 09-10

Pavement Preservation

Contributed to funding for projects on:

9th Street, Reiman Avenue to Grant Avenue
Circle Boulevard, Highland Boulevard to 9th Street
Highland Boulevard, Circle Boulevard to Walnut Boulevard
Monroe Avenue, 6th Street to 16th Street
Jefferson Avenue, 6th Street to 9th Street

STREET FUND - OPERATING

BUDGETARY BASIS	AUDITED FY 07-08	UNAUDITED FY 08-09	ADOPTED FY 09-10	REVISED FY 09-10	FY 10-11	FY 11-12	FY 12-13
BEGINNING OPERATING FUND BALANCE	\$1,795,626	\$1,830,910	\$860,083	\$782,833	\$389,663	\$205,503	(\$43,507)
REVENUES							
Licenses, Fees & Permits	\$457,726	\$471,913	\$478,490	\$438,390	\$452,390	\$42,810	\$43,240
Charges for Service	358,163	276,007	270,430	265,430	228,670	239,390	257,000
Intergovernmental	2,403,428	2,281,035	4,687,110	4,668,430	2,977,260	3,441,820	3,546,580
Fines & Forfeitures	2,448	3,326	100	100	500	500	500
Miscellaneous	95,938	54,782	71,420	48,700	6,930	4,980	3,460
Transfers In	19,783	1,692	0	0	0	0	0
TOTAL REVENUES	\$3,337,485	\$3,088,755	\$5,507,550	\$5,421,050	\$3,665,750	\$3,729,500	\$3,850,780
EXPENDITURES							
Community Development	\$17,137	\$18,297	\$19,710	\$18,750	\$18,470	\$20,430	\$21,450
Public Works	2,890,197	3,310,624	6,026,800	5,662,920	3,508,670	3,771,150	4,032,250
Transfers Out	369,918	866,011	366,850	366,850	244,110	187,970	362,620
Contingencies	0	0	65,200	0	73,320	0	0
TOTAL EXPENDITURES	\$3,277,252	\$4,194,932	\$6,478,560	\$6,048,520	\$3,844,570	\$3,979,550	\$4,416,320
REVENUE EXCESS (SHORTFALL) OVER EXPENDITURES	\$60,233	(\$1,106,177)	(\$971,010)	(\$627,470)	(\$178,820)	(\$250,050)	(\$565,540)
RESTRICTED BALANCES, Beginning of Year	\$2,103,490	\$1,897,870	\$1,966,698	\$1,958,560	\$538,670	(\$43,570)	(\$303,610)
FUND BALANCE (Including Restricted), End of Year	\$3,728,780	\$2,741,393	\$408,571	\$928,333	\$161,933	(\$347,117)	(\$1,300,677)
LESS: RESTRICTED BALANCES							
MANAGEMENT RESERVES	\$403,966	\$409,546	\$195,196	\$215,346	\$246,786	\$179,546	\$192,696
COUNCIL DESIGNATIONS	80,620	16,940	88,328	(23,160)	(49,260)	16,940	16,940
LEGAL RESTRICTIONS	1,413,284	1,532,074	17,674	346,484	(241,096)	(500,096)	(888,116)
UNRESTRICTED FUND BALANCE	\$1,830,910	\$782,833	\$107,373	\$389,663	\$205,503	(\$43,507)	(\$622,197)
HISTORICAL NORMING ADJUSTMENT				524,043	571,162	448,057	380,848
POTENTIAL UNRESTRICTED FUND BALANCE	\$1,830,910	\$782,833	\$107,373	\$913,706	\$1,300,708	\$1,499,754	\$1,301,913

* Increased revenue and expenditures in FY09-10 are due to the ARRA stimulus-funded street projects.

MEMORANDUM

August 31, 2009

To: Administrative Services Committee
From: Steve Rogers, Public Works Director
Subject: Transportation Funding

Issue

Staff requests City Council direction regarding a process to assess transportation funding demands and resources.

Background

Transportation funding was last reviewed in 1999 and 2000. At that time, the Mayor appointed a task force that, over 16 months, reviewed the level of service provided in the street maintenance, sweeping, transit and bicycle facilities areas; the current and projected level of funding from established sources; and the potential for stable future funding of a variety of new, alternative sources. The Task Force made several recommendations to the City Council and Budget Commission. The major outcomes were:

- Reduction in service levels for, or elimination of, a variety of street maintenance activities, totalling approximately \$350,000 in savings.
- Allocation of 35% of street lighting expenditures to the Street Fund, from the General Fund.
- Allocation of 75% of street cleaning expenditures to the Storm Water Fund, from the Street Fund.
- Creation of a new revenue source, the Transportation Maintenance Fee, to generate approximately \$400,000 annually.
- Continued reliance for transit funding on energy tax credits as an alternate funding source.

Subsequently, the City Council has discussed funding/policy changes that could impact demands on Street Fund resources. These include

- the safety sidewalk program,
- transit service hours and a no-fare policy,
- street trees, and
- alternate transportation modes.

In addition to these areas, residents have identified maintenance needs for local streets as a priority for Street Fund resources and staff has identified the backlog of street-related CIP projects as an area with unmet needs. The City Council-selected sustainability action items for transportation could also compete for resources as staff attempts to increase transit use, encourage more bike use and promote electric vehicle use.

The resource side of the equation faces potential changes on the horizon as well. The Transportation Maintenance Fee is scheduled to sunset by ordinance on June 30, 2011, potentially reducing funding by \$400,000 annually. The 2009 State Legislature approved an increase to fees in the Highway Fund that would result in another \$1,100,000 annually to the City, beginning in January, 2011. However, this new funding may be challenged through a referendum as early as the May 2010 ballot.

Discussion

An assessment of transportation funding demands and resources is needed to address the identified service area expenditures and future funding situation. Staff proposes a two-phase process to accomplish this assessment.

The first phase would address re-authorization of the Transportation Maintenance Fee, to include, the level of the fee, the uses for the funds (local, neighborhood collector, collector and/or arterial streets), and the time limit, if any.

The second phase would address funding for transit (expanded and/or free); street trees, the sidewalk safety program and bike/pedestrian projects and programs.

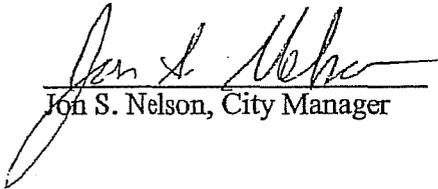
For each phase, staff proposes that the Administrative Services Committee be the body to receive information from staff and input from the public, to deliberate on the options, and to make recommendations to the City Council.

A proposed public outreach plan and Committee schedule has been developed for both phases (attached).

Recommendation

That Administrative Services Committee recommend to the City Council the process for the Phase One and Two transportation funding assessment, and provide input on the public outreach plans.

Review and concur,


Jon S. Nelson, City Manager

Transportation Funding Assessment Process

Public Outreach Plan - Phase One

<i>Action Item</i>	<i>Methodology</i>
Report on success of current TMF program	Press release, City newsletter, website
Report on characteristics of new, proposed TMF program	Press release, City newsletter, website
Announce public input opportunity at ASC meeting	Paid ad in GT, City newsletter, website
Notify original Task Force members about proposed changes	Direct mailing

Public Outreach Plan - Phase Two

<i>Action Item</i>	<i>Methodology</i>
Disseminate 'briefing paper' summarizing the issues related to the new demands for funding	Press release, City newsletter, website
Request input from stakeholder commissions	Attend the regular meetings of: Transit, Bike/Ped, Urban Forestry, and Parks and Recreation
Request input from the public	Press release, City newsletter, website
Provide information to Administrative Services Committee over 2-3 meetings	Meeting #1 - review briefing paper and receive Commission input Meeting #2 - receive public input Meeting #3 - generate recommendations

Street Repair Fees

Attachment A

R. E. Wilson 1/20/2010

The proposal to continue to raise the funds needed for street repair by charging a fixed fee has merit when one considers what causes the need to repair our roadways. Damage to roadways is proportional to vehicle weight, the heavier the vehicle, the greater the damage. Road damage doesn't just vary directly with vehicle weight, it varies exponentially, perhaps as large as the weight to the 4th power. That means that a vehicle that weighs 6000 pounds would do SIXTEEN times as damage as a 3000 pound auto! If, in fact, road damage varies with a lower exponent say 2, it would take a 12,000 pound vehicle to do sixteen times as much damage as a 3000 pound auto. Now the exponent and the damage mechanism may vary from vehicle to vehicle and road to road, but the fact remains that the need to repair our streets is caused by vehicles that are heavier than our cars, i.e. trucks.

Our communities are now serviced by delivery vehicles heavier than autos and some of these vehicles weigh well over 12,000 pounds. Our food, our fuel, our mail, our garbage removal, our public transit, our repair services and our emergency services are all provided to us by vehicles that are heavier than cars. Our local employers get their supplies by truck. Everyone, with or without a car, is dependent on these vehicles in their daily lives. In order to provide our goods and services, these vehicles use our community streets. We benefit by having the goods and services delivered to us and we also benefit by having our neighbors and in fact, the whole community, receiving truck-delivered goods and services.

A fixed fee schedule simply and fairly apportions the cost of road repair within our communities.

ORDINANCE 2010-_____

AN ORDINANCE RELATING TO STREET MAINTENANCE FUNDING AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 3.05, "TRANSPORTATION MAINTENANCE FEE," AND STATING AN EFFECTIVE DATE.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 3.05 is hereby amended as follows:

Section 3.05.010 Purpose.

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

2) A 2004 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~~ City Council shall review the TMF program every five years to evaluate the success of the maintenance activities funded and the appropriateness of the fee. The first review shall occur by or before June 30, 2016
(Ord. 2010- § , 2010; 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.

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, sewerwastewater and/or storm drainage water account exists and who is responsible for payment of charges for said account.
(Ord. 2010- § , 2010; Ord. 2005-17 §1, 11/07/2005)

Section 3.05.030 Revenue.

1) ~~All~~ The Transportation Maintenance Fee revenue shall be used only for the following. Up to \$20,000 per year on an average annual basis will ~~to~~ be used for related administration costs. ~~Thirty-seven and a half percent of~~ The remaining revenue shall be used to contract for pavement preservation activities (grind/inlay, slurry seal, crack seal and chip seal) on streets build to city standards (local and arterial/collectors) ~~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. 2010- § , 2010; 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. 2010- § , 2010; 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)

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 be adjusted on July 1 2012, and annually thereafter, by the change in the Engineering News Record (ENR) Construction Cost Index (Seattle)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, as adjusted.

In setting the monthly fee, 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) The calculation of trips will be the same as that used to determine System Development Charges for non-residential properties.

6) 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.

7) 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. 2010- § , 2010; 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 sServices billing which includes water, wastewatersewer and storm waterdrainage 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, wastewatersewer, storm waterdrainage and Transportation Maintenance Fees, credit shall be given first to penalty fees, second to the Transportation Maintenance Fee, third to the storm waterdrainage utility, fourth to the wastewatersewer 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. 2010- § , 2010; Ord. 2005-17 §1, 11/07/2005)

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, wastewatersewer, storm waterdrainage 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. 2010- § , 2010; 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)

Section 2. This ordinance shall become effective July 1, 2011.

PASSED by the City Council this _____ day of _____, 2010.

APPROVED by the Mayor this _____ day of _____, 2010.

EFFECTIVE this _____ day of _____, 2011.

Mayor

ATTEST:

City Recorder

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3) The City Council shall review the TMF program every five years to evaluate the success of the maintenance activities funded and the appropriateness of the fee. The first review shall occur by or before June 30, 2016.

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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.

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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)

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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)

Section 2. This ordinance shall become effective July 1, 2011.

PASSED by the City Council this _____ day of _____, 2010.

APPROVED by the Mayor this _____ day of _____, 2010.

EFFECTIVE this _____ day of _____, 2011.

Mayor

ATTEST:

City Recorder

Holzworth, Carla

To: Day, Emely
Subject: RE: Transportation Task Force

Attachment 0

From: Rogers, Steve
Sent: Thursday, January 21, 2010 1:16 PM
To: 'Michele Adams'
Cc: Day, Emely; Steckel, Mary
Subject: RE: Transportation Task Force

Thanks Michelle. We will past along your support to the City Council

From: Michele Adams
Sent: Thursday, January 21, 2010 11:54 AM
To: Rogers, Steve
Subject: Transportation Task Force

Steve, I am in favor of keeping the maintainance fee in place. It was a good idea and provided the money needed for the street construction and pavement preservation projects committed to. Thanks for asking for my opinion and all the work you do for our wonderful city.
Michele Adams

**URBAN SERVICES COMMITTEE
MINUTES
JANUARY 21, 2010**

Present

Councilor Patricia Daniels, Chair
Councilor Richard Hervey
Councilor David Hamby

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Dan Carlson, Development Services Manager
Mike Fegles, Assistant Building Official
Carrie Mullens, City Manager's Office

SUMMARY OF DISCUSSION

<u>Agenda Item</u>	<u>Information Only</u>	<u>Held for Further Review</u>	<u>Recommendations</u>
I. Municipal Code Revisions to Chapter 9.01, "Building Code"			Amend Corvallis Municipal Code Chapter 9.01, "Building Code" as recommended by staff, by means of an ordinance to be read by the City Attorney
II. Other Business	***		

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

CONTENT OF DISCUSSION

I. Municipal Code Revisions to Chapter 9.01, "Building Code" (Attachment)

Mr. Carlson presented proposed changes to the Corvallis Municipal Code (CMC) Chapter 9.01, "Building Code." The changes focus on two issues: housekeeping, to address a number of errors and bring the Chapter into alignment with the State model, and satisfying the legislative mandates passed in 2009 via Senate Bill 915.

Legislative changes focus on new requirements for civil penalties of building code violations. Notice must include the violation and code reference, state that the intention is to assess a civil penalty, identify the amount of the penalty, and outline the process to challenge the assessment including a time line. Other legislative changes clarify:

- An allowance for an administrative hearing process (versus judicial),
- Citations are civil and not criminal offenses, and
- Penalties will not exceed the maximum allowed amount authorized by State Statute.

Proposed language for Section 9.01.210 addresses the legislative changes and has been approved by the City Attorney's Office. The language was originally drafted by

the City of Beaverton and forwarded by the Oregon Building Officials Association for jurisdictions to use as a model. The City makes every attempt to avoid civil citations and the new language is similar to current practice.

Mr. Carlson referred to Attachment 1 of the staff report that describes the housekeeping changes. He highlighted a few of the proposed changes:

- Section 9.01.040, Definitions – added definition for Construction Documents.
- Section 9.01.080.090, Occupancy violations – clarifies that creating additional rooms for sleeping are considered occupancy violations.
- Section 9.01.090.010, Board of Appeals – provides clear direction for who hears what type of appeal.
- Section 9.01.090.020, Board of Appeals procedure – adds appeal process and time line.
- Section 9.01.100.040, Expiration of plan reviews – revises plan review time line to match model code.
- Section 9.01.110.040, Excavation and grading/erosion control – Appendix J replaces Appendix 33 (no longer published).
- Section 9.01.170.020, Unsafe buildings – Unsafe buildings are thoroughly defined and described in Chapter 3 of the Uniform Code for Abatement of Dangerous Buildings (UCADB). Links the appeals process to Chapter 9.01.090.
- Section 9.01.180, Rules – International Existing Building Code replaces Uniform Code for Building Conservation (no longer published).
- Section 9.01.190, Fees – Adopts the fee methodology set by the State.

Mr. Carlson responded to several inquiries posed by Councilor Hervey:

The proposed changes repeatedly refer to Ord. 2010-XX. Is the "XX" a placeholder or is that the true ordinance number?

The "XX" is a placeholder for a future ordinance number to be assigned when Council adopts the ordinance.

Do the appeal categories identified in Section 9.01.090.010 capture everything a citizen would want to appeal or should another category be included to encompass any other type of appeal?

The language covers issues the City has seen or anticipates seeing. Any decision a building official makes can be appealed to Council.

Can the appeal time line be expedited? Most active contractors would not be able to delay their project long enough to maneuver through the process.

The process is similar to other appeal processes in the CMC and aligns with State code. It would be less expensive for a contractor to obtain an answer from State Building Code authorities.

Mr. Fegles added that an appeal through the State would not be resolved more quickly. When decisions are questioned, and to avoid appeals, staff offer to contact the State Building Code authorities to obtain an opinion. In this situation, staff and

contractors agree to abide by the opinion of the State.

Is the average contractor aware of the UCADB? Are copies provided to contractors?

There are 18 definitions describing a dangerous building. The document works well and is typically not used until something is blatantly dangerous. Examples include a house taken over by cats and becoming uninhabitable, and a number of abandoned homes being vandalized. Violations are usually reported by a neighbor or passerby. Contractors can view or obtain a copy of the UCADB from the City.

If not resolved, violations accumulate daily. Do those daily fees begin once an appeal process is complete?

The violation time begins when it is witnessed by staff and until it is resolved (assigned penalty or appealed). From the appeal through the hearing and decision, the violation would not accumulate. Before reaching a point of fee accumulation, an inspector would provide the contractor with written notice and advice on how to correct the issue. If the issue is not resolved when the inspector returns, the contractor receives a second written notice. If the issue is not resolved at the third inspection, the contractor receives a written warning and is assessed a \$25 inspection fee. If the issue is still not resolved, an inspector will not return when contacted and it will be considered an outstanding correction.

If there is a complaint about work being done without a permit, the contractor receives verbal and sometimes written notice and ample time to apply for a permit. After a third written notice, the issue would be referred to the City Attorney's Office.

In response to Councilor Hamby's inquiry, Mr. Carlson confirmed that staff do not believe the new code to be burdensome to administer. Staff work well with contractors and the public to avoid appeals. The language is consistent with other jurisdictions and would most likely not be burdensome if multiple appeals were filed.

Mr. Carlson clarified for Chair Daniels that the Action Requested paragraph should have stated that the recommendation is coming from the Urban Services Committee (not Administrative Services Committee).

In response to Chair Daniels' inquiry about the appeal process, Mr. Carlson said Step 7 of the appeal process (9.01.090.020) is not related to land use. The language was taken directly from the City of Beaverton model. Chair Daniels said it allows all sides to have an opportunity to state their issue and respond.

Mr. Gibb said the City adopted code recognizing existing buildings separate from new construction many years ago.

The Committee unanimously recommends that Council amend Corvallis Municipal

Urban Services Committee
January 21, 2010
Page 4

Code Chapter 9.01, "Building Code" as recommended by staff, **by means of an ordinance to be read by the City Attorney.**

II. Other Business

The next Urban Services Committee meeting is scheduled for 4:00 pm on Thursday, February 4, 2010 in the Madison Avenue Meeting Room.

Respectfully submitted,

Patricia Daniels, Chair

MEMORANDUM

DATE: December 29, 2009
TO: Urban Services Committee
FROM: Ken Gibb, Community Development Director 
SUBJECT: Corvallis Municipal Code Changes, Building Code Chapter 9.01

I. Issue

Proposed changes to Corvallis Municipal Code, Chapter 9.01 Building Code, due to recent legislative mandates and housekeeping needs.

II. Background

The 2009 Legislature passed a new set of laws through Senate Bill 915. In summary, the Senate Bill requires a number of changes for jurisdictions in Oregon who issue penalties for building code violations. These changes include:

- Requirement for a jurisdiction, when issuing a civil penalty to an individual or entity for violating the state building code, to provide a notice that describes:
 - The violation and code reference;
 - States the jurisdiction intends to assess a civil penalty;
 - States the amount of the civil penalty;
 - Informs of an opportunity to challenge the assessment of civil penalty; and
 - Describes the deadline for informing the jurisdiction of a challenge.
- Allowance for an administrative process other than a judicial proceeding in a court of law, by a jurisdictional representative other than the Building Official.
- Clarification that citations for building code violations cannot be issued as a criminal offense, but rather as civil citations.
- A requirement for civil penalties to not exceed the maximum allowed amount authorized by Statute.

As for the housekeeping items, there have been a number of changes to the state adopted codes that have warranted changes to align Corvallis Municipal Code with state requirements and model code language.

III. Discussion

In the interest of fostering consistency among jurisdictions and to address Senate Bill 915, the City of Beaverton recently provided model ordinance language that was

developed by their City Attorney and City staff. The Corvallis City Attorney's Office and Development Services staff each received copies of this model language for suggested adoption, from their respective professional networking associations. After thorough review and some reference and title modifications, it is believed the attached changes will work well for satisfying legal and legislative obligations.

Current practice within Development Services is to pursue compliance through voluntary efforts in as much as possible. For the most part staff is successful in gaining compliance through effective communication and outreach, having only issued around a dozen civil citations for building code violations since 1990.

The changes imposed by this legislation are not believed to be overly burdensome to administer and are not seen as being much different than current practice. For example, continuing building code violations, where no remaining remedy is available but to issue a citation, are pursued only after several written notices are given with reasonable time for compliance. This is then followed by written notice and reasonable compliance timelines from the City Attorney's Office. If the violator is still noncompliant, a civil (not criminal) citation will be issued through the City Attorney's Office. One significant difference is the introduction of a new administrative process to challenge the assessment of the civil penalty. However, this is not seen as a significant issue with so few citations issued for building code violations.

All changes, including those related to housekeeping, are highlighted in Attachment 1.

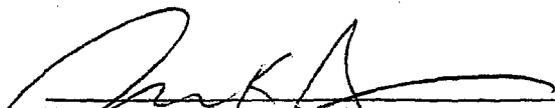
IV. Action Requested

Staff recommends the ASC recommend to City Council that the Corvallis Municipal Code be modified as highlighted in Attachment 2, to reflect the proposed building code changes, effective February 16, 2010.

Review and Concur:



Jon S. Nelson, City Manager



Jim Brewer, Deputy City Attorney

Attachment 1
Attachment 2

Summary of Changes
Highlighted Municipal Code Changes

Summary of Housekeeping Changes

	Code Section		Explanation for Change
1	9.01.020	Purpose	Misspelling
2	9.01.040	Definitions	Adding definition needed to reflect new language in the state adopted codes
3	9.01.080.090	Occupancy Violations	Creates a stronger tie to illegal occupancy and work without a permit
4	9.01.090.010	Board of Appeals	Clarifies nature of appeals heard by the board of appeals and provides direction for related appeals of a different nature
5	9.01.090.020	Board of Appeals – Appeal Procedure	Modified to reflect the procedure involved in processing an appeal and clarifying timeframes
6	9.01.090.060	Appeal Fee	New language to require a filing fee for an appeal to be complete. Reference to fee section for filing fee to board of appeals (\$50)
7	9.01.100	Construction Documents and Permits	Changed to reflect national model code language for “plans, specifications, and computations”
8	9.01.100.020	Retention of Construction Documents	Changed to reflect national model code language for “plans, specifications, and computations”
9	9.01.100.030	Validity of Permit	Changed to reflect national model code language for “plans, specifications, and computations”
10	9.01.100.040	Expiration of Plan Reviews	Changed to reflect national model code language which is 90 days for each extension of a plan review
11	9.01.100.050	Permit Expiration, Extension, and Reinstatement	Changed to reflect national model code language for “plans, specifications, and computations”
12	9.01.100.090	Inspections	Changed to reflect national model code language for supporting documents
13	9.01.110.020	Adoption of Fire Flow Requirements	Codes have changed. Appendix K is now part of the state adopted code and does not need to be separately referenced for adoption.
14	9.01.110.040	Excavation and Grading/Erosion Control	Code references have changed. Appendix J is the new Appendix 33 code reference.
15	9.01.150.010	Enforcement of State Code	Code title has changed
16	9.01.170.010	Adoption of the Uniform Code for the Abatement of Dangerous Buildings	Simple formatting change. Moved this section which was previously .020 to this location as the charging adoption statement.
17	9.01.170.020	Unsafe Buildings	Deleted language describing unsafe buildings as this is thoroughly defined and described in the UCADB definitions, Chapter 3. Also linked dangerous building appeals to the Board of Appeals
18	9.01.170.040	Deleted Provisions	Code section reference change
19	9.01.170.050	Time Period for Appeal	Code section reference change
20	9.01.170.060	Lien	Relocated to 9.01.220
21	9.01.180	Rules	Uniform Code for Building Conservation is now the International Existing Building Code. The UCBC is no longer published.
22	9.01.190	Fees	Permit fee methodologies are set by the State effective January 1, 2009.
23	9.01.210	Violations; Penalties; Remedies	Except for the Corvallis references, CMC code sections, and a few minor tweaks authored by the CAO, this section and subsections are model language received from the City of Beaverton. This language was developed in the interest of jurisdictional consistency, and to satisfy legislative mandates from 2009 SB 915
24	9.01.210.010	Building Official – Authority to Impose Administrative Civil Penalty	See item 23
25	9.01.210.020	Appeal Procedures	See item 23
26	9.01.220	Lien	This section was moved from 9.01.170.060 and was modified by the CAO to reflect model lien language from Beaverton. See item 23.

Chapter 9.01

Building Code

Sections:

9.01.010	Title.
9.01.020	Purpose.
9.01.030	Scope.
9.01.040	Definitions.
9.01.050	Alternate materials and methods.
9.01.060	Modifications.
9.01.070	Tests.
9.01.080	Powers and duties of building official.
9.01.080.010	General.
9.01.080.020	Deputies.
9.01.080.030	Right of entry.
9.01.080.040	Stop work orders.
9.01.080.050	Authority to disconnect utilities in emergencies.
9.01.080.060	Authority to abate hazardous equipment.
9.01.080.070	Connection after order to disconnect.
9.01.080.080	[Repealed by Ord. 2004-22]
9.01.080.090	Occupancy violations.
9.01.090	Appeals.
9.01.090.010	Board of appeals.
9.01.090.020	Board of Appeals - Appeal procedure.
9.01.090.030	Filing parties.
9.01.090.040	[Repealed by Ord. 2004-22]
9.01.090.050	Filing Date.
9.01.100	Construction documents and permits.
9.01.100.010	Issuance.
9.01.100.020	Retention of construction documents.
9.01.100.030	Validity of permit.
9.01.100.040	Expiration of plan reviews.
9.01.100.050	Permit expiration, extension, and reinstatement.
9.01.100.060	Work without a permit/investigation fees.
9.01.100.070	Not transferable.
9.01.100.080	Suspension/revocation.
9.01.100.090	Inspections.
9.01.110	Structural Code.
9.01.110.010	Enforcement of State code.
9.01.110.020	[Repealed by Ord. 20XX-XX]
9.01.110.030	[Repealed by Ord. 2004-22]
9.01.110.040	Excavation and grading/erosion control.
9.01.120	Mechanical Code.
9.01.120.010	Enforcement of State code.
9.01.120.020	[Repealed by Ord. 2004-22]
9.01.130	Plumbing Code.
9.01.130.010	Enforcement of State code.
9.01.140	Electrical Code.

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9.01.140.010	Enforcement of State code.
9.01.150	One And Two Family Dwelling Code.
9.01.150.010	Enforcement of State code.
9.01.160	Manufactured Dwelling Code.
9.01.160.010	Parks.
9.01.160.010.010	Enforcement of State Rules.
9.01.160.020	Manufactured home installations.
9.01.160.020.010	Enforcement of State rules.
9.01.170	Dangerous Buildings Code.
9.01.170.010	Adoption of Uniform Code for the Abatement of Dangerous Buildings.
9.01.170.020	Unsafe buildings.
9.01.170.030	Supplementary definitions.
9.01.170.040	Deleted provisions.
9.01.170.050	Time period for appeal.
9.01.170.060	[Relocated to 9.01.220].
9.01.180	Rules.
9.01.190	Fees.
9.01.200	Severability.
9.01.210	Violations; Penalties; Remedies.
9.01.210.010	Building Official - Authority to Impose Administrative Civil Penalty.
9.01.210.020	Appeal Procedures.
9.01.220	Lien

Section 9.01.010 Title.

These regulations shall be known as the "City of Corvallis Building Code," may be cited as such and will be referred to herein as "this code."
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.020 Purpose.

The purpose of this code is to establish minimum uniform performance standards providing reasonable safeguards for public health, safety, welfare, comfort and security of the residents of this jurisdiction through structural strength, means of egress facilities, stability, sanitation, adequate light, and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §1, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.030 Scope.

- 1) This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way, or work associated with hydraulic flood control structures or public utility poles and towers.
- 2) Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- 3) Where, in any specific case, there is a conflict between this code and any Oregon Revised Statute, the statute shall govern.

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4) These procedures apply to all codes contained in this title. If, in a specific case, there is a conflict between the administrative procedures of this chapter and a given code, the procedures within this code shall govern. If, in a specific case, there is a conflict between the technical provisions of this chapter and a given code, the provisions within that code shall govern.
(Ord. 2004-22 § 3, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.040 Definitions.

For the purpose of this chapter, the following definition shall apply:

Building Official - shall mean the Development Services Manager.

Construction Documents - Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a permit.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.050 Alternative materials, design and methods.

1) The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved.

2) An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, sanitation, and safety.

3) The building official shall require that evidence or proof be submitted in accordance with the applicable code in order to substantiate any claims that may be made regarding use of an alternative material, design or method of construction. The details of any approval of any alternative material, design or method shall be recorded and entered in the files of the agency.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.060 Modifications.

Wherever there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official first finds the special individual reason makes the strict letter of this code impractical and the modification is in conformance with the intent and purpose of this code and that the modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

(Ord. 2004-22 § 3, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.070 Tests.

1) Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

2) Test methods shall be as specified in this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall

determine test procedures.

3) All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080 Powers and duties of building official.

Section 9.01.080.010 General.

- 1) There is hereby established a code enforcement agency which shall be under the administrative and operational control of the building official.
- 2) The building official is authorized to enforce all the provisions of this code.
- 3) The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.020 Deputies.

In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out the functions of the code enforcement agency.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.030 Right of entry.

When it may be necessary to inspect to enforce the provisions of this code, or the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, in violation of this code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the building official, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by ORS to secure entry.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.040 Stop work orders.

- 1) Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement), the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the building official to proceed thereafter.
- 2) Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties of Section 9.01.210.

(Ord. 2004-22 §4, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.080.050 Authority to disconnect utilities in emergencies.

The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time thereafter.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.060 Authority to abate hazardous equipment.

1) When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

2) When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as he/she deems necessary to prevent, restrain, correct or abate the violation.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.070 Connection after order to disconnect.

No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official until the building official specifically authorizes the reconnection and/or use of such equipment.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.080 [Repealed by Ord. 2004-22]

Section 9.01.080.090 Occupancy violations.

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in his notice and make the structure, or portion thereof, comply with the requirements of this code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of Section 9.01.210.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.090 Appeals.

Section 9.01.090.010 Board of appeals.

1) In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of technical or scientific matters of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

2) The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code, are not empowered to waive requirements of this code, and have no authority to deliberate and make determinations on Planning Commission or City Council requirements or conditions of approval.

3) Any person aggrieved by the final decision of the board of appeals may appeal to the appropriate state advisory board as provided in statute.

4) Appeals of land use issues are processed in accordance with the Land Development Code.

5) Appeals of administrative decisions of the Building Official are made to the City Manager or City Manager's designee. Appeals to the City Manager are appealable to City Council.

6) Appeals of civil penalties issued by the Building Official shall be processed according to section 9.01.210.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §6, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.090.020 Board of Appeals - Appeal procedure.

~~Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the building official with regard to the Building Code may be appealed to the board of appeals in conformance with procedures provided herein. The Community Development Director shall determine if the appellant qualifies as a filing party under Section 9.01.090.030. If the appeal is valid, the building official shall schedule a meeting of the board within 30 days of the filing of the appeal.~~

1) Any decision relating to the suitability of alternative materials, designs and methods of construction or interpretation by the building official with regard to the Building Code may be appealed to the board of appeals within 10 calendar days of the date of the decision or interpretation being appealed, in conformance with procedures provided herein.

2) The Community Development Director shall determine if the appeal is timely and if the appellant qualifies as a filing party under Section 9.01.090.030.

3) The Community Development Director shall determine if the appeal is complete. For purposes of this section, a complete appeal shall contain:

- a) The required appeal fee; and
- b) A clear, concise written statement of the grounds for the appeal, identifying the specific decision being appealed, explaining the proposed alternative material, design or method of construction and how it meets the intent of the relevant code, specifically identifying how the proposed alternative material, design or method will be at least as safe, and last as long, as the materials or methods described in the code; and/or

c) A clear, concise written statement of the grounds for the appeal, identifying the specific decision being appealed, setting out the specific interpretation made by the Building Official and setting out a concise explanation of how the interpretation is in error, citing to the specific provisions of the Building Code at issue.

4) If the appeal is complete and timely, the building official shall schedule a meeting of the board within 30 days of the filing of the appeal. The building official shall not schedule a meeting of the board to hear an appeal until an appeal is complete.

5) If the appellant is not qualified as a filing party or the application for the appeal is filed untimely, the Community Development Director shall notify the appellant of the deficiency in writing within 14 days.

6) If the appeal is not complete, the Community Development Director shall notify the appellant in writing within 30 days of filing of the appeal, setting out the information the appellant needs to provide for the appeal to be complete. If the appeal is not complete within 60 days from the application date, it shall be void.

7) The Board shall hear appeals in the following order of testimony: a brief staff report, the appellant, testimony in favor of the appeal, testimony in opposition to the appeal, testimony neutral to the appeal, rebuttal by the appellant and/or any person who testified in favor of the appeal, sur-rebuttal by the staff and/or any person who testified in opposition. The Board may ask questions of any person who testifies during that person's testimony. The Board will close the hearing at the end of testimony, deliberate and make a decision to uphold the appeal or deny the appeal.

8) The maximum time for the Board to render a decision from the first hearing may not exceed 30 calendar days. The Chair of the Board may suspend this procedural time frame when the complexity of the issue merits additional decision time.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 § 7, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.090.030 Filing parties.

- 1) Appeals may only be filed by the following parties affected by a decision:
 - a) The owner or authorized agent;
 - b) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision;
 - c) Any agency, officer, or department of the City which has the responsibility for providing City facilities and/or services to the parcel of land; or
 - d) Ten adult residents of the City.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.090.040 [Repealed by Ord. 2004-22]

Section 9.01.090.050 Filing Date.

Appeals must be filed within ten (10) calendar days from the date of the decision of the building official.

(Ord. 2004-22 § 9, 11/01/2004)

Section 9.01.090.060 Appeal Fee.

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Appeals must be accompanied with the required filing fee as specified in Chapter 8.03. Appeals received without the appropriate filing fee are deemed incomplete and the Community Development Director will notify the appellant in accordance with 9.01.090.020, Section 6). (Ord. 2010-XX § 1, XX/XX/2010;)

Section 9.01.100 Construction documents Plans and permits.

Section 9.01.100.010 Issuance.

1) The application, ~~plans, specifications, computations~~ construction documents and other data filed by an applicant for a permit shall be reviewed by the building official. Such ~~plans construction documents~~ may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the ~~plans, specifications, construction documents~~ and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefore to the applicant.

2) When the building official issues the permit where ~~plans construction documents~~ are required, the building official shall endorse in writing or stamp the ~~plans and specifications, construction documents~~ "APPROVED." Such approved ~~plans and specifications construction documents~~ shall not be changed, modified and altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved ~~plans construction documents~~.

3) The building official may issue a permit for the construction of part of a building or structure before the entire ~~plans and specifications construction documents~~ for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

4) The building official is authorized to promulgate additional administrative rules and regulations related to the efficient administration and review of partial permits. Elements for partial permits shall include but not be limited to deferred submittals, temporary permits and phased construction.

5) When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. The registered design professional in responsible charge shall review the submittals and forward them to the building official with a notation indicating that the documents have been reviewed and been found to be in conformance to the design of the building. The phased or deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §10, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.020 Retention of ~~plans construction documents~~.

One set of approved ~~plans, specifications and computations construction documents~~ shall be retained by the building official for a period specified by Oregon Administrative Rules. One set of approved ~~plans and specifications construction documents~~ shall be returned to the applicant, and the set shall be kept on the site of the building or work at all times during which the work authorized thereby is

in progress.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 1, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.100.030 Validity of permit.

1) The issuance or granting of a permit or approval of ~~plans, specifications and computations, construction documents~~ shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.

2) The issuance of a permit based on ~~plans, specifications, construction documents~~ and other data shall not prevent the building official from thereafter requiring the correction of errors in the ~~plans, specifications, construction documents~~ and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.040 Expiration of plan reviews.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §11, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.050 Permit expiration, extension, and reinstatement.

1) Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

2) Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

a) The Building Code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit;

b) No changes have been made or will be made in the original ~~plans and specifications, construction documents~~ for such work;

c) The original permit expired less than one year from the request to reinstate.

The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §12, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.060 Work without a permit/investigation fees.

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1) Whenever any work for which a permit is required by this code has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.

2) An investigation fee, equal to and in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

3) Any person, firm or corporation performing, or found to have performed work, prior to obtaining a permit where a permit is required for such work, shall be subject to the penalties of Section 9.01.210.

4) Exception to this section: The person, firm or corporation is working under a pre-approved process as defined by a specific administrative policy of the code enforcement agency or building official.

(Ord. 2004-22 §13, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.070 Not transferable.

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.080 Suspension/revocation.

The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the City code.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.090 Inspections.

1) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity prior to permit issuance or until receiving specific written authorization to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

2) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has made available on site, a copy of the permit authorizing such work and supporting documents such as City approved construction documents. This permit and supporting documents shall be maintained available by the permit holder until final approval has been granted by the building official.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §14, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.110 Structural Code.

Section 9.01.110.010 Enforcement of State code.

The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.110.020 Adoption of fire flow requirements.

~~1) Appendix K of the currently adopted edition of the 1998 edition of the Oregon Structural Specialty Code is adopted as part of this code.
(Ord. 2004-22 §15, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)~~

Section 9.01.110.020 [Repealed by Ord. 2010-XX]

Section 9.01.110.030 [Repealed by Ord. 2004-22]

Section 9.01.110.040 Excavation and grading/erosion control.

~~Appendix Chapter 33 of the Uniform Building Code, 1997 Edition, published by the ICBO, except Tables 33-A and 33-B, is adopted as part of this chapter. Appendix J of the Oregon Structural Specialty Code is adopted as part of this chapter.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)~~

Section 9.01.120 Mechanical Code.

Section 9.01.120.010 Enforcement of State code.

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 and 918-440-0040, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.120.020 [Repealed by Ord. 2004-22]

Section 9.01.130 Plumbing Code.

Section 9.01.130.010 Enforcement of State code.

The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.140 Electrical Code.

Section 9.01.140.010 Enforcement of State code.

The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100, except as modified in this Chapter, is adopted as part of this Chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.150 One And Two Family Dwelling Code.

Section 9.01.150.010 Enforcement of State code.

The Oregon ~~One and Two Family Dwelling Residential~~ Specialty Code, as adopted by OAR 918-480-0000 through 918-480-0010, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.160 Manufactured Dwelling Code.

Section 9.01.160.010 Parks.

Section 9.01.160.010.010 Enforcement of State Rules.

The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0095, except as modified in this chapter, are adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.160.020 Manufactured home installations.

Section 9.01.160.020.010 Enforcement of State rules.

The manufactured dwelling rules adopted by OAR 918-500-0020, except as modified in this chapter, are adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.170 Dangerous Buildings Code.

Section 9.01.170.020.010 Adoption of Uniform Code for the Abatement of Dangerous Buildings.

The 1997 ICBO Uniform Code for the Abatement of Dangerous Buildings is adopted as part hereof, except as modified in Section 9.01.170.040.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 § 18, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.170.010.020 Unsafe buildings.

1) ~~All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.~~

1) All buildings or structures regulated by this code which are unsafe under the terms of the Uniform Code for the Abatement of Dangerous Buildings are hereby designated as unsafe buildings, structures, or appendages.

2) All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this chapter and the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

3) Notwithstanding the provisions of Section 504 of the Corvallis Municipal Code, appeals of dangerous building determinations/declarations, or determinations/declarations of a nuisance in item 2) above, shall be appealed to the Board of Appeals in accordance with this chapter.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.170.030 Supplementary definitions.

1) Board of Appeals - Board of Appeals established by the Boards and Commissions Chapter.

2) Clerk - The City Recorder of the City.

3) Director of Public Works - The City Engineer of the City.

4) Health Official - The Benton County Health Administrator or other designee.

(Ord. 2004-22 §19, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.170.040 Deleted provisions.

The following sections and chapters of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020.010 are hereby deleted: Sections 205, 802, 906, 908, 909, 910, 911 and 912 and Chapters 5 and 6.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §20, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.170.050 Time period for appeal.

Notwithstanding Section 401.2.5 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020.010, the time period for appeals from notices, orders, or actions of the building official shall be 10 days.

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(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §21, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.170.060 — Lien.

Any assessment imposed pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020 shall be deemed to be complete immediately upon its being placed on the assessment roll, and the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The lien shall be enforced in the manner provided in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character. Pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020 of this chapter, the City Council, as the legislative body of the City, elects to treat costs associated with the abatement of dangerous buildings as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any dangerous building shall be an assessment against the property where the building is located. (Ord. 2004-22 §22, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.170.060 [Repealed by Ord. 2010-XX]

Section 9.01.180 Rules.

The building official is authorized to promulgate additional administrative rules and regulations related to the efficient administration and enforcement of the Uniform Code for Building Conservation International Existing Building Code.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §23, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.190 Fees.

- 1) Fees charged under this code shall be as provided in Chapter 8.03.
 - 2) The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.
 - 3) The determination of value or valuation under any provisions of this code shall be made by the building official in accordance with the methodologies established by Oregon Administrative Rule.
- (Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.200 Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the title, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

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Section 9.01.210 — Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon court conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

9.01.210 Violations; Penalties; Remedies.

1) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this ordinance.

2) Violation of a provision of this code shall be subject to a Civil Penalty no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense and shall be processed in accordance with the procedures set forth in 9.01.210.010 through 9.01.210.020.

3) Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

4) The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under the Corvallis Municipal Code, or other City ordinance, or law.

(Ord. 2010-XX § 1, XX/XX/2010;)

9.01.210.010 Building Official - Authority to Impose Administrative Civil Penalty.

1) In addition to, and not in lieu of, any other enforcement mechanism authorized by this code, upon a determination by the building official that a person has violated a provision of this chapter or a rule adopted thereunder, the building official may impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (1) to (12) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

2) Prior to imposing an administrative civil penalty under this section, the building official shall pursue reasonable attempts to secure voluntary correction, failing which the building official may issue a notice of civil violation to one or more of the responsible persons to correct the violation. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than 5 calendar days.

3) Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may impose a civil penalty on each person to whom an order to correct was issued.

4) Notwithstanding subsection (2) above, the building official may impose a civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

5) In imposing a penalty authorized by this section, the building official shall consider:

a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

b) Any prior violations of statutes, rules, orders, and permits;

c) The gravity and magnitude of the violation;

d) Whether the violation was repeated or continuous;

e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

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- f) The violator's cooperativeness and efforts to correct the violation; and
 - g) Any relevant rule of the building code or the City code.
- 6) The notice of civil penalty shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder 3 days after the date mailed if to an address within this state, and 7 days after the date mailed if to an address outside this state. A notice of civil penalty shall include:
- a) Reference to the particular code provision or rule involved;
 - b) A short and plain statement of the matters asserted or charged;
 - c) A statement of the amount of the penalty or penalties imposed;
 - d) The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (4), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
 - e) A statement of the party's right to appeal the civil penalty to the City Manager or designee.
- 7) Any person who is issued a notice of civil penalty may appeal the penalty to the City Manager or designee. The City Manager's designee shall not be the building official or building inspector. The provisions of Section 9.01.210.020 of this code shall govern any requested hearing, except that the burden of proof shall be on the building official.
- 8) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or designee pursuant to, and within the time limits established by, Section 9.01.210.020. If the responsible person appeals the civil penalty to the City Manager or designee, the penalty shall become final, if at all; upon issuance of the City Manager or designee's decision affirming the imposition of the administrative civil penalty.
- 9) Each day the violator fails to remedy the code violation shall constitute a separate violation.
- 10) Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsection (8) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official also is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (11) below, other provisions of this code, or state statutes. The civil administrative penalty authorized by this section shall be in addition to:
- a) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and
 - b) Any other actions authorized by law.
- 11) If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the municipal lien docket. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the municipal lien docket. The lien shall be enforced in the same manner as liens established by City Council pursuant to Section 9.01.220. The interest shall commence from the date of entry of the lien in the lien docket.
- 12) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to subsection (1) of this section shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.
- (Ord. 2010-XX § 1, XX/XX/2010;)

9.01.210.020 Appeal Procedures.

1) A person aggrieved by an administrative action of the building official taken pursuant to a section of this code authorizing an appeal under this section may, within 10 days after the date of notice of the action, appeal in writing to the building official. The appeal shall be accompanied by an appeal fee as established by the Chapter 8.03 and shall state:

- a) The name and address of the appellant;
- b) The nature of the determination being appealed;
- c) The reason the determination is incorrect; and
- d) What the correct determination of the appeal should be.

An appellant who fails to file such a statement within the time permitted waives the objections, and the appeal shall be dismissed. Except as provided in subsection (5) of this section, the appeal fee is not refundable.

2) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

3) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or designee within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

4) The City Manager or designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager or designee deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.

5) The City Manager or designee shall issue a written decision within 10 days of the hearing date. The decision of the City Manager or designee after the hearing is final and may include a determination that the appeal fee be refunded to the applicant upon a finding by the City Manager or designee that the appeal was not frivolous.

(Ord. 2010-XX § 1, XX/XX/2010;)

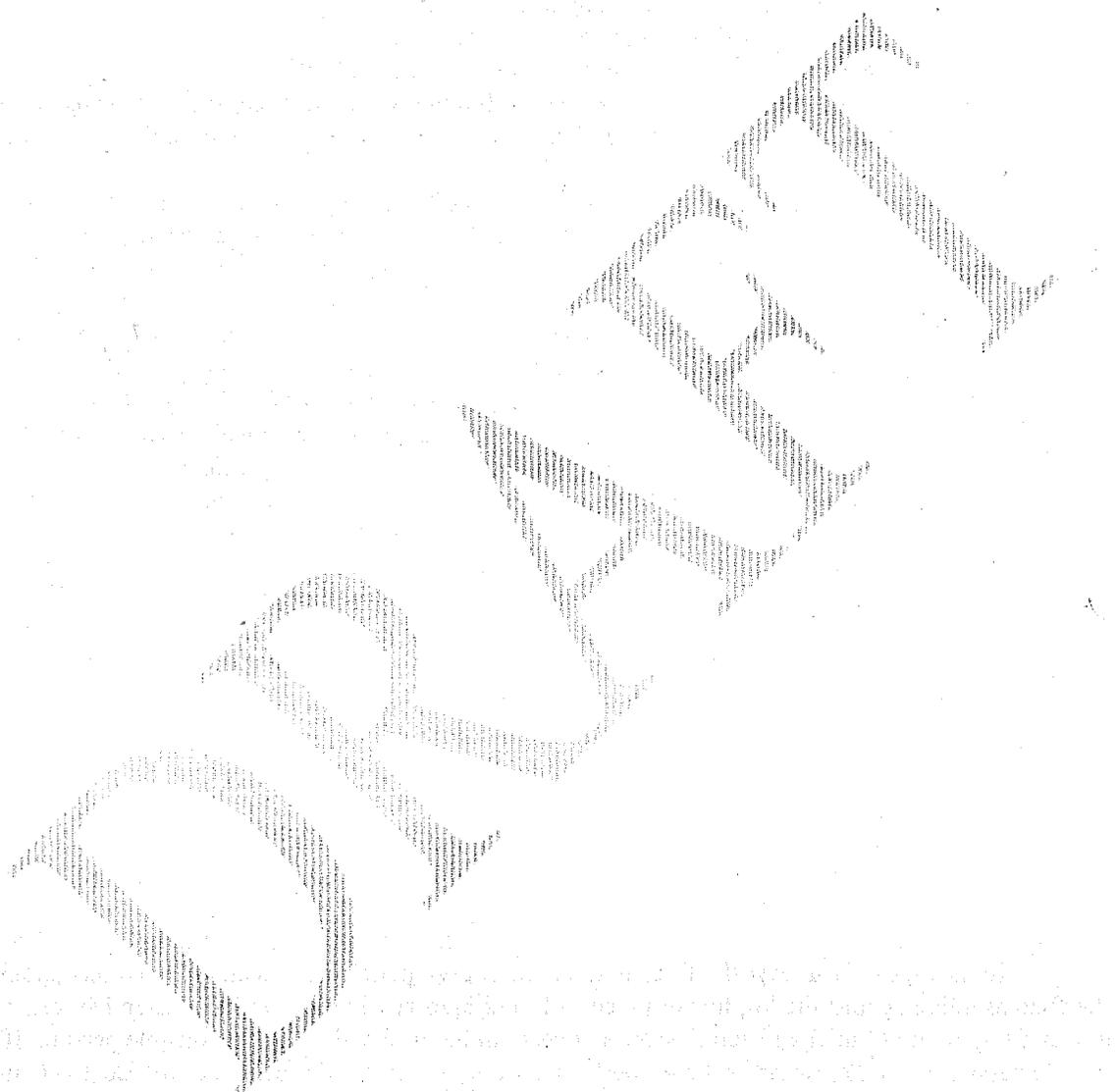
Section 9.01.220 Lien.

1) There shall be a lien created and it shall be done in accordance with this Section.

2) Any fine, assessment or civil penalty imposed pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.010, or any administrative civil penalty imposed under the terms of Chapter 9 of the Municipal Code, which remains unpaid 30 days after the penalty is imposed (or after the fine, assessment or civil penalty has been affirmed on appeal), shall be filed as a lien against the lot, lots or parcels of land involved in the Municipal Lien Docket. At the time of filing in the Municipal Lien Docket, notice shall be provided to the responsible person. If the responsible person is not the owner of the property shown in the electronic records of the Benton County Assessor on that date, then notice shall also be sent to the owner of the property. Failure to provide notice shall not in any way effect the validity of the lien. The notice shall state that the amounts imposed as penalties shall be payable and due, and that the penalties shall be liens against the lots or parcels of land involved, respectively. All such liens remaining unpaid after 30 days from the date of recording on the municipal lien docket shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The liens shall be enforced in the manner provided in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character. Pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.010 of this chapter, and 9.01.210 of this Chapter, the

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City Council, as the legislative body of the City, elects to treat costs associated with the abatement of dangerous buildings, and any fine, assessment or administrative civil penalties, as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any dangerous building and/or any fine, assessment or administrative civil penalty not paid within 30 days shall be an assessment and lien against the property where the building is located.
(Ord. 2010-XX § 1, XX/XX/2010;)



ORDINANCE 2010-_____

AN ORDINANCE RELATING TO BUILDING CODE, AMENDING MUNICIPAL CODE CHAPTER 9.01, "BUILDING CODE," AS AMENDED, AND STATING AN EFFECTIVE DATE

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 9.01 is hereby amended as follows:

Chapter 9.01

Building Code

Sections:

9.01.010	Title.
9.01.020	Purpose.
9.01.030	Scope.
9.01.040	Definitions.
9.01.050	Alternate materials and methods.
9.01.060	Modifications.
9.01.070	Tests.
9.01.080	Powers and duties of building official.
9.01.080.010	General.
9.01.080.020	Deputies.
9.01.080.030	Right of entry.
9.01.080.040	Stop work orders.
9.01.080.050	Authority to disconnect utilities in emergencies.
9.01.080.060	Authority to abate hazardous equipment.
9.01.080.070	Connection after order to disconnect.
9.01.080.080	[Repealed by Ord. 2004-22]
9.01.080.090	Occupancy violations.
9.01.090	Appeals.
9.01.090.010	Board of appeals.
9.01.090.020	Board of Appeals - Appeal procedure.
9.01.090.030	Filing parties.
9.01.090.040	[Repealed by Ord. 2004-22]
9.01.090.050	Filing Date.
9.01.090.060	Appeal Fee.
9.01.100	Construction documents and permits.
9.01.100.010	Issuance.
9.01.100.020	Retention of construction documents.
9.01.100.030	Validity of permit.
9.01.100.040	Expiration of plan reviews.
9.01.100.050	Permit expiration, extension, and reinstatement.
9.01.100.060	Work without a permit/investigation fees.
9.01.100.070	Not transferable.

- 9.01.100.080 Suspension/revocation.
- 9.01.100.090 Inspections.
- 9.01.110 Structural Code.
- 9.01.110.010 Enforcement of State code.
- ~~9.01.110.020 Adoption of fire flow requirements.~~
- 9.01.110.030 [Repealed by Ord. 2004-22]
- 9.01.110.040 Excavation and grading/erosion control.
- 9.01.120 Mechanical Code.
- 9.01.120.010 Enforcement of State code.
- 9.01.120.020 [Repealed by Ord. 2004-22]
- 9.01.130 Plumbing Code.
- 9.01.130.010 Enforcement of State code.
- 9.01.140 Electrical Code.
- 9.01.140.010 Enforcement of State code.
- 9.01.150 One And Two Family Dwelling Code.
- 9.01.150.010 Enforcement of State code.
- 9.01.160 Manufactured Dwelling Code.
- 9.01.160.010 Parks.
- 9.01.160.010.010 Enforcement of State Rules.
- 9.01.160.020 Manufactured home installations.
- 9.01.160.020.010 Enforcement of State rules.
- 9.01.170 Dangerous Buildings Code.
- 9.01.170.010 Adoption of Uniform Code for the Abatement of Dangerous Buildings.
- 9.01.170.020 Unsafe buildings.
- 9.01.170.030 Supplementary definitions.
- 9.01.170.040 Deleted provisions.
- 9.01.170.050 Time period for appeal.
- ~~9.01.170.060 Lien.~~
- 9.01.180 Rules.
- 9.01.190 Fees.
- 9.01.200 Severability.
- 9.01.210 Violations; Penalties; Remedies.
- 9.01.210.010 Building Official - Authority to Impose Administrative Civil Penalty.
- 9.01.210.020 Appeal Procedures.
- 9.01.220 Lien

Section 9.01.010 Title.

These regulations shall be known as the "City of Corvallis Building Code," may be cited as such and will be referred to herein as "this code."
(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.020 Purpose.

The purpose of this code is to establish minimum uniform performance standards providing reasonable safeguards for public health, safety, welfare, comfort and security of the residents of this jurisdiction through structural strength, means of egress facilities, stability, sanitation, adequate light, and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 § 1, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.030 Scope.

1) This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way, or work associated with hydraulic flood control structures or public utility poles and towers.

2) Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

3) Where, in any specific case, there is a conflict between this code and any Oregon Revised Statute, the statute shall govern.

4) These procedures apply to all codes contained in this title. If, in a specific case, there is a conflict between the administrative procedures of this chapter and a given code, the procedures within this code shall govern. If, in a specific case, there is a conflict between the technical provisions of this chapter and a given code, the provisions within that code shall govern.

(Ord. 2004-22 §2, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.040 Definitions.

For the purpose of this chapter, the following definition shall apply:

Building Official - shall mean the Development Services Manager.

Construction Documents - Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a permit.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.050 Alternative materials, design and methods.

1) The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved.

2) An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, sanitation, and safety.

3) The building official shall require that evidence or proof be submitted in accordance with the applicable code in order to substantiate any claims that may be made regarding use of an alternative material, design or method of construction. The details of any approval of any alternative material, design or method shall be recorded and entered in the files of the agency.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.060 Modifications.

Wherever there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official first finds the special individual reason makes the strict letter of this code impractical and the modification is in conformance with the intent and purpose of this code and that the modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

(Ord. 2004-22 §3, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.070 Tests.

1) Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

2) Test methods shall be as specified in this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

3) All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080 Powers and duties of building official.

Section 9.01.080.010 General.

1) There is hereby established a code enforcement agency which shall be under the administrative and operational control of the building official.

2) The building official is authorized to enforce all the provisions of this code.

3) The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.020 Deputies.

In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out the functions of the code enforcement agency.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.030 Right of entry.

When it may be necessary to inspect to enforce the provisions of this code, or the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, in violation of this code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the building official, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested.

If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by ORS to secure entry.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.040 Stop work orders.

1) Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement), the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the building official to proceed thereafter.

2) Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be

subject to the penalties of Section 9.01.210.

(Ord. 2004-22 §4, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.080.050 Authority to disconnect utilities in emergencies.

The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time thereafter.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.060 Authority to abate hazardous equipment.

1) When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

2) When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as he/she deems necessary to prevent, restrain, correct or abate the violation.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.070 Connection after order to disconnect.

No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official until the building official specifically authorizes the reconnection and/or use of such equipment.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.080 [Repealed by Ord. 2004-22]

Section 9.01.080.090 Occupancy violations.

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in his notice and make the structure, or portion thereof, comply with the requirements of this code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of Section 9.01.210.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.090 Appeals.

Section 9.01.090.010 Board of appeals.

1) In order to hear and decide appeals of orders, decisions or determinations made by the

building official relative to the application and interpretation of technical or scientific matters of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

2) The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code, are not empowered to waive requirements of this code, and have no authority to deliberate and make determinations on Planning Commission or City Council requirements or conditions of approval.

3) Any person aggrieved by the final decision of the board of appeals may appeal to the appropriate state advisory board as provided in statute.

4) Appeals of land use issues are processed in accordance with the Land Development Code.

5) Appeals of administrative decisions of the Building Official are made to the City Manager or City Manager's designee. Appeals to the City Manager are appealable to City Council.

6) Appeals of civil penalties issued by the Building Official shall be processed according to Section 9.01.210.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §6, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.090.020 Board of Appeals - Appeal procedure.

~~Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the building official with regard to the Building Code may be appealed to the board of appeals in conformance with procedures provided herein. The Community Development Director shall determine if the appellant qualifies as a filing party under Section 9.01.090.030. If the appeal is valid, the building official shall schedule a meeting of the board within 30 days of the filing of the appeal.~~

1) Any decision relating to the suitability of alternative materials, designs and methods of construction or interpretation by the building official with regard to this code may be appealed to the Board of Appeals within 10 calendar days of the date of the decision or interpretation being appealed, in conformance with procedures provided herein.

2) The Community Development Director shall determine if the appeal is timely and if the appellant qualifies as a filing party under Section 9.01.090.030.

3) The Community Development Director shall determine if the appeal is complete. For purposes of this section, a complete appeal shall contain:

a) The required appeal fee; and

b) A clear, concise written statement of the grounds for the appeal, identifying the specific decision being appealed, explaining the proposed alternative material, design or method of construction and how it meets the intent of the relevant code, specifically identifying how the proposed alternative material, design or method will be at least as safe, and last as long, as the materials or methods described in this code; and/or

c) A clear, concise written statement of the grounds for the appeal, identifying the specific decision being appealed, setting out the specific interpretation made by the Building Official and setting out a concise explanation of how the interpretation is in error, citing to the specific provisions of the code at issue.

4) If the appeal is complete and timely, the building official shall schedule a meeting of the Board within 30 days of the filing of the appeal. The building official shall not schedule a meeting of the Board to hear an appeal until an appeal is complete.

5) If the appellant is not qualified as a filing party or the application for the appeal is filed untimely, the Community Development Director shall notify the appellant of the deficiency in writing within 14 days.

6) If the appeal is not complete, the Community Development Director shall notify the appellant in writing within 30 days of filing of the appeal, setting out the information the appellant needs to provide for the appeal to be complete. If the appeal is not complete within 60 days from the application date, it shall be void.

7) The Board shall hear appeals in the following order of testimony: a brief staff report, the appellant, testimony in favor of the appeal, testimony in opposition to the appeal, testimony neutral to the appeal, rebuttal by the appellant and/or any person who testified in favor of the appeal, sur-rebuttal by the staff and/or any person who testified in opposition. The Board may ask questions of any person who testifies during that person's testimony. The Board will close the hearing at the end of testimony, deliberate and make a decision to uphold the appeal or deny the appeal.

8) The maximum time for the Board to render a decision from the first hearing may not exceed 30 calendar days. The Chair of the Board may suspend this procedural time frame when the complexity of the issue merits additional decision time.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §7, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.090.030 Filing parties.

- 1) Appeals may only be filed by the following parties affected by a decision:
 - a) The owner or authorized agent;
 - b) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision;
 - c) Any agency, officer, or department of the City which has the responsibility for providing City facilities and/or services to the parcel of land; or
 - d) Ten adult residents of the City.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.090.040 [Repealed by Ord. 2004-22]

Section 9.01.090.050 Filing Date.

Appeals must be filed within ten (10) calendar days from the date of the decision of the building official.

(Ord. 2004-22 §9, 11/01/2004)

Section 9.01.090.060 Appeal Fee.

Appeals must be accompanied with the required filing fee as specified in Chapter 8.03. Appeals received without the appropriate filing fee are deemed incomplete and the Community Development Director will notify the appellant in accordance with 9.01.090.020, Section 6).

(Ord. 2010-XX § 1, XX/XX/2010;)

Section 9.01.100 Construction documents Plans and permits.

Section 9.01.100.010 Issuance.

1) The application, plans, specifications, computations construction documents and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans-construction documents may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an

application for a permit and the ~~plans, specifications, construction documents~~ and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefore to the applicant.

2) When the building official issues the permit where ~~plans construction documents~~ are required, the building official shall endorse in writing or stamp the ~~plans and specifications, construction documents~~ "APPROVED." Such approved ~~plans and specifications construction documents~~ shall not be changed, modified and altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved ~~plans construction documents~~.

3) The building official may issue a permit for the construction of part of a building or structure before the entire ~~plans and specifications construction documents~~ for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

4) The building official is authorized to promulgate additional administrative rules and regulations related to the efficient administration and review of partial permits. Elements for partial permits shall include but not be limited to deferred submittals, temporary permits and phased construction.

5) When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. The registered design professional in responsible charge shall review the submittals and forward them to the building official with a notation indicating that the documents have been reviewed and been found to be in conformance to the design of the building. The phased or deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §10, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.020 Retention of ~~plans construction documents~~.

One set of approved ~~plans, specifications and computations construction documents~~ shall be retained by the building official for a period specified by Oregon Administrative Rules. One set of approved ~~plans and specifications construction documents~~ shall be returned to the applicant, and the set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 1, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.100.030 Validity of permit.

1) The issuance or granting of a permit or approval of ~~plans, specifications and computations construction documents~~ shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.

2) The issuance of a permit based on ~~plans, specifications, construction documents~~ and other data shall not prevent the building official from thereafter requiring the correction of errors in the ~~plans, specifications, construction documents~~ and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.040 Expiration of plan reviews.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §11, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.050 Permit expiration, extension, and reinstatement.

1) Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

2) Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

a) The Building Code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit;

b) No changes have been made or will be made in the original ~~plans and specifications~~ construction documents for such work;

c) The original permit expired less than one year from the request to reinstate.

The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §12, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.060 Work without a permit/investigation fees.

1) Whenever any work for which a permit is required by this code has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.

2) An investigation fee, equal to and in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

3) Any person, firm or corporation performing, or found to have performed work, prior to obtaining a permit where a permit is required for such work, shall be subject to the penalties of Section 9.01.210.

4) Exception to this section: The person, firm or corporation is working under a pre-approved process as defined by a specific administrative policy of the code enforcement agency or building official.

(Ord. 2004-22 §13, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.100.070 Not transferable.

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.080 Suspension/revocation.

The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the City code.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.090 Inspections.

1) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity prior to permit issuance or until receiving specific written authorization to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

2) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has made available on site, a copy of the permit authorizing such work and supporting documents such as City approved construction documents. This permit and supporting documents shall be maintained available by the permit holder until final approval has been granted by the building official.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §14, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.110 Structural Code.

Section 9.01.110.010 Enforcement of State code.

The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in this chapter, is adopted as part of this chapter.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

~~**Section 9.01.110.020 Adoption of fire flow requirements.**~~

~~1) Appendix K of the currently adopted edition of the 1998 edition of the Oregon Structural Specialty Code is adopted as part of this code.~~

~~(Ord. 2004-22 §15, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)~~

~~Ord. 2010-XX § 1, XX/XX/2010;~~

~~**Section 9.01.110.030 [Repealed by Ord. 2004-22]**~~

Section 9.01.110.040 Excavation and grading/erosion control.

Appendix Chapter 33 of the Uniform Building Code, 1997 Edition, published by the ICBO, except Tables 33-A and 33-B, is adopted as part of this chapter. Appendix J of the Oregon Structural Specialty Code is adopted as part of this chapter.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.120 Mechanical Code.

Section 9.01.120.010 Enforcement of State code.

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 and 918-440-0040, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.120.020 [Repealed by Ord. 2004-22]

Section 9.01.130 Plumbing Code.

Section 9.01.130.010 Enforcement of State code.

The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.140 Electrical Code.

Section 9.01.140.010 Enforcement of State code.

The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100, except as modified in this Chapter, is adopted as part of this Chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.150 One And Two Family Dwelling Code.

Section 9.01.150.010 Enforcement of State code.

The Oregon One and Two Family Dwelling Residential Specialty Code, as adopted by OAR 918-480-0000 through 918-480-0010, except as modified in this chapter, is adopted as part of this chapter.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.160 Manufactured Dwelling Code.

Section 9.01.160.010 Parks.

Section 9.01.160.010.010 Enforcement of State Rules.

The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0095, except as modified in this chapter, are adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.160.020 Manufactured home installations.

Section 9.01.160.020.010 Enforcement of State rules.

The manufactured dwelling rules adopted by OAR 918-500-0020, except as modified in this chapter, are adopted as part of this chapter.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.170 Dangerous Buildings Code.

Section 9.01.170.010 Unsafe buildings. Adoption of Uniform Code for the Abatement of Dangerous Buildings.

1) — All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.

2) — All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.
(Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

The 1997 ICBO Uniform Code for the Abatement of Dangerous Buildings is adopted as part hereof, except as modified in Section 9.01.170.040.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §18, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.170.020 Adoption of Uniform Code for the Abatement of Dangerous Buildings. Unsafe buildings.

The 1997 ICBO Uniform Code for the Abatement of Dangerous Buildings is adopted as part hereof, except as modified in Section 9.01.170.040.

1) All buildings or structures regulated by this code which are unsafe under the terms of the Uniform Code for the Abatement of Dangerous Buildings are hereby designated as unsafe buildings, structures, or appendages.

2) All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this chapter and the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

3) Notwithstanding the provisions of Chapter 5.04 of the Corvallis Municipal Code, appeals of dangerous building determinations/declarations, or determinations/declarations of a nuisance in item 2) above, shall be appealed to the Board of Appeals in accordance with this chapter.

(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 98-42 § 2, 11/02/1998; Ord. 96-17 § 2, 1996)

Section 9.01.170.030 Supplementary definitions.

- 1) Board of Appeals - Board of Appeals established by the Boards and Commissions Chapter.
 - 2) Clerk - The City Recorder of the City.
 - 3) Director of Public Works - The City Engineer of the City.
 - 4) Health Official - The Benton County Health Administrator or other designee.
- (Ord. 2004-22 §19, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.170.040 Deleted provisions.

The following sections and chapters of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020.010 are hereby deleted: Sections 205, 802, 906, 908, 909, 910, 911 and 912 and Chapters 5 and 6.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §20, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.170.050 Time period for appeal.

Notwithstanding Section 401.2.5 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020.010, the time period for appeals from notices, orders, or actions of the building official shall be 10 days.
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §21, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.170.060 — Lien.

~~Any assessment imposed pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020 shall be deemed to be complete immediately upon its being placed on the assessment roll, and the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The lien shall be enforced in the manner provided in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character. Pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.020 of this chapter, the City Council, as the legislative body of the City, elects to treat costs associated with the abatement of dangerous buildings as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any dangerous building shall be an assessment against the property where the building is located.~~
(Ord. 2010-XX § 1, XX/XX/2010) (Ord. 2004-22 §22, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 98-42 §2, 11/02/1998; Ord. 96-17 §2, 1996)

Section 9.01.180 Rules.

The building official is authorized to promulgate additional administrative rules and regulations related to the efficient administration and enforcement of the ~~Uniform Code for Building Conservation International Existing Building Code.~~
(Ord. 2010-XX § 1, XX/XX/2010; Ord. 2004-22 §23, 11/01/2004; Ord. 2002-23 §2, 07/15/2002; Ord. 96-17 §2, 1996)

Section 9.01.190 Fees.

- 1) Fees charged under this code shall be as provided in Chapter 8.03.
- 2) The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.

3) The determination of value or valuation under any provisions of this code shall be made by the building official in accordance with the methodologies established by Oregon Administrative Rule. (Ord. 2010-XX § 1, XX/XX/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.200 Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the title, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid.

(Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.210 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon court conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense.

(Ord. 2010-XX § 1, XX/XX/2010;) (Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

9.01.210 Violations; Penalties; Remedies.

1) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this ordinance.

2) Violation of a provision of this code shall be subject to a Civil Penalty no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense and shall be processed in accordance with the procedures set forth in 9.01.210.010 through 9.01.210.020.

3) Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

4) The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under the Corvallis Municipal Code, or other City ordinance, or law.

(Ord. 2010-XX § 1, XX/XX/2010;)

9.01.210.010 Building Official - Authority to Impose Administrative Civil Penalty.

1) In addition to, and not in lieu of, any other enforcement mechanism authorized by this code, upon a determination by the building official that a person has violated a provision of this chapter or a rule adopted thereunder, the building official may impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (1) to (12) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

2) Prior to imposing an administrative civil penalty under this section, the building official shall pursue reasonable attempts to secure voluntary correction, failing which the building official may issue a notice of civil violation to one or more of the responsible persons to correct the violation. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than 5 calendar days.

3) Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been

completed. If the required correction has not been completed by the date or time specified in the order, the building official may impose a civil penalty on each person to whom an order to correct was issued.

4) Notwithstanding subsection (2) above, the building official may impose a civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

5) In imposing a penalty authorized by this section, the building official shall consider:

- a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- b) Any prior violations of statutes, rules, orders, and permits;
- c) The gravity and magnitude of the violation;
- d) Whether the violation was repeated or continuous;
- e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- f) The violator's cooperativeness and efforts to correct the violation; and
- g) Any relevant rule of the building code or the City code.

6) The notice of civil penalty shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder 3 days after the date mailed if to an address within this state, and 7 days after the date mailed if to an address outside this state. A notice of civil penalty shall include:

- a) Reference to the particular code provision or rule involved;
- b) A short and plain statement of the matters asserted or charged;
- c) A statement of the amount of the penalty or penalties imposed;
- d) The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (4), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
- e) A statement of the party's right to appeal the civil penalty to the City Manager or designee.

7) Any person who is issued a notice of civil penalty may appeal the penalty to the City Manager or designee. The City Manager's designee shall not be the building official or building inspector. The provisions of Section 9.01.210.020 of this code shall govern any requested hearing, except that the burden of proof shall be on the building official.

8) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or designee pursuant to, and within the time limits established by, Section 9.01.210.020. If the responsible person appeals the civil penalty to the City Manager or designee, the penalty shall become final, if at all; upon issuance of the City Manager or designee's decision affirming the imposition of the administrative civil penalty.

9) Each day the violator fails to remedy the code violation shall constitute a separate violation.

10) Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsection (8) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official also is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (11) below, other provisions of this code, or state statutes. The civil administrative penalty authorized by this section shall be in addition to:

- a) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and
- b) Any other actions authorized by law.

11) If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the municipal lien docket. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the municipal lien docket. The lien shall be enforced in the same manner as liens established by City Council pursuant to Section 9.01.220. The interest shall commence from the date of entry of the lien in the lien docket.

12) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to subsection (1) of this section shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(Ord. 2010-XX § 1, XX/XX/2010;)

9.01.210.020 Appeal Procedures.

1) A person aggrieved by an administrative action of the building official taken pursuant to a section of this code authorizing an appeal under this section may, within 10 days after the date of notice of the action, appeal in writing to the building official. The appeal shall be accompanied by an appeal fee as established by the Chapter 8.03 and shall state:

- a) The name and address of the appellant;
- b) The nature of the determination being appealed;
- c) The reason the determination is incorrect; and
- d) What the correct determination of the appeal should be.

An appellant who fails to file such a statement within the time permitted waives the objections, and the appeal shall be dismissed. Except as provided in subsection (5) of this section, the appeal fee is not refundable.

2) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

3) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or designee within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

4) The City Manager or designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager or designee deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.

5) The City Manager or designee shall issue a written decision within 10 days of the hearing date. The decision of the City Manager or designee after the hearing is final and may include a determination that the appeal fee be refunded to the applicant upon a finding by the City Manager or designee that the appeal was not frivolous.

(Ord. 2010-XX § 1, XX/XX/2010;)

Section 9.01.220 Lien.

1) There shall be a lien created and it shall be done in accordance with this Section.

2) Any fine, assessment or civil penalty imposed pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.010, or any administrative civil penalty imposed under the terms of Chapter 9 of the Municipal Code, which remains unpaid 30 days

after the penalty is imposed (or after the fine, assessment or civil penalty has been affirmed on appeal), shall be filed as a lien against the lot, lots or parcels of land involved in the Municipal Lien Docket. At the time of filing in the Municipal Lien Docket, notice shall be provided to the responsible person. If the responsible person is not the owner of the property shown in the electronic records of the Benton County Assessor on that date, then notice shall also be sent to the owner of the property. Failure to provide notice shall not in any way effect the validity of the lien. The notice shall state that the amounts imposed as penalties shall be payable and due, and that the penalties shall be liens against the lots or parcels of land involved, respectively. All such liens remaining unpaid after 30 days from the date of recording on the municipal lien docket shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The liens shall be enforced in the manner provided in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character. Pursuant to Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Section 9.01.170.010 of this chapter, and 9.01.210 of this Chapter, the City Council, as the legislative body of the City, elects to treat costs associated with the abatement of dangerous buildings, and any fine, assessment or administrative civil penalties, as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any dangerous building and/or any fine, assessment or administrative civil penalty not paid within 30 days shall be an assessment and lien against the property where the building is located. (Ord. 2010-XX § 1, XX/XX/2010;)

Section 2. This ordinance shall become effective on February 16, 2010.

PASSED by the City Council this _____ day of _____, 2010.

APPROVED by the Mayor this _____ day of _____, 2010.

EFFECTIVE this _____ day of _____, 2010.

Mayor

ATTEST:

City Recorder



MEMORANDUM

To: Mayor and City Council
From: Karen Emery, Director ✓
Steve DeGhetto, Assistant Director (S)
Date: November 19, 2009
Subject: Accept and Appropriate Grant Funds

Issue:

The Parks and Recreation Department received three grants to support health promotions and programming at the Senior Center. Staff requires City Council approval to move forward with the expenditure of the funds.

Background:

The Parks and Recreation Department has received \$11,423.00 as a grant from the Senior Citizen Foundation of Benton County, \$300.00 from the Kiwanis Foundation and \$500.00 from OSU Folk Club. Each donation has identified specific uses; Senior Citizen Foundation of Benton County to support the Health Promotions with casual personal services, The Kiwanis Foundation for dining utensils at Senior Center special events and OSU Folk Club for a laser printer in the Senior Center computer lab.

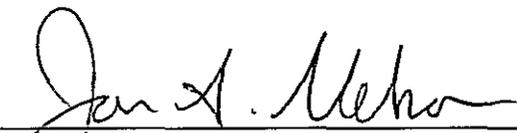
Discussion:

Staff requests the additional expenditure authority be used for casual personal services and materials. Without the additional appropriations there will be a negative impact on the P&R Budget as identified in the November monthly financial report.

Recommendation:

City Council to accept \$12,223.00 in grants and appropriate into the Parks and Recreation budget in FY 09-10.

Review and Concur:



Jon S. Nelson, City Manager



Nancy Brewer, Finance Director

Attachments: Senior Center Foundation Resolution
Kiwanis Foundation Resolution
OSU Folk Club Resolution

RESOLUTION 2010-_____

Minutes of the February 1, 2010, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 allows the City Council to establish appropriations to authorize the expenditure of grants, gifts, or bequests after the budget has been approved, provided that the funds are for a specific purpose and that they were not anticipated at the time the budget was approved; and

WHEREAS, the City of Corvallis has received a grant in the amount of \$11,423 from the Senior Center Foundation for the purpose of casual personal services in Health Promotions; and

WHEREAS, the grant was unanticipated at the time the Fiscal Year 09-10 budget was adopted; and

WHEREAS, the City Council finds that it is in the City's best interest to use the grant for casual personal services in Health Promotions.

WHEREAS, the grant acceptance requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the grant, in the amount of \$11,423 from the Senior Center Foundation for the purpose of casual personal services in Health Promotions is accepted.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the grant agreement between the Senior Center Foundation and the City.

BE IT FURTHER RESOLVED that the Finance Director is authorized to make the proper adjustments in the budget appropriations.

<u>Parks & Recreation Fund</u>	<u>AMOUNT</u>
Parks & Recreation Department	\$11,423.00

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

RESOLUTION 2010 - _____

Minutes of the February 1, 2010, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 allows the City Council to establish appropriations to authorize the expenditure of grants, gifts, or bequests after the budget has been approved, provided that the funds are for a specific purpose and that they were not anticipated at the time the budget was approved; and

WHEREAS, the City of Corvallis has received a grant in the amount of \$300 from the Kiwanis Foundation for the purpose of dining utensils; and

WHEREAS, the grant was unanticipated at the time the Fiscal Year 09-10 budget was adopted; and

WHEREAS, the City Council finds that it is in the City's best interest to use the grant for dining utensils.

WHEREAS, the grant acceptance requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the grant, in the amount of \$300 from the Kiwanis Foundation for the purpose of dining utensils is accepted.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the grant agreement between the Kiwanis Foundation and the City.

BE IT FURTHER RESOLVED that the Finance Director is authorized to make the proper adjustments in the budget appropriations.

Parks & Recreation Fund

AMOUNT

Parks & Recreation Department

\$300.00

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

RESOLUTION 2010-_____

Minutes of the February 1, 2010, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 allows the City Council to establish appropriations to authorize the expenditure of grants, gifts, or bequests after the budget has been approved, provided that the funds are for a specific purpose and that they were not anticipated at the time the budget was approved; and

WHEREAS, the City of Corvallis has received a grant in the amount of \$500 from the OSU Folk Club for the purpose of a laser printer in the computer lab; and

WHEREAS, the grant was unanticipated at the time the Fiscal Year 09-10 budget was adopted; and

WHEREAS, the City Council finds that it is in the City's best interest to use the grant for a laser printer in the computer lab.

WHEREAS, the grant acceptance requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the grant, in the amount of \$500 from the OSU Folk Club for the purpose of a laser printer in the computer lab is accepted.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the grant agreement between the OSU Folk Club and the City.

BE IT FURTHER RESOLVED that the Finance Director is authorized to make the proper adjustments in the budget appropriations.

Parks & Recreation Fund

AMOUNT

Parks & Recreation Department

\$500.00

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

MEMORANDUM

January 11, 2010

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director *SR*

SUBJECT: Oregon Department of Transportation (ODOT) Local Agency Certification Program, Airport Industrial Park Improvements, Project No. 650372

ISSUE

City Council's approval is required to authorize the City Manager to accept a grant agreement from the Federal Highway Administration (FHWA) administered through the Oregon Department of Transportation (ODOT) for the Airport Industrial Park Improvements to Hout Street.

BACKGROUND

The federal SAFETEA-LU Bill identifies project no. 3544, Hout Street Improvements, as a high priority. The terms of this Bill direct ODOT to fund \$732,518 towards project construction, which is the maximum allowable federal participating amount. The City is required to provide a funding match and any non-participating costs, including costs in excess of available federal funds, to construct street improvements along Hout Street from Airport Road to Convill Avenue.

DISCUSSION

This project was included in the approved Capital Improvement Program with design scheduled in FY 09-10 and construction in FY10-11. The project includes travel and bike lanes, curb and gutter, park strip, sidewalk, and underground utilities. The grant will fund approximately \$732,000 of the estimated \$964,000 total project cost.

ACTION REQUESTED

Staff recommends City Council authorize the City Manager to accept the FHWA grant distribution and adopt a Resolution authorizing the City Manager to execute the agreement and any future amendments relating to the FHWA grant.

Review and Concur:

Nancy Brewer

Nancy Brewer, Finance Director 1/13/10
Date

Jon S. Nelson

Jon S. Nelson, City Manager 1/13/10
Date

Jim Brewer

Jim Brewer, City Attorney 1/14/10
Date

Attachment

RESOLUTION 2010-_____

Minutes of the February 1, 2010, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to accept grants after the budget has been approved; and

WHEREAS, the City of Corvallis has been authorized to receive a grant from the Federal Highway Administration in the amount of \$732,518 for the purpose of constructing local transportation projects; and

WHEREAS; the grant acceptance requires approval by the City Council and delegation of the authority to sign the grant documents to the City Manager; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the FHWA grant offered by the Federal Highway Administration and authorizes the City Manager to execute agreements accepting the grant and any future amendments relating to the agreement.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

Oregon Department of Transportation
LOCAL AGENCY CERTIFICATION PROGRAM
Supplemental Project Agreement No. 26,287
Airport Industrial Park Improvements (Corvallis)

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY OF CORVALLIS acting by and through its elected officials, hereinafter referred to as "Agency", hereinafter individually referred to as the "Party" or collectively referred to as the "Parties."

RECITALS

1. By the authority granted in Local Agency Certification Program Agreement No. 25611 incorporated herein and by this reference made a part hereof, State may enter into this Supplemental Project Agreement with Agency for the performance of work on this improvement Project. The Certification Program allows State to certify a Local Agency's procedures and delegates authority to the certified Local Agency to administer federal-aid projects that are not on the National Highway System.
2. Hout Street is a part of the Agency's city street system under the jurisdiction and control of city.
3. The Project in this Supplemental Project Agreement is one of the required test projects that constitute conditional certification described in Local Agency Certification Program (Certification Program) Agreement No. 25611.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, Agency agrees to reconstruct Hout Street to improve access to the Airport Industrial Park, hereinafter referred to as "Project". The location of the Project is shown on the map attached hereto, marked "Exhibit A", and by this reference made a part hereof.
2. The total estimated cost of the Project is \$964,000, which is subject to change.
3. The Project shall be conducted as a part of the SAFETEA-LU under Title 23, United States Code. High Priority Project funds for this Project shall be **limited to \$732,518**. The Project will be financed with High Priority Project funds at the maximum

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allowable federal participating amount, with Agency providing the match and any non-participating costs, including all costs in excess of the available federal funds.

4. Agency shall make all payments for work performed on the Project, including all construction costs, and invoice State for 100 percent of its costs. State shall reimburse Agency invoices at the pro-rated federal share. All costs beyond the federal and state reimbursement, any deposited local funds, and any non-participating costs will be the responsibility of the Agency. State shall perform work in the estimated amount of \$10,000. State shall send monthly invoices to Agency's Project Manager. Agency understands that State's costs are estimates only and agrees to reimburse State for the actual amount expended.
5. Agency shall select consultants, design, advertise, bid, award the construction contract, and construction administration. Agency understands that this Project is a test project and agrees to comply with all of the terms and conditions found in Certification Program Agreement No. 25611.
6. The federal funding for this Project is contingent upon approval by the Federal Highway Administration (FHWA). Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at Agency expense. State's Regional Local Agency Liaison or designee will provide Agency with a written notice to proceed when FHWA approval has been secured and funds are available for expenditure on this Project.
7. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
8. The Federal Bill(s) Number(s) and Project Description are as shown in the table below:

Federal Bill Number	Project Description
3544	Construction of access road including sidewalks, bike lanes and railroad crossing from Highway 99W to industrial zoned property, Corvallis.

9. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten

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(10) calendar years following the date all required signatures are obtained, whichever is sooner.

10. Local Agency Certification Program Agreement No. 25611 was fully executed on May 6, 2009. This Agreement is subject to the terms and provisions of the Local Agency Certification Program Agreement.
11. This Agreement may be terminated by mutual written consent of both Parties.
12. Agency shall, upon completion of Project and as a condition to this Agreement, complete and file with the appropriate County Clerk, an Acknowledgment of Federal Assistance, which is attached hereto as Exhibit B, and by this reference is made a part hereof. Agency shall provide confirmation of this filing by forwarding to the State's Regional Local Agency Liaison a conformed copy of the recorded Acknowledgement of Federal Assistance Form. By means of said acknowledgment, a lien shall be established against said property and assets subject to the satisfaction of Agency's financial obligations, the continued use of said property for public purposes, and the maintenance of the facility or service at a level consistent with normal depreciation and/or demand. State's interest in said property is proportional to the federal and state participation in Project.
13. Agency shall, at its own expense, maintain and operate the Project upon completion and throughout the useful life of the Project at a minimum level that is consistent with normal depreciation and/or service demand. State and Agency Agree that the useful life of this Project is defined as twenty (20) years.
14. State may conduct periodic inspections during the life of City Certification Projects to verify that Projects are being properly maintained and continue to serve the purpose for which federal funds were provided.
15. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.

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- d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
16. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
17. Agency, as a recipient of federal funds, pursuant to this Agreement with State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires State to return funds to the FHWA, hold harmless and indemnify State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
18. This Agreement and the Local Agency Certification Program (Certification Program) Agreement No. 25611, and all and the attached exhibits constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.
19. State's Project Liaison for the Agreement is Michael Starnes, Region 2 Local Program Liaison, 455 Airport Road SE, Building B, Salem, Oregon, 97301; telephone (503) 986-6920, or by an individual designated by the State's Region Manager in the event of the unavailability of the aforementioned individual.
20. Agency's Project Liaison for this Agreement is Somkeart Sartnurak, Corvallis Public Works Department, PO Box 1083, Corvallis, Oregon 97339-1083; telephone (541) 766-6731, or an individual designated by the Agency in the event of the unavailability of the aforementioned individual.

THE PARTIES, by execution of this Agreement, hereby individually acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

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The Project was approved by the Oregon Transportation Commission on April 17, 2008 as part of the 2008-2011 Statewide Transportation Improvement Program, Key No. 15786.

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 1, in which authority is delegated to the Deputy Director, Highways to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

CITY OF CORVALLIS, acting by and through its designated officials

By _____
City Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Legal Counsel

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date: _____

STATE OF OREGON, acting by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief Engineer

Date _____

By _____
Local Government Section Manager

Date _____

By _____
Region 2 Manager

Date _____

City of Corvallis/ODOT
Agreement No. 26,287

Agency Contact:

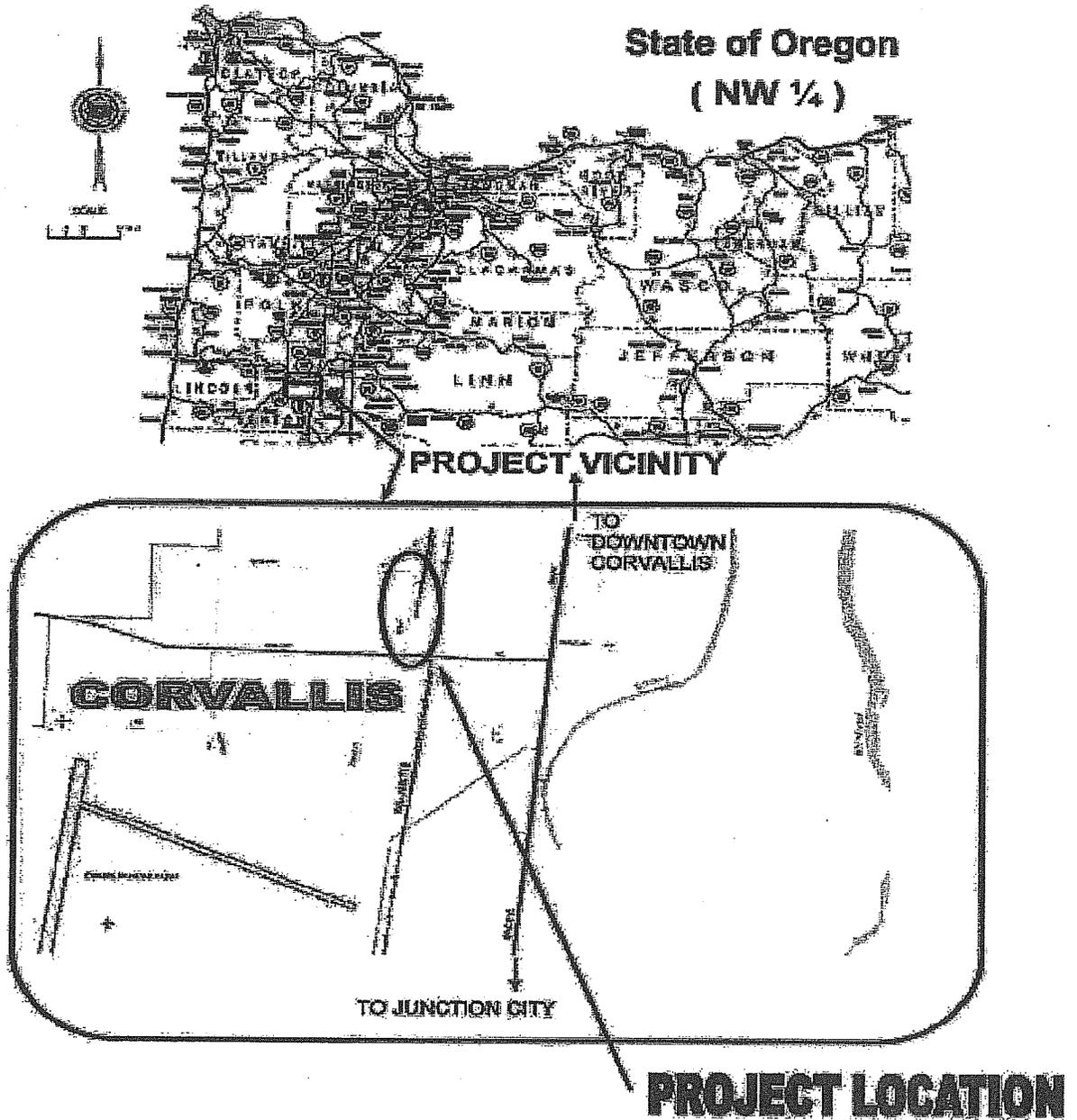
Somkart Sartnurak
City of Corvallis
Public Works Department
PO Box 1083
Corvallis, Oregon 97339-1083
Phone (541) 766-6731 x 5154
Email Somkeart.sartnurak@ci.corvallis.or.us

State Contact:

Michael Starnes
Region 2 Local Agency Liaison
455 Airport Road SE, Bldg B
Salem, Oregon 97301-5395
Phone (503) 986-6920
Email Michael.s.starnes@odot.state.or.us

Exhibit A

Airport Industrial Park Improvements (Corvallis) – Key No. 15786



City of Corvallis/ODOT
Agreement No. 26,287

EXHIBIT B

Agreement Number: 26,287

Project Name: Airport Industrial Park Improvements (Corvallis)

Key Number: 15786

ACKNOWLEDGMENT OF FEDERAL ASSISTANCE

The property and assets under the jurisdiction of _____ were improved with assistance from the United States Government under an agreement executed between _____ and the Oregon Department of Transportation dated _____. Such assistance was provided to _____ in reimbursement of costs associated with _____ the _____.

The use and disposition of said property is subject to the terms of the above noted agreement, copies of which may be obtained from the Director, Oregon Department of Transportation, and is also subject to 49 CFR Part 18 which may be obtained from the Federal Highway Administration, U.S. Department of Transportation, 400 7th Street, S.W., Washington D.C. 20590.

By : _____

Title : _____

SUBSCRIBED and SWORN to before me this _____ day of _____, 20__

NOTARY PUBLIC FOR OREGON

My commission expires: _____



CORVALLIS
sustainability
COALITION

Working Together to Create a Sustainable Community

P.O. Box 2310
Corvallis, OR 97339
www.sustainablecorvallis.org

DATE: January 27, 2010
TO: Mayor Tomlinson and City Council
CC: Jon Nelson, City Manager
FROM: Corvallis Sustainability Coalition Steering Committee
SUBJECT: Partnership Agreement with the Corvallis Sustainability Coalition

In February 2008, the City of Corvallis and the Corvallis Sustainability Coalition entered into a partnership agreement that provided a framework for working toward a community-wide sustainability initiative. Although the initial work outlined in the agreement has been completed, the Coalition would like to continue the partnership with the City through this agreement.

During the past year, the Sustainability Coalition has implemented changes in both management structure and organizational affiliation. Given these changes, we suggest the following to replace the current language in the agreement:

Section I (PARTIES), Paragraph 1

"The Corvallis Sustainability Coalition (Coalition) is a local grassroots organization with 145 partners that is operating as a Domestic Non-profit Corporation under IRS Code 501(c)(3). Its address is PO Box 2310, Corvallis, OR 97339."

Section III (PARTNER RELATIONSHIPS)

(Please see attached - Changes have been made to this section to reflect the past relationship in the development of the Community Sustainability Action Plan and to indicate the current activities of the Coalition.)

Section IV (COMMUNICATIONS)

"The Coalition is guided by a 15-member Steering Committee whose members shall include an official representative of the City. In addition, a member of the City Council shall serve as a liaison between the Coalition and the City Council. The liaison and any alternate shall receive all communications of the Coalition Steering Committee and shall provide verbal reports on a regular basis to the entire City Council on the activities of the Coalition. The Coalition shall provide the City Council with a written report of its activities and progress on an annual basis. Reporting requirements may change if additional work products are determined. It is understood that good faith disagreements, balancing other stakeholder perspectives, changing circumstances and changing leadership may occasionally occur with both partners. It is further understood that the Coalition does not speak on behalf of the City."

In addition, we have included some "housekeeping" changes, such as reference to the Corvallis Sustainability Coalition throughout this agreement as "Coalition", since there is another organization in Corvallis that is generally referred to as "CSC".

Attached is a copy of the revised agreement with suggested text changes. Please contact Annette Mills (541-230-1237, amills@willamettewatershed.com) regarding questions related to this request.

Thank you for your continued collaboration in creating a resilient, sustainable community.

Sincerely,

Corvallis Sustainability Coalition Steering Committee

Benjamin Baggett
Brenda Buckman
Bob Devine
Betty Griffiths

Loma Hammond
Lee Lazaro
Linda Lovett
Annette Mills
Kathleen Nickerson

Cassandra Robertson
Anne Schuster
John Swanson
Kate Swenson
Brandon Trelstad

Attachment: Amended Agreement with the Corvallis Sustainability Coalition (Draft)

CORVALLIS SUSTAINABILITY COALITION AGREEMENT

I. PARTIES

The Corvallis Sustainability Coalition (Coalition) is a local grassroots organization with 145 partners that is operating as a Domestic Nonprofit Corporation under IRS Code 501(c)(3). Its address is PO Box 2310, Corvallis, OR 97339.

In 2007, the Corvallis City Council established a goal that includes "...begin to develop a community-wide sustainability initiative." The Coalition was identified as the group to partner with the City on implementation of this goal.

This agreement is an update of the agreement entered into on the 21st day of February, 2008, by the following organizations (hereinafter referred to as "partners"):

- Corvallis Sustainability Coalition (hereinafter referred to as "Coalition")
- City of Corvallis (hereinafter referred to as "City")

II. RECITALS

The partners seek to establish a cooperative partnership for the purpose of achieving a more sustainable community as described in the Corvallis 2020 Vision Statement. This agreement provides a framework for this partnership to work towards a community wide sustainability initiative, acknowledges the partners' common ground, acknowledges the partners' differences and speaks to the relationship between partners that is necessary for Corvallis to achieve its vision of community sustainability.

III. PARTNER RELATIONSHIPS

The partners acknowledge that progress towards achieving a more sustainable community may only be achieved through collective and focused action. To further implement *Vision 2020*, the partners have worked together to develop a Sustainability Action Plan. The City previously provided financial support from public funds which the Coalition utilized in the development of the Sustainability Action Plan. The Coalition hired a professional consultant to assist them. The consultant helped gather baseline data, design the public process, facilitate the process, and write the Action Plan. This completed Action Plan is now a living document that is expected to change over time.

The partners will endeavor to ensure that any changes to the Action Plan will be:

- consistent with City Council policy;
- data-based, using best available research, indicators, benchmarks, and baselines;
- representative of the community's needs and values;

- a balance of economic, social, and environmental considerations; and
- focused and coordinated with clear priorities and measurable goals, including implementation strategies and responsibilities.

The community sustainability initiative's ongoing public process will include a series of Town Hall meetings, citizen action teams, quarterly gatherings, and partner surveys. The partners agree that the community process will be:

- transparent,
- representative,
- inclusive, and
- data-based, using best available research, indicators, benchmarks, and baselines.

IV. COMMUNICATIONS

The Coalition is guided by a 15-member Steering Committee whose members shall include an official representative of the City. In addition, a member of the City Council shall serve as a liaison between the Coalition and the City Council. The liaison and any alternate shall receive all communications of the Coalition Steering Committee and shall provide verbal reports on a regular basis to the entire City Council on the activities of the Coalition. The Coalition shall provide the City Council with a written report of its activities and progress on an annual basis. Reporting requirements may change if additional work products are determined. It is understood that good faith disagreements, balancing other stakeholder perspectives, changing circumstances and changing leadership may occasionally occur with both partners. It is further understood that the Coalition does not speak on behalf of the City.

V. DURATION AND MODIFICATION

This agreement shall be effective following signature by the participating partners. This agreement may be modified at any time by mutual consent of the partners.

City of Corvallis, Charlie Tomlinson, Mayor

Annette Mills, Facilitator, Corvallis Sustainability Coalition

Date

Why rebuilding resilience is as important as cutting carbon emissions

"A resilient system is adaptable and diverse. It has some redundancy built in. A resilient perspective acknowledges that change is constant and prediction difficult in a world that is complex and dynamic. It understands that when you manipulate the individual pieces of a system, you change that system in unintended ways. Resilience thinking is a new lens for looking at the natural world we are embedded in and the man-made world we have imposed upon it."

– Ward, C. (2007)

'Diesel-Driven Bee Slums and Impotent Turkeys: The Case for Resilience', www.tomdispatch.com

What is resilience?

The concept of resilience is central to this book. In ecology, the term resilience refers to an ecosystem's ability to roll with external shocks and attempted enforced changes. Walker *et al.* define it thus:

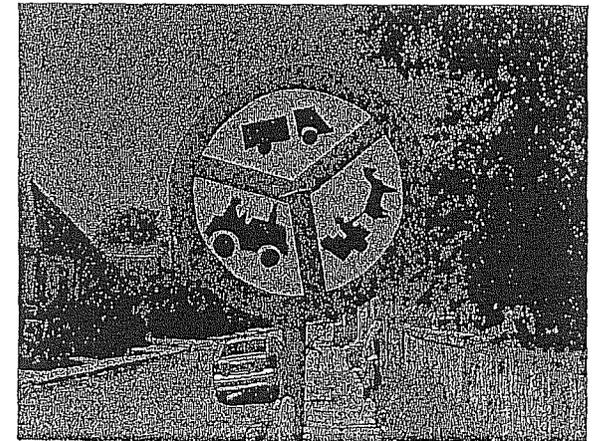
*"Resilience is the capacity of a system to absorb disturbance and reorganise while undergoing change, so as to still retain essentially the same function, structure, identity and feedbacks."*¹

In the context of communities and settlements, it refers to their ability to not collapse at first sight of oil or food shortages, and to their ability to respond with adaptability to disturbance. The UK truck drivers' dispute of 2000 offers a valuable lesson here. Within the space of three days, the UK economy was brought to the brink, as it became clear that the country was about a day away from food rationing and civil unrest.

Shortly before the dispute was resolved, Sir Peter Davis, Chairman of Sainsbury's, sent a letter to Tony Blair saying that food shortages would appear in "days rather than weeks".² The fragility of the illusion that, as DEFRA said in a 2003 statement, "national food security is neither necessary nor is it desirable,"³ became glaringly obvious. It became clear that we no longer have any resilience left to fall back on, and are, in reality, three days away from hunger at any moment, evoking the old saying that "civilisation is only three meals deep". We have become

completely reliant on the utterly unreliable, and we have no Plan B.

The concept of resilience goes far beyond the better-known concept of sustainability. A community might, for example, campaign for plastics recycling, where all of its industrial and domestic plastic waste is collected for recycling. While almost certainly being better for the environment as a whole, it adds almost no resilience to the community. Perhaps a better solution (alongside the obvious one of producing less plastic waste), would be to develop other uses for waste plastics requiring minimal processing, perhaps producing tightly compressed building blocks or an insulating product for local use. Simply collecting it and



While Western Europe has relentlessly reduced its own resilience, in parts of Eastern Europe it is still a central part of people's lives. This road sign from Romania says it all.

sending it away doesn't leave the community in a stronger position, nor is it more able to respond creatively to change and shock. The same is true of some of the strategies put forward by climate change campaigns that don't take peak oil into consideration. Planting trees to create community woodlands may lock up carbon (though the science is still divided on this) and be good for biodiversity, but does little to build resilience; whereas the planting of well-designed agroforestry/food forest plantings does. The Millennium Forests initiative missed a huge opportunity to put in place a key resource: we could by now have food forests up and down the country starting to bear fruit (both metaphorically and literally).

Economist David Fleming argues that the benefits for a community with enhanced resilience will be that:

- If one part is destroyed, the shock will not ripple through the whole system
- There is wide diversity of character and solutions developed creatively in response to local circumstances
- It can meet its needs despite the substantial absence of travel and transport
- The other big infrastructures and bureaucracies of the intermediate economy are replaced by fit-for-purpose local alternatives at drastically reduced cost⁴

Increased resilience and a stronger local economy do not mean that we put a fence up around our towns and cities and refuse to allow anything in or out. It is not a rejection of commerce or somehow a return to a rose-tinted version of some imagined past. What it does mean is being more prepared for a leaner future, more self-reliant, and prioritising the local over the imported.

The three ingredients of a resilient system

According to studies of what makes ecosystems resilient,⁵ there are three features that are central to a system's ability to reorganise itself following shocks. They are:

- Diversity
- Modularity
- Tightness of Feedbacks

Diversity relates to the number of elements that comprise a particular system, be they people, species, businesses, institutions or sources of food. The resilience of a system comes not only from the number of the species that make up that diversity, but also from the number of connections between them. Diversity also refers to the diversity of functions in our settlements (rather than just relying on one – say, tourism or mining) and a diversity of potential responses to challenges, leading to a greater flexibility. Diversity of land use – farms, market gardens, aquaculture, forest gardens, nut tree plantings, and so on – are key to the resilience of the settlement, and their erosion in recent years has paralleled the rise of monocultures, which are by definition an absence of diversity.⁶

Another meaning of diversity is that of diversity between systems. The exact set of solutions that will work in one place will not necessarily work in other places: each community will assemble its own solutions, responses and tools. This matters for two reasons. Firstly because it makes top-down approaches almost redundant, as those at the top lack the knowledge of local conditions and how to respond to them. Secondly, because resilience-building is about working on small changes to lots of niches in the place, making lots of small interventions rather than a few large ones.⁷

"Research by Thames Valley University reveals the dramatic nature of the decline of small shops in villages, market towns and district centres up and down the country. Since the 1940s, around 100,000 small shops have closed, and every year their number drops by approximately 10 per cent. Between 1995 and 2000, independent fresh food specialists – including bakers, butchers, fishmongers and greengrocers – saw their sales drop by 40% as supermarkets consolidated their grip over the food retail sector."

– New Economics Foundation,
Ghost Town Britain report

"In a resilient system, individual nodes – like people, companies, communities and even whole countries – are able to draw on support and resources from elsewhere, but they're also self-sufficient enough to provide for their essential needs in an emergency. Yet in our drive to hyper-connect and globalise all the world's economic and technological networks, we've forgotten the last half of this injunction."

– Thomas Homer-Dixon (2007),
The Upside of Down: catastrophe, creativity and the renewal of civilisation, Souvenir Press

"I do not want my house to be walled in or my windows blocked. I want the cultures of all lands to be blown about the house as freely as possible. But I also refuse to be blown off my feet by any."

– Mahatma Gandhi

The term modularity, according to ecologists Brian Walker and David Salt, relates to "the manner in which the components that make up a system are linked".⁸ Towards the end of 2007, the Northern Rock bank crisis led to major problems and uncertainty in the British banking system. It was caused by over-lending to high-risk house-buyers in the US thousands of miles away, but within a short period of time one system had knocked on to another and then another, showing how the globalised networks, often trumpeted as one of globalisation's great strengths, can in fact also be one of its great weaknesses. The over-networked nature of modern, highly connected systems allow shock to travel rapidly through them, with potentially disastrous effects.

A more modular structure means that the parts of a system can more effectively self-organise in the event of shock. For example, as a result of the globalisation of the food industry, animals and animal parts are moved around

the world, leading to increased occurrences of diseases such as bird flu and foot-and-mouth disease. Reducing animal transportation and reintroducing local abattoirs and processing would lead to a more modular system, with local breeds for local markets and a much reduced risk of disease spreading with the rapidity that we have seen in recent outbreaks.

When designing energy descent pathways for Transition Initiatives, the concept of modularity is key: maximising modularity with more internal connections reduces vulnerability to any disruptions of wider networks. Local food systems, local investment models, and so on, all add to this modularity, meaning that we engage with the wider world but from an ethic of networking and information sharing rather than of mutual dependence.

Tightness of Feedbacks refers to how quickly and strongly the consequences of a change in one part of the system are felt and responded to in other parts. Walker and Salt write: "Centralised governance and globalisation can weaken feedbacks. As feedbacks lengthen, there is an increased chance of crossing a threshold without detecting it in a timely fashion."⁹ In a more localised system, the results of our actions are more obvious. We don't want excessive use of pesticides or other pollutants in our area, but seem happier to be oblivious to their use in other parts of the world. In a globalised system, the feedbacks about the impacts of soil erosion, low pay and pesticide use provide weak feedback signals. Tightening feedback loops will have beneficial results, allowing us to bring the consequences



Photo © Andy Goldring

awareness that they don't even register. When people live off the grid in terms of energy, they are more mindful about their consumption because they are closer to its generation - the feedback loop is smaller.

9.01.210 Violations; Penalties; Remedies.

1) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this ordinance code.

2) Violation of a provision of this code shall be subject to a Civil Penalty no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense and shall be processed in accordance with the procedures set forth in 9.01.210.010 through 9.01.210.020.

3) Each day that a violation of a provision of this ordinance code exists constitutes a separate violation.

4) The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under the Corvallis Municipal Code, or other City ordinance, or law.

(Ord. 2010-XX § 1, XX/XX/2010;)

1-27-2020

RECEIVED

FEB 01 2020

CITY MANAGERS
OFFICE

To: Corvallis City Council and Mayor Charlie Tomlinson

Hi, I'm writing a letter of thanks for establishing all of the open space areas around Corvallis. My wife and I frequently ride our bikes to Herbert Open space, Owens Farm, Timber Hill open space (By the way, THANKS! for stopping the over-development of that hill), probably once a week and my wife runs at Bald Hill park 2-3 times a week.

Some of our favorite things to do besides hike in the open spaces are just sitting with a thermos of tea and reading, watching wildlife even in winter rain under an extra large umbrella and/or plastic tarp. We also visit Oak Creek and Chip Ross/Drygate Hill a lot as well.

Thanks Again

Paul Howard

Paul Howard

Corvallis OR 97333 -1606

P.S.: Oh yeah, Witham Oaks would be a good addition too.

And, some of the parks could really use some controlled-burn brush clearing if possible.



DRAWING IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A FINAL DESIGN, AND IS NOT INTENDED FOR CONSTRUCTION.

CUT/FILL LEGEND

-  0' - 10' CUT
-  10' - 20' CUT
-  0' - 10' FILL
-  10' - 20' FILL



METOLIUS CONSULTING

BROOKLANE HEIGHTS CUT/FILL ANALYSIS

WILLAMETTE VALLEY PLANNING
350 N.W. POLK AVENUE
CORVALLIS, OR. 97330
541-753-1987



Designed: DP
Drafted: HB
Checked: DP
Date: June 27, 2007
Revision:

Exhibit D.2