



**CORVALLIS
CITY COUNCIL AGENDA**

**August 2, 2010
12:00 pm ONLY**

(Work Session at 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 – July 19, 2010
 - 2. City Council Work Session – July 22, 2010
 - 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Commission for Martin Luther King, Jr. – June 22, 2010
 - b. Historic Resources Commission – June 22, 2010
- B. Confirmation of Appointment to Citizens Advisory Commission on Civic Beautification and Urban Forestry (Bregar)
- C. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Benton County and the City of Monroe for operation of the Monroe Library
- D. Authorization to enter into and for the City Manager to sign a public property lease agreement with Silke Communications, Inc. for a telecommunications site on city-owned property on Marys Peak
- E. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d) (status of labor negotiations)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
- B. Council Reports
- C. Staff Reports [information]
 - 1. Employee parking update
 - 2. Land use application fees follow-up

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

- A. Benton County Commissioner Chair Annabelle Jaramillo

VII. PUBLIC HEARINGS – None.

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

- A. Human Services Committee – July 20, 2010
 - 1. Willamette Neighborhood Housing Services Third Quarter Report [direction]
 - 2. Municipal Code Review: Chapter 5.03, "Offenses" (Special Response Fee) [direction]
ACTION: An ordinance amending Corvallis Municipal Code Chapter 5.03, "Offenses," as amended, to be read by the City Attorney
 - 3. Council Policy Review: CP 92-4.05, "Library Meeting Rooms Policy" [direction]
- B. Administrative Services Committee – July 21, 2010
 - 1. Land Use Application Fees Review [direction]
 - 2. Municipal Code Review: Chapter 5.03, "Offenses" (Prohibit Feeding Wild Turkeys) [direction]

- C. Urban Services Committee – July 22, 2010
 - 1. Corvallis-to-the-Sea Trail Designations [direction]
 - 2. Ninth Street Bicycle Lanes (after Visitors' Propositions) [information]
 - 3. Airport Lease – HTSI [direction]

- D. Other Related Matters
 - 1. *A resolution establishing a zone of benefit for public street and storm drainage improvements in CoHo CoHousing development, to be read by the City Attorney* [direction]

 - 2. *A resolution authorizing the execution and delivery of a full faith and credit financing agreement to finance the acquisition, construction, and installation of various capital projects and related matters, to be read by the City Attorney* [direction]

X. NEW BUSINESS

- A. United States Forest Service Presentation (immediately after Consent Agenda) [information]

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

AUGUST 2 - 14, 2010

MONDAY, AUGUST 2

- ▶ City Council - 12:00 pm only - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ City Council/Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (work session - Prosperity That Fits Plan)

TUESDAY, AUGUST 3

- ▶ Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ No Downtown Parking Committee

WEDNESDAY, AUGUST 4

- ▶ No Administrative Services Committee
- ▶ Land Development Hearings Board - 5:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ No Planning Commission
- ▶ Library Board - 7:30 pm - Library Board Room, 645 NW Monroe Avenue

THURSDAY, AUGUST 5

- ▶ No Urban Services Committee
- ▶ Committee for Citizen Involvement - 7:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, AUGUST 6

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

SATURDAY, AUGUST 7

- ▶ Government Comment Corner (Mayor Charles Tomlinson) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

TUESDAY, AUGUST 10

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

WEDNESDAY, AUGUST 11

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

THURSDAY, AUGUST 12

- ▶ Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- ▶ Total Maximum Daily Load (TMDL) Stakeholder Briefing - 3:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ City Council/Board of Commissioners - 5:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (joint meeting - Enterprise Zone Phase I expansion)

SATURDAY, AUGUST 14

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

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

July 19, 2010

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 359-360			
Council Reports 1. Arts and Culture Commission Meeting (Daniels) Yes 2. Government Comment Corner (Raymond) Yes • Council/City Manager Service to City • Library Open Sundays • Ward 2 Councilor Candidate • Sustainability Initiatives Funding • Park Maintenance • Ocean Reserves 3. BEC Open House (Raymond) Yes 4. daVinci Days (Raymond, Hirsch) Yes 5. Ward 7 (Raymond) Yes 6. Councilor Beilstein's Trip (Hirsch) Yes 7. Lifeguard Fist Aid Training (Hirsch) Yes 8. Rain Garden Project (Hirsch) Yes 9. City Hall Seismic Upgrades (Daniels) Yes 10. Animal Control Services (Daniels) Yes Pages 360-361			
Staff Reports 1. Enterprise Zone Expansion Yes 2. SIF Work Session Yes 3. City Manager's Report – June 2010 Yes 4. Council Goals Update Yes 5. Stormwater Pollution Prevention Survey Yes Pages 361-362			
Items of HSC Meeting of July 7, 2010 1. Corvallis Farmers' Markets Annual Report 2. Council Policy Review: CP 07-4.15, "Use of Computer Lab Equipment and Public Internet Access at Senior Center" Page 362			<ul style="list-style-type: none"> • Accepted report <u>passed U</u> • Revised policy <u>passed U</u>
Items of USC Meeting of July 8, 2010 1. Urban Stormwater Quality Management and Control Ordinance 2. Residential Parking Permit District Ordinance 3. Total Maximum Daily Load Update Pages 362-363	Yes		<ul style="list-style-type: none"> • ORDINANCE 2010-15 <u>passed U</u> • ORDINANCE 2010-16 <u>passed U</u>

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Other Related Matters 1. Grant – Library Downloadable Materials 2. Grant – Stream Stewards Program Pages 363-364			<ul style="list-style-type: none"> • RESOLUTION 2010-25 <u>passed U</u> • RESOLUTION 2010-26 <u>passed U</u>
Visitors' Propositions 1. Corvallis Sustainability Coalition Update (Phelps, Gibney) 2. Community Sustainability Efforts (Ellis) Pages 364-366	Yes Yes		

Glossary of Terms

- BEC Business Enterprise Center
 HSC Human Services Committee
 SIF Sustainability Initiatives Funding
 U Unanimous
 USC Urban Services Committee

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

July 19, 2010

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

PLEDGE OF ALLEGIANCE

I. ROLL CALL

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

ABSENT: Mayor Tomlinson, Councilor Beilstein (both excused)

II. CONSENT AGENDA

Councilors Hirsch and Hamby, respectively, moved and seconded to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 - 1. City Council Meeting – July 6, 2010
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – May 4 and June 8, 2010
 - b. Bicycle and Pedestrian Advisory Commission – May 7 and June 11, 2010
 - c. Citizens Advisory Commission on Transit – June 9, 2010
 - d. Committee for Citizen Involvement – June 3, 2010
 - e. Corvallis-Benton County Public Library Board – June 2, 2010
 - f. Downtown Commission – June 9, 2010
 - g. Downtown Parking Committee – May 4, 2010
 - h. Historic Resources Commission – May 11, 2010
 - i. Watershed Management Advisory Commission – April 21, 2010
- B. Confirmation of Appointment to Downtown Commission (Schweizer)
- C. Announcement of Appointment to Citizens Advisory Commission on Civic Beautification and Urban Forestry (Bregar)
- D. Approval of Fiscal Year 2010-2011 Neighborhood Empowerment Grant program allocations
- E. Authorization to accept a grant from the Benton County Foundation (\$13,706) for youth and family assistance programming

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS – None.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports – None.

B. Council Reports

Councilor Daniels announced that the Arts and Culture Commission will conduct its first meeting July 22.

Councilor Raymond reported that she hosted Government Comment Corner July 10, and she spoke with people regarding several topics:

- Appreciation of Council members and the City Manager serving the City.
- The importance of the Library being open Sundays.
- Introduction of a Ward 2 Councilor candidate.
- Support for the proposed sustainability initiatives funding (SIF) and belief that the SIF would benefit Corvallis, especially maintaining sidewalks along Dr. Martin Luther King, Jr., (MLK) Park.
- Appreciation of Parks and Recreation Department staff and volunteers who help maintain MLK Park.
- The importance of ocean reserves and habitat for the Coastal eco-system, marine life, Coastal economy, and Oregon economy. Residents throughout Oregon should support the ocean reserves.

Councilor Raymond reported that the Business Enterprise Center hosted an open house. She noted that the Center helps many local businesses begin with a solid business plan foundation.

Councilor Raymond thanked Brenda VanDevelder, City staff, volunteers, and Corvallis residents for a successful daVinci Days Festival. She noted that the Festival had a "waste free" focus, with many volunteers explaining what could be composted or recycled. Festival vendors offered compostable and recyclable food and beverage containers and utensils.

Councilor Raymond thanked Ward 7 residents for allowing her to serve as their Councilor. She announced that she will seek another term as Councilor, and she appreciated her constituents' support.

Councilor Hirsch reported that he heard from Councilor Beilstein this morning, who is in Texas, will enter Mexico tomorrow, and then continue to Cuba.

Councilor Hirsch reported that a patron at Osborn Aquatic Center recently experienced respiratory arrest – the first such incident in nine years. The Lifeguard team performed their

jobs flawlessly, providing rescue breathing until paramedics arrived. He acknowledged the regular training the Lifeguards receive to ensure they are ready for emergencies.

Councilor Hirsch acknowledged Ms. VanDevelder, daVinci Days, and the volunteers who coordinated the daVinci Days Festival. He commented that the idea of composting and recycling all of the food-service products represents the nature of the Corvallis community.

Councilor Hirsch reported that Public Works staff conducted a presentation at a recent Citizens Advisory Commission on Civic Beautification and Urban Forestry meeting regarding a rain garden project being developed along NW Beca Avenue. He and Mayor Tomlinson toured a similar project in Portland, and he is looking forward to the Corvallis project.

In response to Councilor Daniels' inquiry, City Manager Nelson clarified that staff believes a Federal grant for seismic upgrades to City Hall is forthcoming. Councilor Daniels commended staff for continually seeking outside funding for important safety projects.

Councilor Daniels congratulated Parks and Recreation Department staff for obtaining a grant to improve the Central Park Plaza.

Councilor Daniels asked how animal control services would be handled, following Animal Control Officer Wendland's recent retirement. Mr. Nelson responded that an internal candidate was selected to fill the position, which was retained in the budget at half-time status. Officer Wendland offered to train the new Animal Control Officer.

C. Staff Reports

Mr. Nelson announced an August 12 joint meeting of the Council and the Benton County Board of Commissioners to formally consider expanding the Benton/Corvallis Enterprise Zone. Following multiple joint work sessions of the two governing bodies, it is now necessary for each body to decide whether the Zone should be expanded.

Mr. Nelson announced that the Council will meet in a work session July 22 to discuss the proposed SIF package. He asked Council members to send him or Mayor Tomlinson any suggestions for amendments to the proposed work session agenda.

1. City Manager's Report – June 2010

Mr. Nelson asked Council members to call him if they had questions regarding the Report. He noted that difficult work by staff, the Council, and the Budget Commission culminated in adoption of the Fiscal Year 2010-2011 City Budget.

2. City Council goals update

Mr. Nelson noted that staff is now presenting Council goals updates via Council meeting packets, rather than holding the information until quarterly work sessions. This provides timely information to the Council, and he asked Council members to call him if they had questions.

Mr. Nelson asked Council members to read the Oregon State University (OSU) graduate student survey report regarding stormwater pollution prevention. The survey gauges citizens' knowledge of the City's pollution prevention program and what changes should be made to the program outreach processes.

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

A. Human Services Committee – July 7, 2010

1. Corvallis Farmers' Markets Annual Report

Acting Mayor Brown reported that the Committee unanimously recommended that the Council adopt the Report.

Councilors Raymond and Hirsch, respectively, moved and seconded to adopt the Corvallis Farmers' Markets Annual Report for 2009. The motion passed unanimously.

2. Council Policy Review: CP 07-4.15, "Use of Computer Lab Equipment and Public Internet Access at Senior Center"

Acting Mayor Brown reported that the Committee unanimously recommended that the Policy be amended as recommended by staff to better define computer lab access, print limits, and availability of assistance.

Councilors Raymond and Hirsch, respectively, moved and seconded to revise Council Policy CP 07-4.15, "Use of Computer Lab Equipment and Public Internet Access at Senior Center," as recommended by staff. The motion passed unanimously.

B. Administrative Services Committee – None.

C. Urban Services Committee – July 8, 2010

1. Urban Stormwater Quality Management and Control Ordinance

Councilor Hamby reported that the proposed ordinance is the City's sixth requirement under its National Pollutant Discharge Elimination System permit; the other five requirements were completed. He reviewed the three primary objectives of the ordinance. Oregon Department of Environmental Quality approved the proposed ordinance. Staff conducted informational outreach to citizens, contractors, and builders, whose comments were incorporated into the ordinance. The Committee recommended adoption of the ordinance.

City Attorney Fewel read an ordinance establishing urban stormwater quality management and discharge control and creating a new Chapter 4.04 in the Corvallis Municipal Code.

ORDINANCE 2010-15 passed unanimously.

2. Residential Parking Permit District Ordinance

Councilor Hamby reviewed that the Council approved establishing Residential/Business Parking District C south and west of Central Park. He reported that staff recommended some legislative amendments not included in the Council's previous discussion of the parking district:

- Residential parking permits would be based upon the number of kitchens in the building, rather than dwelling units.
- Sororities and fraternities would be allowed 20 parking permits per facility.

Councilor Hamby reported that the Committee unanimously recommended adoption of the ordinance.

Mr. Fewel read an ordinance amending Corvallis Municipal Code Chapter 6.15, "Residential Parking Permit Districts," as amended, and stating an effective date.

ORDINANCE 2010-16 passed unanimously.

3. Total Maximum Daily Load Update

Councilor Hamby reported that staff briefed the Committee regarding the status of the City's efforts to meet impending total maximum daily load (TMDL) requirements of water temperature in the Willamette River. Several outreach meetings were conducted involving various options, including the primary option of stream-side tree shading. It was generally agreed that tree shading would not be considered the only solution to reducing stream water temperature. The next meeting (August 12) will be an opportunity for public outreach and input. More information is available from the Public Works Department.

This topic was presented for information only.

D. Other Related Matters

1. A resolution accepting a grant from the Oregon State Library (\$50,000) for the Oregon Digital Library Consortium downloadable materials program and authorizing the City Manager to sign the grant agreement

Mr. Nelson explained that the Corvallis-Benton County Public Library serves as fiscal agent for a consortium that provides downloadable material. The Library receives and processes State library funds for the services.

Mr. Fewel read a resolution accepting a grant from the Oregon State Library in the amount of \$50,000 for the Oregon Digital Library Consortium downloadable materials program and authorizing the City Manager to sign the grant agreement.

Councilors Daniels and Hervey, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2010-25 passed unanimously.

2. A resolution accepting a grant from the Environmental Protection Agency (\$14,737) for the Corvallis Stream Stewards Program and authorizing the City Manager to sign the grant agreement

Mr. Nelson explained that the City was awarded an environmental education grant by the Environmental Protection Agency to assist the City's stormwater pollution prevention program.

Mr. Fewel read a resolution accepting a grant from the Environmental Protection Agency in the amount of \$14,737 for the Corvallis Stream Stewards Program and authorizing the City Manager to sign the grant agreement.

Councilors Daniels and Hirsch, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2010-26 passed unanimously.

VI. VISITORS' PROPOSITIONS

- A. Corvallis Sustainability Coalition update

Jim Phelps and Theresa Gibney updated the Council regarding the activities of the Corvallis Sustainability Coalition Energy Action Team. The Team worked with City staff and the Corvallis Environmental Center to complete actions toward achieving established goals, which Mr. Phelps and Ms. Gibney reviewed.

Mr. Phelps and Ms. Gibney thanked Public Works Director Rogers and Public Works Department Administration Division Manager Steckel for their assistance, insight, foresight, and initiative, particularly in preparing grant applications. They commended Housing Division staff for their assistance with the revolving loan fund.

Councilor Daniels thanked Coalition members for their partnership work with City staff. She noted that the Federal grant funds were part of the American Recovery and Reinvestment Act stimulus program and involve training people otherwise laid off from the construction industry to perform weatherization work. The Coalition Energy Action Team's work employed local people in actions leading to making the Corvallis community more energy self-sufficient.

Councilor Raymond thanked City staff, Coalition members, and OSU interns working on the Coalition's projects this summer.

Councilor Hervey noted that the Committee for Citizen Involvement was partly responsible for obtaining the funding that is being invested in the Job's Addition Neighborhood Association energy survey project.

Helen Ellis urged that sustainability be done in a timely manner and not at the expense of other services being provided in the community. Other entities, such as Community Services Consortium (Consortium), receive Federal funding and provide weatherization services. She expressed concern that the community "receive its money's worth" and that services are not duplicated.

Ms. Ellis expressed concern regarding the terms "sustainability" and "green." She believes "sustainability" means making what exists continue but does not mean adding new things. She and her friends have always recycled, conserved water, and reduced trips. She noted that the City is paying for special staff to train people to pursue actions others have always done.

Ms. Ellis said she volunteered many hours in the community with various agencies and in different capacities, gaining extensive information. She urged the City to share sustainability information and plans and coordinate efforts with other entities and agencies, such as Cascades West Council of Governments and the Consortium.

Ms. Ellis observed that Corvallis and Oregon are far ahead of other community action agencies, many of whom only offer food banks. Corvallis agencies have many volunteers providing a myriad of services, including her and her husband, who are giving back to the community. She noted that costs are increasing for insurance, utilities, housing, groceries, and other services. She feels compassion for people unable to handle increasing costs and decreasing tax breaks. She acknowledged that the Council must make difficult decisions regarding fees. She urged the Council to understand how funds are and are not generated.

Councilor Raymond thanked Ms. Ellis for her extensive service to the community. She acknowledged the need to be re-educated about "old" values and practices that were once done automatically. She noted that the Prosperity That Fits Plan promotes economic vitality to meet everyone's needs, and she pledged to adhere to the Plan during Council deliberations.

Ms. Ellis referenced a letter she and her husband sent to Councilor O'Brien expressing their concerns (Attachment A).

Councilor Daniels said she is a member of Urban Services Committee, which reviewed energy grant funding allocation applications. Before considering the proposals, she spoke with Consortium workforce training representatives to learn the types of jobs for which they were training people. This enabled her to consider how many people would be employed by the proposed projects and that services would not be duplicated. She noted that many Consortium staff members and Coalition members work together on several projects, but she acknowledged that the collaborations could be improved.

Acting Mayor Brown thanked Ms. Ellis for her service to the community.

Art Robbins requested clarification of the parking permit allocations for fraternities and sororities.

Mr. Rogers explained that legislation for Residential Parking Permit Districts A and B included disclaimers allowing three permits for each single-family home and excluding fraternities and sororities. Over the 20-plus years since the Districts were established, staff has issued 20 permits to each fraternity and sorority within the Districts. With implementation of District C, staff recommended that the Municipal Code be amended to specify that each fraternity and sorority within a District would be allowed 20 permits.

Mr. Robbins commented that he lives across the street from a fraternity. If the fraternity is allowed 20 parking permits, no other neighborhood resident would have a place to park.

Mr. Rogers reiterated that fraternities and sororities have been issued 20 parking permits each since the Parking Districts were established. The ordinance approved today would specify in the legislation staff's previous practice.

VII. PUBLIC HEARINGS – None.

X. NEW BUSINESS – None.

XI. ADJOURNMENT

The meeting was adjourned at 12:53 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

Corvallis, OR
July 17, 2010

*Rec'd
7/19/10
[Signature]*

To: Mark O'Brien, City Councilor, Ward 1
From: Lyle & Helen Ellis

Re: Corvallis Sustainability Coalition update, City Council meeting, July 19, 2010

Dear Councilor O'Brien,

We appreciate your May 6th stance on the "fees" for the sustainability programs that have been advocated by a segment of our population.

The council voted on May 16th to hold off on a decision until August after a council work session and possibly a public hearing on the matter.

We encourage you to maintain your stance on the matter and to request that a public hearing be held.

There are enough other rate increases facing the people as it is. Pacific Power has just announced a 10.25% rate increase as of 1/1/11. On a personal level, we just received a notice of a 15% increase in our long term care insurance premiums. There will be other increases. A lot of people haven't even thought about the effect that the discontinuation of the Bush tax cuts will have on them.

The council says that the bus "fee" will supplant the property taxes now used to subsidize the transit system and the property taxes can be used for other purposes. If the "fee" replaces the property tax, then is the "fee" not a tax? Taxes are supposed to be approved by a vote of the people. A fee is supposed to directly benefit the individual that paid the fee.

There is an overabundance of people living in Corvallis that have spent their working lives in the public sector. They spent those years extracting and spending other people's money. Many of those people never did have, and still don't have, a clue as to where or how that money was generated to make it available to them.

Corvallis is facing a very serious shortfall of revenue in the coming years. The council should look beyond trying to nickel and dime the populace for every touchy-feely idea that comes along. The time is coming when there is going to have to be a new levy to support the basic needs of the city. The council should direct its efforts and energy toward that end.

Most of the populace is already involved in sustainability programs. They are called "making ends meet", both emotionally and financially.

Very truly yours,

Lyle M. Ellis
Helen M. Ellis



**CITY OF CORVALLIS
COUNCIL WORK SESSION MINUTES**

July 22, 2010

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 7:00 pm on July 22, 2010 in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

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

ABSENT: Councilor Beilstein (excused)

II. UNFINISHED BUSINESS

A. Sustainability Initiatives Funding

Mayor Tomlinson noted that Councilor Hervey corresponded with Council via e-mail (Attachment A) about how to approach the work session and future fee discussions. The e-mail suggested a Councilor check-in of the SIF program and background information on previously successful fees or taxes. *(The entire e-mail stream is included as Attachment B.)*

Mayor Tomlinson suggested postponing the background information discussion to the Council's work session in September due to the broader scope and potential length of time the discussion could take.

Councilor Daniels said background information is useful in making decisions. For example, it is important for the full Council to understand how the Transportation Maintenance Fee (TMF) was developed. Mayor Tomlinson said the TMF background information is in the meeting materials and he prefers Council have a more narrow focus to find common ground on the proposed fees.

Councilor Raymond agreed that background information is as important to this process as is the check-in to understand how other Councilors feel about the SIF.

Mayor Tomlinson expressed concern that the background information discussion will be quite lengthy. Council will have an opportunity to express an opinion about each fee in an attempt to find common ground.

Mayor Tomlinson announced that the motion approved during the May 17 Council meeting postponed SIF deliberations to August 16. SIF will be discussed during Unfinished Business and Council can choose to vote on each fee separately, combine fees, or delay the decision.

City Manager Nelson commended Public Works Director Rogers and Administrative Division Manager Steckel for the complete packet of meeting materials.

Mr. Rogers provided revised Corvallis Transit System (CTS) Ridership calculations for Fiscal Year 2009-2010 (Attachment C). He said the previous spreadsheet was calculated incorrectly. Capacity is calculated by determining how many people are on a bus at any one time. Staff can only determine how close the buses are to capacity. Reviewing the highest ridership route during the highest hour of the highest month is an indicator of how close the City is to capacity. One hundred percent capacity is when a bus bypasses a bus stop with people waiting because the bus is full. That has never happened in Corvallis. Mr. Rogers estimates that system-wide, the City's capacity is at 60 to 70 percent. Increases in ridership are not likely to drive higher capacity on current routes with the current frequency.

Mr. Rogers provided Councilors with a copy of the March 31 SIF staff report prepared for the Administrative Services Committee (Attachment D). Page two includes a list of additional direction to consider should Council decide to implement any of the SIF.

Mr. Rogers highlighted items included in the meeting materials:

- Time line of SIF component discussions.
- Additional public input.
- Table of questions and answers derived from all public testimony, Council discussions, and Administrative Services Committee (ASC) discussions.
- Fareless transit information including a summary of the Lane Transit District study.
- Alternative modes work program (how the fee would be used).
- Energy Strategy Ad-Hoc Committee (ESAHC) funding references.
- Trip generation mechanisms potentially impacting transit and alternative mode fees.
- Council and ASC minutes, including the briefing paper Council received in March that was subsequently released to the public.

In response to Councilor Raymond's inquiry, Mr. Rogers said the intention of the SIF is to list each fee separately on the City's utility bill. Councilor Brauner added that ASC recommended the fees be listed separately on the utility bills.

1. Transit Initiative

Questions of Staff

Councilor Raymond - The American Disability Act (ADA) requires access on sidewalks and buses. How are these items currently funded?

Mr. Rogers: The buses have lifts and CTS provides paratransit services for those not able to utilize the buses. CTS is 100 percent ADA compliant. Curb ramps are installed for sidewalk compliance. The City has spent 20 years replacing existing ramps and installing new ramps. Staff expects to have ramps installed at all intersections by next spring. The funding for the ramp installation is derived from gas taxes in the Street Fund.

Councilor Hervey – The City is dependent on Business Energy Tax Credits (BETC). Does the allocation methodology rank the City against other cities and/or consider Corvallis' ability to fund transit?

Mr. Rogers: There is no connection between what Corvallis does and what other communities accomplish. The City applies for BETC based on current law and guidelines. The State legislature will review the BETC next spring. If the program is not extended, it will sunset and the City's transportation portion will end. Extending the program with significant changes could also impact funding.

Mayor Tomlinson: BETC re-authorization is a top priority for the League of Oregon Cities (LOC) during the next legislative session. The Oregon Department of Energy has significantly cut credits for residential solar photovoltaic installations due to State revenue issues.

Councilor Hervey – Is the City compared to other cities when federal transit funds are allocated?

Mr. Rogers: Federal funds are allocated through the Metropolitan Planning Organization (MPO). The MPO could decide to give the City's transit funds to someone else, although the City is the basic transportation provider in the MPO area. Of concern is the six-year highway bill that expired one year ago and has not been re-authorized. It is not expected to be re-authorized for at least six more months. The City continues to receive funds due to incremental extensions, but it is unclear what will be included in the next program. The federal gas tax dollars funding this program is decreasing and losing worth. The tax needs to be increased or alternative funding needs to be found to continue the program at the current level. The City must match the MPO allocation. Cutting services could result in a loss of federal funds.

Councilor Hervey – The Associated Students of Oregon State University (ASOSU) implied they may discontinue any payment for transit services.

Mr. Rogers: In addition to the ASOSU contribution, OSU allocates \$130,000 annually for the City to provide transit services. OSU representatives have indicated that allocation will continue. Additionally, OSU provides \$20,000 in free passes for faculty and staff. OSU is committed to continual funding of the transit system as comprising one-half of the users.

Councilor Brauner: The assumption is that the group pass goes away since the fee was built on an expanded, fareless system.

Councilor Hervey – Therefore, the \$228,000 contribution from the OSU students is no longer made.

Councilor Brauner: That amount does not sound correct. When ASC reviewed the SIF, the total group pass program (OSU, ASOSU, Corvallis School District) and fares was replaced by the SIF and fare box fees. The total group pass is \$270,000.

Councilor Hervey – If the fee is approved and the group pass disappears, OSU students will not pay into the system.

Councilor Brauner: The fee will be included on the OSU utility bill. OSU can choose to ask students to help pay the fee.

Councilor Hervey – The information sent to the community states that if this fee is approved, transit fees will be stable and the City will have money to spend on police and fire.

Mr. Nelson: All General Fund (GF) property-tax supported services are threatened by existing funding issues. This fee will replace the property tax funds transit currently receives and those funds will be used to maintain police, fire, library, and parks services.

Councilor Hervey – The information talks about making enhancements and maintaining services. The City should be talking about enhancements now so they can be protected.

Councilor Brauner: The fee methodology is a combination of enhancements, GF replacements, and fareless transit. The Budget Commission's issue was to replace the property tax dollars that transit relies on so that other services are not reduced.

Councilor O'Brien – If the City is trying to un-encumber \$500,000 GF, why consider fareless transit when there is no evidence fareless transit will increase ridership. There is no reasonable argument in the documentation for a fareless system. Why eschew OSU student dollars, group pass funds, and fare box monies?

Councilor Brauner: The fareless issue has outweighed the need for property tax subsidy and potentially increasing service levels. The add-on cost for a fareless system is insignificant compared to other fees. The e-mail exchange between Councilor Hervey and constituents provides good evidence that a fareless system makes a difference on ridership over time. Transit use will increase in the future as gas prices increase and energy consumption decreases. A fareless system is a relatively inexpensive cost over time. For local employers offering fareless transit, ridership has increased significantly. Fareless transit provides incentive for all employers and residents. If the fareless fee is removed from the methodology, the cost difference is minimal.

Councilor Daniels said the goal was to increase ridership. It is clear that the cost of a fareless system is not a barrier to ridership growth. The most important ridership issues are punctuality, convenience, and frequency. However, a fareless system may not be justifiable to support this fee at this time. She opined that transit is a core City service that should continue to be subsidized as it is in other communities. If the City moves forward with the fee, she would prefer a focus on operational issues that will also increase ridership.

Councilor Brown noted that the information provided about a fareless system is dismal.

Councilor Raymond clarified that ridership increased 49 percent when a fareless system was introduced in Ashland.

Mayor Tomlinson inquired whether Council can find common ground around the three components of the \$2.75 transit SIF. Council may want to consider separating the three components and deliberating each separately.

Councilor Brauner inquired whether Councilors would support the transit SIF if the fareless component was removed.

Councilor O'Brien noted that the information about Ashland's fareless system further states that it was too costly to continue operating. He said he has more global objections to the entire SIF funding mechanism. Backfilling the GF is his bottom-line position for transit.

Councilor Hamby said he is not interested in any of the SIF items. Council reduced the budget by \$2.5 million and will reduce it by a similar amount next year. It is not appropriate to start five new programs when the budget is being drastically reduced. He is not in support of any SIF items regardless of whether the fee is \$2.75, \$1.25, or \$0.03. Council wants to add fees to the utility bill and ask the voters for a levy in the spring. It will not work.

Councilor Brown said he supports some of the ideas expressed by the Councilors. This is a global policy discussion with a narrow focus on five small and questionable items. Council does not know what the citizens desire and the timing is bad in light of the budget situation and possibility of asking for a levy next year. All five items are ill-considered and do not provide enough information. The focus is myopic and there is no reason to believe these are the five most important items for Corvallis citizens.

Councilor Hervey opined that the SIF shows foresight that Council needs as the City transitions toward more available energy and local regional economy. He likes the direction of the SIF and, although he believes a fareless system will increase ridership, he is willing to compromise on the fareless component.

Councilor Brauner said he is not willing to work toward compromise if some Councilors cannot support any of the SIF. He is willing to compromise on some of the components only if the majority of Council is willing to discuss and compromise on some of the components. Otherwise, he will move forward with all of the SIF without considering any compromise. He added that he is elected to make a decision and will do so for the good of Corvallis. He opined that the SIF is the right decision for Corvallis.

Councilor O'Brien said a no decision for the SIF is an okay decision. A compromise is to get through the levy discussion for core services and make sure staff is not laid off from a core service division. Citizens will not support a levy based on Council's "diddling around" with alternative energy conservation centers and bicycle paths. These things may or may not have value, but to institute the fees now is senseless. Planning a trip to Disneyland when you cannot pay the heating bill is irresponsible. The SIF items are wants.

Councilor Raymond said she is puzzled that the people who initially brought sustainability fees forward are now expressing negative comments about the program. Council is trying to understand the stability of the transit system and how to fund that system. There are several ways the City is currently funding the program, but the funds are not guaranteed or stable and could be lost. A fareless system provides transit to those not already riding the buses for free through a group pass or as a student of OSU. The rest of the Corvallis citizens should be allowed to use the transit system as much as any special privileged group. Some community members believe sustainability is not as important as police, parks, library, or arts. Those programs are all a part of sustainability and more stable transit funding results in more dollars for police, parks, library, and arts. She added that the carbon footprint is not fluff.

Councilor Hamby said he does not understand why the compromise must be a dollar amount between \$0.00 and \$2.75. He opined that a compromise could be a reduction in routes.

Councilor Brauner said he has worked through levy elections for the last 30 years. If the City goes forward with a levy without initiating alternative revenue sources, levy opponents will say the City has not pursued other revenue alternatives. If the City initiates alternative revenue sources and attempts a levy, opponents will say the City initiated alternative revenue sources and does not need the levy. This "catch-22" situation is not a good argument. Council should be leading this community to where the City needs to be in the future. Relying on property tax for all services is not a good thing. This is the time to look at alternative revenue sources regardless of the result of the vote.

Councilor Hirsch said the transit system is largely fareless now and a fareless component increases ridership; however, he can compromise on this issue if fareless is not affordable. It is not planning a trip to Disneyland versus paying the heating bill, it is choosing to fix the car to go to work to earn money to pay the heating bill. These items have been discussed for a long time and are related to sustainability, efficiency, good governing, and future thinking. The bang for the buck is huge for what is reaped by the minimal fees of the SIF. All five programs are important and will make the City run better.

Councilor O'Brien said an alternative modes funding mechanism might be interpreted by some as increasing the fare. It would be reasonable for citizens to inquire why the City did not increase the user fare. Citizens believe the SIF is a tax and that they have a right to vote on a tax measure.

In response to Councilor Brauner's comment that citizens can file a referendum if the fees are initiated, Council O'Brien said filing a referendum is not an easy task. Initiating these fees at this time will break the trust of the voters and make approval of a more important levy next year more difficult to achieve. He opined that SIF services are not the most important services to the City. The proposal has always been presented as five items in a package and there is nothing else in the package

that has the value of transit. The compromise is to remove everything else from the SIF and discuss transit.

Councilor Daniels clarified that fareless is not the only way to increase ridership. The cost of the fare is not a barrier.

2. Sidewalk Safety Program Initiative

Councilor Daniels said she has supported this program from the beginning and believes it is the most efficient thing to do; however, the program needs to be delayed until the economy improves.

Councilor Brown said he understands the program and issues involved with old sidewalks and trees. The issue seems trivial in light of the current issues the City is facing.

Councilor Raymond said although this initiative is the most efficient, it should be postponed.

Councilor Hirsch said the majority of comments from his constituents have been supportive. It is an efficient initiative and it makes sense to move forward with this program.

Councilor Brauner said this is not a new fee for property owners. This is a different method to assess property owners for this program and it is more efficient and less costly. The City does not charge the adjacent property owner for the remainder of the public right-of-way (streets), so they should not be responsible for the adjacent sidewalk.

3. Alternative Modes Initiative

Councilor Hervey said if the list of items to be completed with this initiative was more specific than dealing with backlog, he would be more comfortable supporting it.

In response to Councilor Raymond's inquiry, Councilor Hervey said bicycle boulevards are a wonderful idea and bicyclists are already using low-traffic streets. Approval for these boulevards is about whether they make sense and are balanced.

Councilor Hirsch said this initiative will have a large return on investment, but he can compromise on this fee.

Councilor O'Brien noted that there are a number of projects being completed, including new crosswalk striping on 2nd Street and Research Way, bicycle lanes on Country Club, and other projects across town.

Mr. Rogers responded that crosswalk striping funds come from operating costs supported by the gas tax and would not be funded through the alternative modes

program. The Country Club bicycle lane project is funded through System Development Charges (SDCs) paid by the developer. Council can review the street SDC ordinance to consider other alternative modes funding.

4. Urban Forestry Program Initiative

Councilor Brauner said he feels the same way about this initiative as he does about the Sidewalk Safety Program.

5. Energy Conservation and Renewables Initiative

Questions of Staff

Councilor Raymond – How is the Corvallis Environmental Center (CEC) funding energy conservation programs?

Ms. Steckel: The City received \$511,000 from the Energy Efficiency and Conservation Block Grants (EECBG) program. The CEC energy conservation project coordinator received \$50,000 and the CEC weatherization incentive program received \$79,000. The revolving loan for the energy conservation project upgrades received \$250,000. In addition, EECBG funds are being used to help fund the geothermal heat pump at the Chintimini Senior Center (\$120,000), and lighting upgrades at the Majestic Theatre (\$12,000). None of the EECBG funds are GF monies derived from property taxes. Matching funds are not required.

Councilor Raymond – What CEC funding did the City recently deny?

Mr. Nelson: The City has an agreement with CEC to deliver the programs described by Ms. Steckel. Historically, the City has made contributions to the CEC for general operations support. That is the funding denied this year.

Councilor Raymond said the CEC does a lot for Corvallis and the City. The City will be asking citizens to help fund the CEC one way or another, and this is a painless way to pay for services. She expressed surprise at how negative people have been about the \$5.60 per month fee for all SIF services.

Councilor O'Brien – At the Planning Commission presentation, there was confusion as to whether the revolving loan fund was available for energy start-up companies.

Mr. Rogers: The brochure information was written that way because staff assumed dedicating funds for energy efficiency through this initiative would generate jobs to perform the work. It was a creation of jobs funded through this fee.

Councilor O'Brien – Is the fee a subsidy for someone to do improvements or is it purely an information center?

Ms. Steckel: The description of the fee was put together from the documents received from ESAHC. The description did not come from staff with the idea of meeting the needs of Council.

Councilor Daniels: Council subsequently adopted the framework.

Councilor Hervey said this initiative is most closely linked to sustainability and is timely since the State recently changed the tax rebate program on solar photovoltaics. It is important for the City to move quickly to set up these types of programs so citizens can take advantage of tax rebates. This initiative is an opportunity to leverage funds to help citizens.

As this initiative came forward, it was unclear about how the fee would be used. When that happens it is harder to gain Council approval. When the EECBG funds were discussed, the primary concern about the revolving loan fund was what would happen after the first year when no new funds were received. The prediction was this program would cease to exist after three years. This initiative becomes more specific by adding capital so the revolving loan fund can continue. He is willing to submit proposal language if Council supports his suggestion.

Mr. Nelson added that the assumption is there will initially be 25 to 30 energy related loans from the revolving loan fund and, without further capital infusion, five to seven loans per year thereafter.

Councilor Hervey added that without additional capital, funds coming back into the program would constantly be fighting inflation and overhead costs.

Councilor Brauner stated support for Councilor Hervey's comments. He agreed that the initiative needed more specificity.

Councilor Daniels said if the proposal is not approved by Council, the City can look for ways to augment the revolving loan fund, including leveraging federal money. The stimulus money received this year was unexpected and arrived quickly. Staff did a great job securing the stimulus money and may be able to obtain additional funding in the future. This is a separate program from property taxes or SIF.

Councilor Hervey clarified that the solar photovoltaic program costs about \$10,000 with almost all of that amount reimbursed through State and federal tax rebates. When the State changed its policy last week, the homeowner cost increased to \$3,000. It is a good program that provides a \$10,000 upgrade for \$3,000.

Councilor O'Brien said the system costs \$13,000 with a net payment of \$3,500. There are people interested in subsidizing the photovoltaic system.

Councilor Hervey added that the incentive should not be limited to solar photovoltaics. Fundamental energy efficient upgrades, such as insulation, may be more viable and affordable.

Mayor Tomlinson said this is an economic development issue. The Blue Sky and OSU student incidental fee for renewable energy funds are going to other regions and not kept locally. The motivation for this initiative was to keep money this community invests in renewable energy local. He opined that Council has lost sight of this as an energy independence and economic development item for the

community. He opined that Council is making a mistake by not supporting this initiative.

Next Steps

Mayor Tomlinson said Council will consider the SIF during the August 16 meeting. Options include postponing deliberations, deliberating on the entire package or separating the package into separate initiatives for deliberations, and/or scheduling a public hearing on the entire package or separate initiatives.

Councilor O'Brien said the community has made it clear they desire a public hearing.

Councilor Hirsch noted that many SIF public hearings have already been held.

Councilor O'Brien clarified that the public desires a public hearing before the full Council that includes a formal, concrete proposal.

In response to Councilor Brauner's comments, Mayor Tomlinson said some of the initiatives may not be completely clear to all Councilors.

Councilor Hervey said Council could approve moving forward with some initiatives and then receive public input on the specifics of each of those initiatives.

Councilor Hamby inquired why Council would schedule a public hearing that will result in a large outcry from the public who do not want Council to initiative the fee.

Councilor Brauner responded that a subsequent public hearing would be an outcry to initiate the SIF.

Councilor O'Brien read from his written notes (Attachment E):

"...One might be inclined to suggest that citizens are naturally tax averse and that such a position is selfish and unrealistic. Based on conversations I've had in the community I'd suggest that folks aren't tax averse but rather tax savvy. People understand the financial challenges facing the city and they are prepared to engage in a conversation about which core services they are willing and able to support via new taxation."

Councilor O'Brien said he anticipated the argument that people are negative and will testify against the SIF because that is the thing to do. People understand the problems and are struggling financially. They also understand there may be a conversation asking for support of the most important services in the City. Accusing others of just saying no is not necessarily fair.

Councilor Raymond said she served on the Administrative Services Committee during the initial discussions about the business license fee. She was amazed at those people who were negative and uninformed about the fee who later admitted it would have been a good program for the City and economic development. The community supports taxes if the

service is beneficial for the community and it is presented in a manner the public can process. She stated regret that the business license fee was voted down, but does not believe the public understood the purpose. She is concerned the same thing is happening with the SIF.

Councilor Daniels said she has worked very hard to develop policies and/or mechanisms to fund SIF items. Over the last few years, these issues have come up many times and staff has done a good job to determine the pros and cons of each issue. She never imagined that by the time Council was able to take a stand, the City would be in the current budget and economic situation. It is painful that this is not the right time for the SIF. She is looking for ways to fund core City services, and although this mechanism is important to fund certain items, Council needs to be more global in how this mechanism is used. The first consideration should be reducing the pain of a reduction in service for core City services. Other communities use this method of funding to help pay for public safety or parks and recreation. The only core service on this list is transit which is an important service and will be reduced if Council does not do something. Council is not looking at the global picture in context of the entire budget and then deciding whether this is the best way to use this mechanism. She agrees that this small amount of money for the number of items accomplished is a great deal, but is reluctant to move forward and feels it is unwise to proceed with this method of funding at this time.

Councilor Brown agreed with Councilor Daniels' comments and the timing of this proposal. Today is different than one year ago when the City had money in the bank and was trying to figure out how to spend it over a five-year period. The lives of the citizens have changed and many are unemployed. This program increases taxes and establishes priorities about City services. He desires to know what the citizens believe the City should be doing.

Councilor Brauner said some of these issues came forward in the early 2000s when Council determined the timing was not good due to budget cuts. Two or three years later the budget had excess funds so the timing was not good once again. Currently, the City has less revenue so the timing is bad. There is never a good time to propose new fees. He respects wanting to give the community what they want. This community offers more public process than most others. The business license fee was not voted down by Council, it never progressed from committee to Council for a vote.

The community elects Council to represent them and make decisions in the best interest of the City. The most comments he has ever received as a Councilor is approximately 1,000. There are 27,000 voters in Corvallis. There will never be a majority expressing opinions during a public hearing. Nothing gets accomplished via another study, review, or white paper if a vote is never taken. Citizens who agree with what Council is doing do not attend public hearings. It is the citizens who do not agree with Council attending public hearings. He urged Councilors to move forward to a vote, at the least.

Mr. Nelson said the March 31 memorandum from Mr. Rogers (Attachment C) refers to the ordinances and mechanics involved with any proposal. A vote on August 16, or subsequent meeting, will provide direction for staff to develop an ordinance that may also need committee review and public comment.

Councilor Hirsch said if he believed the majority of citizens were against the SIF, he would not vote for it, even if he thought it was the right thing to do. He opined that the majority of people support the SIF. It is important to approve these items for the benefit and sustainability of the City.

Councilor Hervey noted that a citizen in Ward 3 can ride a City bus to Winco without ever changing buses.

Mr. Nelson noted that the last two items in the meeting materials include the ASC recommendations and Council's previous discussion. Both items will be included in the August 16 meeting materials.

III. ADJOURNMENT

The work session adjourned at 8:53 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

Agenda Request for SIF work session

- *To:* "Nelson, Jon" <Jon.Nelson@xxxxxxxxxxxxxxxxxxxx>, "cc" <ward3-Web-Archive@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Charles Tomlinson" <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Dan Brown" <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "David Hamby" <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Hal Brauner" <ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Jeanne Raymond" <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Joel Hirsch" <ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Mark O'Brien" <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Mike Beilstein" <ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Patricia Daniels" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
 - *Subject:* Agenda Request for SIF work session
 - *From:* "ward3" <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
 - *Date:* Wed, 21 Jul 2010 09:35:52 -0700
 - *Cc:* "cc" <ward3-Web-Archive@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
-

Jon,

Thanks for being open to suggestions on changes to the agenda. I have two.

- 1) Councilor check-in on the topic of SIF's. I'm guessing that each of us have thoughts and feelings about the SIF's as a group and the process which brought us to this meeting. I am clear that I had to opportunity to make a brief speech on the topic and others haven't. If we are going to work toward identifying common ground on any of these, understanding each other's positions and feelings on the topic would be very useful. We could use a go-round with each taking a few minutes.
- 2) Background information about how previous successful fees and taxes have been developed. As I refreshed my memory on these proposals and the publicity they have received, I find myself wondering if we are in a new age as regards bringing forward new fees or taxes. I realize that part of my wondering may arise out of my unfamiliarity with the process. Thus the request for more information on what has worked in the past, with dates on those successes. My concern is that in current times, as we have seen with the Bald Hill Farm case, public opinion about a topic is not going to wait on factual information from City sources before it forms. I'm wondering if we no longer have the luxury of waiting to develop details until after a process more public than a work session is undertaken. Information gathering is now "running up a trial balloon on raising your taxes – which is by definition Bad." This agenda topic could be a brief conversation with you on your experience and expectations. I don't expect that we will come to a new plan in this brief conversation, but it might inform our subsequent conversations on Thursday and lead to future ones about balancing difficult budgets.

Thanks again for the opportunity to suggest these changes.

Richard

Louie, Kathy

From: Nelson, Jon
Sent: Wednesday, July 21, 2010 2:38 PM
To: Weiss, Kent; Mayor and City Council
Cc: Gibb, Ken; Rogers, Steve; Steckel, Mary; Louie, Kathy
Subject: RE: Revolving loan funds for energy conservation projects

Thanks for the quick and thorough response Kent!

FYI, Richard, Councilors and Mayor.

Jon

From: Weiss, Kent
Sent: Wednesday, July 21, 2010 1:56 PM
To: Nelson, Jon
Cc: Gibb, Ken; Rogers, Steve; Steckel, Mary
Subject: RE: Revolving loan funds for energy conservation projects

Jon -

In answer to Councilor Hervey's questions:

a) The loans will carry a five year repayment term, with a 3% annual rate of interest. Borrowers will make monthly loan payments to the City. Loans will be in amounts of between \$2,500 and \$10,000.

b) As the loans revolve, balance in the program will naturally be achieved by loaning only what's available from the loan repayment revenue stream. Based on the initial \$250,000 infusion to the Revolving Loan Fund (RLF) we would expect to see about \$40,000 in repayments the first year (and thus available for loans in the second year) with revenues increasing by about \$10,000 a year through the fifth year. As the first year's flush of loans are paid off, the repayment stream (in the sixth year) would decrease, and the amount available for loans would drop back down, but then should increase slowly over time. Without an additional infusion of loan capital, it would take many years to build the RLF back to having what was available for loans in the first year, and with attrition due to the costs of administration, I'm not sure it would ever completely rebuild.

I haven't done detailed projections, but I would estimate that additional infusions of \$50,000 to \$100,000 a year for five to ten years would bring the ongoing balance available for loans each year back up to about its original level, after which it could remain roughly at that level without significant near-term future infusions.

c) We're allowed to use up to \$50,000 of the \$250,000 for program setup and administration, but I anticipate the number will be closer to \$25,000-\$35,000 by the time we're done. Going forward, to be conservative, I would assume a 15% admin rate.

Let me know if you would like additional information.

Kent

From: Nelson, Jon
Sent: Wednesday, July 21, 2010 8:37 AM
To: Steckel, Mary; Weiss, Kent
Cc: Rogers, Steve; Gibb, Ken
Subject: FW: Revolving loan funds for energy conservation projects

Help please, and I will forward to Richard. Thank you.

ATTACHMENT B
Page 379-b

7/21/2010

From: ward3 [mailto:ward3@council.ci.corvallis.or.us]
Sent: Tuesday, July 20, 2010 11:10 PM
To: Nelson, Jon
Cc: 'cc'
Subject: Revolving loan funds for energy conservation projects

Jon,

We received a good report at council on Monday about the staff knowledge and the progress on our revolving loan fund for energy conservation and generation projects, using EECEBG funds. As I remember the conversation in the expanded Urban Services Committee, the knock on such revolving loan funds is that they need additional inputs of capital for several years until loan repayments equal the new project loans and that even then they need some overhead money and smaller capital infusions to stay productive.

Going into the SIF conversation on Thursday, I'd like to have a better understanding of:

- a) the length of a typical loan
- b) the time until the loan payoffs are in rough balance with new loans (allowing for some injection for overhead and inflation)
- c) the ongoing overhead and maintenance capital costs as a percentage of the program funds.

Thanks,
Richard

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

RE: [SPAM] Agenda Request for SIF work session

- **To:** "Ward 3" <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "cc" <ward3-Web-Archive@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Mayor" <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 4" <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 8" <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 9" <ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 7" <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 6" <Ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 1" <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 5" <ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Ward 2" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- **Subject:** RE: [SPAM] Agenda Request for SIF work session
- **From:** "Nelson, Jon" <Jon.Nelson@xxxxxxxxxxxxxxxxxxxx>
- **Date:** Wed, 21 Jul 2010 10:24:30 -0700
- **Cc:** "cc" <ward3-Web-Archive@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Rogers, Steve" <Steve.Rogers@xxxxxxxxxxxxxxxxxxxx>, "Steckel, Mary" <Mary.Steckel@xxxxxxxxxxxxxxxxxxxx>

Richard,

#1 certainly works for staff. I should clarify that in the proposed agenda, under each of the initiatives we envisioned questions of staff, individual Councilors talking about their preferences, and then counting on the Mayor to facilitate whether he is hearing common ground. By common ground we did not assume there is necessarily a point or place on each of the initiatives that will have consensus or majority support.

#2 Staff would be happy to provide oral feedback based upon our experiences. Rare is the occasion in my work experience where detail brings acceptance when the underlying objection is value based. Our history has been fees and taxes passing based upon political support from Council and those enjoying the services where the money is designated. Having said that, my budget message this year did beg the question as to whether our existing model of asking for resources is working. But in my mind it is not proposal detail that is the issue as much as broad based support and who is bringing the initiative forward.

I look forward to the Council discussion.

Jon

From: ward3 [mailto:ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: Wednesday, July 21, 2010 9:36 AM
To: Nelson, Jon; cc; Mayor; Ward 4; Ward 8; Ward 9; Ward 7; Ward 6; Ward 1; Ward 5; Ward 2
Cc: 'cc'
Subject: [SPAM] Agenda Request for SIF work session
Importance: Low

Jon,

Thanks for being open to suggestions on changes to the agenda. I have two.

- 1) Councilor check-in on the topic of SIF's. I'm guessing that each of us have thoughts and feelings about the SIF's as a group and the process which brought us to this meeting. I am clear that I had to opportunity to make a brief speech on the topic and others haven't. If we are going to work toward identifying common ground on any of these, understanding each other's positions and feelings on the topic would be very useful. We could use a go-round with each taking a few minutes.
- 2) Background information about how previous successful fees and taxes have been developed. As I refreshed my memory on these proposals and the publicity they have received, I find myself wondering if we are in a new age as regards bringing forward new fees or taxes. I realize that part of my wondering may arise out of my unfamiliarity with the process. Thus the request for more information on what has worked in the past, with dates on those successes. My concern is that in current times, as we have seen with the Bald Hill Farm case, public opinion about a topic is not going to wait on factual information from City sources before it forms. I'm wondering if we no longer have the luxury of waiting to develop details until after a process more public than a work session is undertaken. Information gathering is now "running up a trial balloon on raising your taxes – which is by definition Bad." This agenda topic could be a brief conversation with you on your experience and expectations. I don't expect that we will come to a new plan in this brief conversation, but it might inform our subsequent conversations on Thursday and lead to future ones about balancing difficult budgets.

Thanks again for the opportunity to suggest these changes.

Richard

• **References:**

- **Agenda Request for SIF work session**
 - *From: ward3*

- Prev by Date: **Agenda Request for SIF work session**
- Next by Date: **Spam Mail Removal**
- Previous by thread: **Agenda Request for SIF work session**
- Index(es):
 - **Date**
 - **Thread**



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

RE: SIF' defined?

- *To:* "Ward 3" <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject:* RE: SIF' defined?
- *From:* "Nelson, Jon" <Jon.Nelson@xxxxxxxxxxxxxxxxxxxx>
- *Date:* Wed, 21 Jul 2010 08:35:33 -0700
- *Cc:* "Rogers, Steve" <Steve.Rogers@xxxxxxxxxxxxxxxxxxxx>, "Steckel, Mary" <Mary.Steckel@xxxxxxxxxxxxxxxxxxxx>

Hi Richard,

Yes. Staff did not want to get the cart ahead of the horse in developing more specific ordinance language on a fee(s) that may not be supported by a majority of City Councilors.

Jon

From: ward3 [mailto:ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx]

Sent: Wednesday, July 21, 2010 12:07 AM

To: Nelson, Jon

Cc: 'cc'

Subject: SIF' defined?

Jon,

I've been searching the ASC packets and minutes and the council minutes to find specific language for the SIF's that we are to be discussing on Thursday. What I'm finding are SIF titles, the Feb 2010 briefing paper, the City Newsletter insert and various supporting documents. . Seems like we are voting on concepts as defined by the briefing paper. If there is specific wording, can you direct me to the wording? Was the intent that the Council would choose/approve the concepts and staff would come back with specifics for final approval? It is clear from the ASC minutes that staff expected to get further direction on the specifics as to assessing the fees themselves (do we adjust for inflation, etc.)

Thanks,

Page 379-f

Richard

- **References:**
 - **SIF' defined?**
 - *From:* ward3
- Prev by Date: **SIF' defined?**
- Next by Date: **Agenda Request for SIF work session**
- Previous by thread: **SIF' defined?**
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RE: Agenda changes for SIF work session

- **To:** "Ward 3" <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- **Subject:** RE: Agenda changes for SIF work session
- **From:** "Nelson, Jon" <Jon.Nelson@xxxxxxxxxxxxxxxxxxxx>
- **Date:** Tue, 20 Jul 2010 09:09:58 -0700
- **Cc:** "cc" <ward3-Web-Archive@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Mayor" <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, "Dan Brown" <dbrown1944@xxxxxxxxxxxx>, <david.hamby@xxxxxxxxxxxxxxxx>, "Rogers, Steve" <Steve.Rogers@xxxxxxxxxxxxxxxxxxxx>, "Steckel, Mary" <Mary.Steckel@xxxxxxxxxxxxxxxxxxxx>, "Louie, Kathy" <Kathy.Louie@xxxxxxxxxxxxxxxxxxxx>

Thanks for the heads-up Richard.

Charlie, fyi, at the Council meeting I indicated that the work session agenda in the packet was what staff had prepared after reviewing the questions and considering a way to move thru the agenda. But I noted that the timing of bringing the agenda forward did not allow for the customary review by Mayor and Council leadership.

So I offered that Councilors with other ideas on an agenda for the meeting could contact the Mayor or yours truly with alternate ideas. Probably calls for an "agenda check-in" to begin the meeting.....

jon

From: ward3 [mailto:ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: Tuesday, July 20, 2010 8:18 AM
To: Nelson, Jon
Cc: 'cc'; Mayor; 'Dan Brown'; david.hamby@xxxxxxxxxxxxxxxx
Subject: Agenda changes for SIF work session

Jon,

Thanks for offering to consider agenda changes for Thursday's work session. I do have a couple of changes in mind. I'd like to delay suggesting them until I have read the packet. It's possible that after reading the packet I'll no longer have the need to request changes. I intend to complete my review of the packet by Wednesday noon.

Thanks,

Richard

• **References:**

- **Agenda changes for SIF work session**
 - *From:* ward3
- Prev by Date: **Agenda changes for SIF work session**
- Next by Date: **Ukranian Globetrotters at Da Vinci Days - photos**
- Previous by thread: **Agenda changes for SIF work session**
- Next by thread: **Ukranian Globetrotters at Da Vinci Days - photos**
- Index(es):
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7:15 AM	6,248	24.41	59.5%
7:45 AM	5,512	21.53	52.5%
8:15 AM	5,157	20.14	49.1%
8:45 PM	3,494	13.65	33.3%
9:15 AM	4,736	18.50	45.1%
9:45 AM	2,984	11.66	28.4%
10:15 AM	3,788	14.80	36.1%
10:45 AM	3,101	12.11	29.5%
11:15 AM	4,706	18.38	44.8%
11:45 AM	3,886	15.18	37.0%
12:15 PM	5,139	20.07	49.0%
12:45 PM	4,249	16.60	40.5%
1:15 PM	5,168	20.19	49.2%
1:45 PM	6,104	23.84	58.2%
2:15 PM	5,252	20.52	50.0%
2:45 PM	5,544	21.66	52.8%
3:15 PM	5,618	21.95	53.5%
3:45 PM	5,202	20.32	49.6%
4:15 PM	5,536	21.63	52.7%
4:45 PM	5,869	22.93	55.9%
5:15 PM	5,862	22.90	55.8%
5:45 PM	4,270	16.68	40.7%
6:15 PM	3,898	15.23	37.1%
6:45 PM	2,292	8.95	21.8%
7:15 PM	2,081	8.13	19.8%
8:15 PM	1,849	7.22	17.6%
14.0 Hrs - Total	121,488		

Route 7 Monday thru Friday	Total Rides per Year	Rides per Run	% Capacity
6:30 AM	2,808	10.97	26.8%
7:30 AM	4,567	17.84	43.5%
8:30 AM	4,491	17.54	42.8%
9:30 AM	5,303	20.71	50.5%
10:30 AM	4,798	18.74	45.7%
11:30 AM	5,429	21.21	51.7%
12:30 PM	6,341	24.77	60.4%
1:30 PM	6,292	24.58	59.9%
2:30 PM	7,094	27.71	67.6%
3:30 PM	8,529	33.32	81.3%
4:30 PM	7,424	29.00	70.7%
5:30 PM	6,212	24.27	59.2%
6:30 PM	3,584	14.00	34.1%
7:30 PM	2,374	9.27	22.6%
14 Hrs - Total	75,246		

Route 8 Monday thru Friday	Total Rides per Year	Rides per Run	% Capacity
7:15 AM	3,638	14.21	34.7%
8:15 AM	3,811	14.89	36.3%
9:15 AM	4,321	16.88	41.2%
10:15 AM	2,957	11.55	28.2%
11:15 AM	3,153	12.32	30.0%
12:15 PM	3,409	13.32	32.5%
1:15 PM	3,368	13.16	32.1%
2:15 PM	3,359	13.12	32.0%

3:15 PM	3,734	14.59	35.6%				
4:15 PM	3,745	14.63	35.7%				
5:15 PM	3,975	15.53	37.9%				
6:15 PM	2,885	11.27	27.5%				
6 Hrs - Total	42,355						
Route C1	Total Rides	Rides per	% Capacity				
Monday thru Friday	per Year	Run					
6:50 AM	4,228	22.61	55.1%				
3:20 PM	2,130	11.39	27.8%				
1.5 Hrs - Total	6,358						
Route C2	Total Rides	Rides per	% Capacity				
Monday thru Friday	per Year	Run					
6:45 AM	100	0.39	1.0%				
7:45 AM	330	1.29	3.1%				
12:15 PM	82	0.32	0.8%				
5:00 PM	529	2.07	5.0%				
6:00 PM	232	0.91	2.2%				
1.6 Hrs - Total	1,273						
Route C3	Total Rides	Rides per	% Capacity				
Monday thru Friday	per Year	Run					
7:05 AM	1,265	4.94	12.1%				
8:05 AM	2,030	7.93	19.3%				
5:15 PM	1,700	6.64	16.2%				
6:15 PM	1,009	3.94	9.6%				
2.0 Hrs - Total	6,004						
Route CVA	Total Rides	Rides per	% Capacity				
Monday thru Friday	per Year	Run					
7:00 AM	2,947	15.76	38.4%				
8:55 AM	772	4.13	10.1%				
3:55 PM	1,256	6.72	16.4%				
5:10 PM	510	2.73	6.7%				
2.6 Hrs - Total	5,485						

MEMORANDUM

March 31, 2010

To: Administrative Services Committee

From: Steve Rogers, Public Works Department Director
Karen Emery, Parks and Recreation Department Director

Subject: Sustainability Initiatives Funding

Issue:

The City Council is considering a proposal for new funding sources for five sustainability initiatives. In the public outreach process for this project, the April 21st Administrative Services Committee (ASC) meeting was designated for public input.

Background:

The five initiatives are:

- Free/expanded transit service
- City maintains the sidewalks
- City maintains the public trees
- Projects to increase bicyclist and pedestrian safety
- Projects to reduce energy or increase use of renewable resources

Details for each initiative are contained in the attached briefing paper (Attachment A).

Community outreach efforts included presentations to six advisory commissions, an insert in the April issue of "the City", web postings, a web-based survey, an article in the *Gazette-Times*, public and government access channel bulletin board messages, and flyers in transit buses and at Parks and Recreation, Library, City Hall and Public Works. In addition, a dedicated email address was created-SIF@ci.corvallis.or.us.

All communications emphasized that direct public input may be made to the Administrative Services Committee during the April 21, 2010 meeting.

Discussion:

A compilation of the input received by April 6, 2010 is attached (Attachments B - F). Input received after April 6th, but before April 21st, will be provided at the ASC meeting.

The results of the online survey are:

	Transit		Sidewalks		Trees		Alt Modes		Energy	
	#	%	#	%	#	%	#	%	#	%
Support the initiative and the fee	46	41.1%	45	39.8%	47	42.0%	50	44.2%	45	39.8%
Support the initiative but not the fee	11	9.8%	15	13.3%	14	12.5%	16	14.2%	13	11.5%
Not sure whether I support the initiative	5	4.5%	11	9.7%	7	6.3%	7	6.2%	7	6.2%
Do not support the initiative	50	44.6%	42	37.2%	44	39.3%	40	35.4%	48	42.5%
Total responses	112		113		112		113		113	

A summary of the comments about the initiatives received from the dedicated email account and the online survey are shown broken into broad categories in the table below.

	From SIF@ci.corvallis.or.us		From online survey	
	# of responses	% of total	# of responses	% of total
Support all the initiatives	4	10.8%	13	17.1%
Support one or more of the initiatives	8	21.6%	34	44.7%
Support the initiatives, but it's the wrong time	2	5.4%	2	2.6%
Make the users or people affected (for sidewalks/trees) pay	6	16.2%	7	9.2%
Send the question to a vote	2	5.4%	2	2.6%
Want more data	2	5.4%	0	0.0%
Do not support one or more of the initiatives	13	35.1%	18	23.7%
Total Responses	37		76	

Next Steps:

Committee deliberation and resulting recommendations are planned for the May 5, 2010 meeting. Should the need arise, additional meetings will be scheduled to complete the deliberation work.

In preparation for the Committee's deliberations, staff has developed a table showing examples of the monthly costs for various property types (Attachment G) attributable to each initiative. For the transit and alternative transportation initiatives, program costs are proposed to be allocated to each occupied property in the city based on trip generation, in the same manner as the Transportation Maintenance Fee. For the sidewalk, public trees and energy initiatives, program costs are proposed to be allocated to each property equally, with the exception of Oregon State University property, which are proposed to be excluded from the allocation because OSU has their own separate program in each of these areas.

If the Committee recommends to implement any of the fees, staff would need additional direction in the areas outlined in the following list. The May 5th staff report will include options for these items for the Committee's consideration.

- a. The methodology for setting the fee.
- b. If a fee-escalation mechanism is desired and, if so, what the mechanism would be.
- c. When the fee should be implemented.
- d. If the fees and programs are to be reviewed in a specific time period.
- e. Whether the fee should be implemented through an ordinance or a vote.
- f. Whether there should be any exceptions based on the type of property or the income level of the property owner.

If multiple fees are implemented, direction would also be needed on whether to do that with a single ordinance or multiple ordinances.

Any additional information needed by the Committee to assist in their review of these items should be requested at the April 21st meeting to provide staff enough time to respond by the May 5th meeting.

Review and concur,

Jon S. Nelson, City Manager

Attachment A - Briefing Paper

Attachment B - Input from Web-based Survey

Attachment C - Input from Advisory Commissions

Attachment D - Input from SIF Email Account

Attachment E - Input from *Gazette-Times* Letters to the Editor and Editorial

Attachment F - Input from Telephone Contacts or US Mail

Attachment G - Initiative Fee Examples

Questions/Comments for SIF work session-7/22/2010

Stay the Course- Hundreds of citizens have expressed concerns about this proposal of new taxes. One need only make a cursory survey of comments received to see this is fact. Their request to me is to stay the course with respect to the fundamental and early objections I articulated at committee. One might be inclined to suggest that citizens are naturally tax averse and that such a position is selfish and unrealistic. Based on the conversations I've had in the community I'd suggest that folks aren't tax averse but rather tax savvy. People understand the financial challenges facing the city and they are prepared to engage in a conversation about which core services they are willing and able to support via new taxation. Whether fare less transit, sidewalk repair, tree trimming, new bike lanes or an energy information kiosk are core services may be ripe fodder for a values discussion. We can, however, agree that those do not rise above public safety, parks and recreation, library services or a sound administration in importance. Rational people prioritize resources in times of lean and plenty and our citizens are neither stupid nor intentionally self defeating. Please join me in honoring the voice of reason by tabling these programs indefinitely while we work to stabilize operational funding for our most important city services.

Taxes or Fees- This proposal has been promoted as a sustainability "fee". Many, many citizens have rightfully called into question whether or not these "fees" more closely resemble "taxes". In fact, elects and staff have begun to variously describe these proposals using both terms interchangeably. I think most of us understand the basic differences between the two. It is the expectation of the citizens that new taxes will be subject to a vote of the people. While I readily admit a lack of expertise in the vagaries and legalities related to our ability to impose these measures, I am suggesting that in the eyes of citizens we will be violating a trust. They believe they have a right to vote on a funding mechanism of this kind. Whether they are correct or not is of little import. Their trust will have been violated, a relationship broken. This will have serious implications moving forward.

People, Not Programs- Given the budgetary outlook for the immediate and foreseeable future I am concerned about the effect these proposals will have on the city's ability to staff already approved positions. We will be asking the voter to support an additional tax levy in the next year to simply maintain the human capital we currently have. Taking any step which might jeopardize that request would be unconscionable. I want no part of this Faustian bargain with sustainability. The potential loss of livelihood to even one current staff person is simply too high a cost to bear.

People are Struggling- People are struggling to make ends meet. We are now deeply enmeshed in a serious national economic recession. We are "bouncing along the bottom" and it will likely be several years before we are at the surface again. Local unemployment is very high. For many people and families these are very hard times. Time and time again people have asked government to tighten its belt just as they have needed to do, and to the extent possible we have. Next year we will be cutting another few holes in that belt. Exactly what kinds of messages are we intending to send by developing new taxes for programs which are not of the highest priority? Planning a trip to Disneyland when we can't afford the heating bill is irresponsible. And lest we forget, the taxes proposed to pay for this vacation are regressive. The ability of the low income assistance program to moderate this effect is a myth. The aircraft has 100 passengers but only one parachute.

Costs to Business are Not Widely Understood- I have received direct communication from elements of the business community that the cost of these proposals is not well understood. Trip generation models are equitable to business only if one considers the nature of the business. Folks likely won't be hauling lumber home on the bus or their bikes.

Still Insufficient Information- I fully expected that today's staff report would be a veritable full court press driving the passage of these measures. I assumed that sufficient supporting materials would have been developed, located and presented. I can't say I'm disappointed to see that, for me, this is not the case. Having read all materials presented to A.S.C and today's report I still find no compelling reason to support

any of the proposed programs, particularly under the current budgetary circumstances. Based on the information presented I'm not certain I could support some of them even were we to be in possession of sufficient resources.

Sustainability is not a benevolent master. It gladly slaves you to the politically correct whim of the day. It allows no dissent. It is a tireless tyrant, ever asking for greater sacrifice, its gaping maw ready to swallow your liberty, your individuality, your culture, your land and your reward. The cult of Sustainability is itself unsustainable in so far as its appetites are never sated. You can never regress far enough from your selfish way of life to satisfy it. You will never be able to do enough.

I ask, "When did thrift, conservation, common sense and the Golden Rule get supplanted by extremism? "

**THE COMMISSION FOR MARTIN LUTHER KING, JR
MINUTES
June 22, 2010**

Present

Commissioner Perrone – Chair
Commissioner Wilburn
Commissioner Stumbo
Commissioner Strowbridge
Commissioner Shyam

Staff

Linda Weaver, HR Administrator
Suzanne Segui, HR Specialist

SUMMARY OF DISCUSSION

Agenda Item	Action Recommendation
I. Mayor's Volunteer Recognition	Received Message
II. Approval of 5/25/10 Minutes	Approved
III. Planning for 2010/2011 Fiscal Year	Discussed and Continued
IV. Sponsoring MLK Park Signage	Continued
V. Other	
VI. Adjourn to July 27, 2010	The meeting adjourned at 1:15pm

CONTENT OF DISCUSSION

I. Mayor's Volunteer Recognition – Mayor Tomlinson thanked the MLK Commission members for their work and service to the community and gave each Commissioner a \$2.00 token for the Corvallis Farmers' Market. He noted that the Commission was the Face of the Community and he was grateful for their time and great work. The Mayor will say goodbye to the Commission in December 2010.

II. Consideration & Approval: Minutes of 5/25/10 – No reports.

III. Planning for 2010/2011 Fiscal Year

Commissioner Perrone brought Dr. Martin Luther King Jr. quotations. The quote selected will be the central focus for essays and to plan the MLK Annual Event around. Commissioner Perrone noted the Commission needs a shared understanding of Institutional Racism.

Commissioner Wilburn suggested that the below quotation relates best to Institutional Racism.

There is such a thing as the freedom of exhaustion. Some people are so worn down by the yoke of oppression that they give up....The oppressed must never allow the conscience of the oppressor to slumber....To accept injustice or segregation passively is to say to the oppressor that his actions are morally right. –Martin Luther King, Jr., *Stride Toward Freedom: The Montgomery Story, 1958*

Commission Perrone brought a list of names for the main event speaker on January 13, 2011: Norma Cardenas, Lani Roberts, Robert Thompson, Angelo Gomez, and Yvette Weber-Davis.

The Commission discussed including a panel discussion after the main event speaker. How many individuals on the panel? The panel will need a facilitator. Attendees will submit questions for the panel before the event; the facilitator will ask the submitted questions.

Commissioner Wilburn will contact Robert Thompson to determine if he is interested and available to be the main event speaker or part of the panel.

Commissioner Shyam will contact Cliff Trow and Commissioner Perrone will contact Mike Beilstein to find panelists interested in taking part in the panel at the annual event.

Staff Member Weaver asked if the Commission wanted to organize with other groups for the annual event. Commissioner Shyam suggested Community Alliance for Diversity and Commissioner Wilburn suggested the Cultural Centers at OSU.

- IV. Sponsoring MLK Park Signage – Not discussed. Continued.
- V. Other – Commissioner Perrone noted that her role as Chairperson of the Committee ends on June 30, 2010. The Commission noted that Commissioner Hopkins may be interested in running for chair; however she was not in attendance.
- VI. The meeting adjourned at 1:15 p.m. to July 27, 2010.

Approved as Submitted, July 27, 2010
CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
JUNE 22, 2010 WORK SESSION

Present

Deb Kadas, Chair
 Scott McClure, Vice-Chair
 E. Ross Parkerson
 Kevin Perkins
 Lori Stephens
 Robert "Jim" Morris
 Stanley Nudelman
 Dan Brown, Council Liaison
 Jim Ridlington, Planning Comm. Liaison

Staff

Kevin Young, Planning Division Manager
 Kelly Potter, Senior Planner
 Bob Richardson, Associate Planner
 Mark Lindgren, Recorder

Guests

B.A. Beierle
 Patty McIntosh, OSU
 Michael Runstein

Absent/Excused

Geoffrey Wathen
 Aaron Collett

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I	Mayor's Visit		The Mayor thanked commissioners for their service.
II.	Visitor Propositions		Ms. McIntosh of OSU and Ms. Beierle presented suggestions for revisions.
III.	Workshop- Revisions to LDC Chapter 2.9- Historic Preservation Provisions		Discussion on LDC Chapter 2.9 revisions.
IV.	Visitor Propositions		Ms. McIntosh clarified OSU positions on proposed LDC 2.9 revisions.
V.	Other Business/Info Sharing		None.
VI.	Adjournment		Meeting adjourned at 10:00 p.m.

Attachments to the June 22, 2010 minutes:

- A. Letter submitted by OSU - SUBJECT: Revisions to LDC Chapter 2.9 - Historic Resource Provisions, dated June 21, 2010.
- B. "Revisions to Chapter 2.9", submitted by BA Beierle, dated June 22, 2010.

CONTENT OF DISCUSSION

Chair Deb Kadas called the Corvallis Historic Resources Commission to order at 7:01 p.m. in the Madison Avenue Meeting Room, 500 SW Madison Ave.

I. MAYOR'S VISIT.

Mayor Tomlinson thanked Commissioners for their service and representing the community. He distributed Farmers Market tokens as tokens of appreciation. He reported that the Council had appointed three new HRC members at yesterday's meeting. He related that he'd suggested to the Downtown Commission the importance of restoring and using the Whiteside Theater. He added that something also needs to happen with the three-quarters block that the Benton County Historical Museum owns on 2nd Street. He suggested the two groups appoint liaisons to each other as a way of helping get these and other projects afoot.

II. VISITOR PROPOSITIONS.

Planner Bob Richardson said that this was the first of two scheduled workshops; he suggested that the public supply written testimony so that untouched-upon issues could be addressed later. There was also the possibility of an August workshop, as well, if necessary. Recommendations will be forwarded to the public hearing process. The Planning Commission will hold a public hearing and will forward a recommendation to the City Council so that it can hold a public hearing and make a final decision. Chair Kadas also encouraged written testimony well in advance of the next meeting.

OSU Planning Manager Patty McIntosh said she was present on behalf of OSU. In regard to utility poles and Accessory Development, OSU wanted clarification of what are public and private rights-of-way. OSU would like bus shelters included in consideration for Exemption status, as well; that would help support the OSU's and public transit systems. Wayfinding is needed for new students; OSU is asking for HRC approval of design guidelines for identification signs for buildings.

Regarding ADA ramps, OSU would like an Exemption for its historic resources with daylight basements, whether above or below grade. OSU is suggesting that Exempt access ramps on Nonhistoric, Noncontributing buildings be no more than 48" above or below grade.

She stated that design flexibility was sought for new buildings in anticipation of new cultural centers; Chapter 5.4 in the Corvallis Comprehensive Plan recognizes the culturally diverse campus. She suggested new language that would allow the HRC to be more flexible in reviewing design within the Historic District while still meeting the needs of OSU's culturally diverse faculty, staff and students. This language could also be useful in other Historic Districts and landmarks. She suggested replacing the phrase, "to be sensitive to local indigenous culture that predates the districts period of significance" with "cultural considerations", since peoples and cultures come and go.

Ms. McIntosh stated that in regards to differentiation, OSU feels the HRC determines what is compatible and should have language to give it more flexibility. Mr. Parkerson said that in 2.9.100.04 there is a listing of parts of buildings that the HRC should consider; he said he wasn't sure additional language would be of benefit to OSU. Ms. McIntosh replied that given the truncated nature of the Secretary of Interior Standards and National Trust language on new construction in Historic Districts, the HRC should have the ability to determine compatibility on a case-by-case basis. She cautioned against having language that is too specific.

Mr. Morris asked about OSU requesting to be exempt from permits for additional site furnishings; Ms. McIntosh clarified that provided that they are consistent with public dimensions and design guidelines approved by the HRC, then OSU would like to put up such signs at will. Ms. Kadas asked if the need for identification signs could be met under Signs and Tables criteria; Ms. McIntosh said those signs were restricted by size. A sign or tablet is typically a small sign

that lists when a building was constructed; however, OSU is talking about a diverse range of signs, sometimes larger, depending on location in the district. The intent is to avoid having OSU come before the HRC every time it wants to put in a sign. Ms. McIntosh added that apart from signs, the category also included benches, lights, trash receptacles and smoking urns. She added that it would reduce administrative burdens of both OSU and City staff.

B.A. Beierle said some of her written suggestions related to Historically Significant Trees; the concept of “visible from right-of-way”; signs and tablets; removable doors and windows; free-standing trellises; building foundations; repair and replacement of windows and doors; energy efficient windows and doors, and metal-clad windows; building orientation; and design flexibility for new buildings.

She said a Historically Significant Tree need not be related to a significant historic event or person or group; it could simply be a contributing feature to the Designated Historic Resource or the cultural landscape present during the period of significance. Regarding visible rights-of-way, a hedge is not a permanent feature; that should not be enshrined in Code. Code needs to address more than appearance or visibility of the resource; it must also address the integrity of the resource. It’s not enough that the building just *look* OK, it must also *be* OK- that is the major guiding principle of many considerations. For example, vinyl siding with the same thickness and reveal as the original wood might look OK but it would not be the historic fabric, so it would not be OK.

Under signs or tablets, Nonhistoric and Noncontributing resources are still part of the larger resource, which is the Historic District, so placement of tablets and signs needs to take their role in the District into account. She stated that removable storm windows and doors were wonderful, but they need to be made of materials that are appropriate for the building. She noted that there was a rash of windows and doors built of inappropriate materials being installed under this proposed language. Regarding repair and replacement of doors and windows, she noted that metal-clad is not wood. She said a future HRC may interpret Code differently and suggested not limiting those future Commissioners; the same is true of energy efficient doors and windows and metal cladding.

Regarding freestanding trellises; she emphasized that the word trellis needed to remain expressed as singular, not plural. In regards to building foundations, she noted that part of the reason for the discussion was the presence in Corvallis of a handful of examples of buildings constructed with Levi Mellon’s “Miracle Hollow Brick”; she said she was uncomfortable simply giving that away.

Regarding building orientation, “street-facing facades” is becoming a *de facto* definition of a primary facade; that was of concern to her. The Benton County Courthouse and Memorial Union are examples of buildings with multiple important facades and limiting them to a street-facing facade would be a serious mistake. Regarding design flexibility for new buildings, she suggested considering the language “flexibility in new building design”; however, the other language gives away everything.

Mr. McClure noted that most people come before the HRC asking for a permit for window and door replacement; he asked if there was any Code language that would steer people to retaining their original doors and windows; Ms. Beierle said it was a national problem, not unique to Corvallis. Current energy initiatives are not helping preserve the historic fabric, either.

Michael Runstein stated he owned the Corvallis Hotel; he related he recently spoke to the City about installing a ramp or two to the building. However, the City refused permission, saying that a cyclist could run into it; he noted that a nearby building has one. It would only be several inches high and would improve safety and make his stores accessible to people with disabilities.

Lori Stephens commented that his proposal was really related to ADA provisions in the Building Code, and not Land Development Code provisions related to historic preservation; Ms. Kadas added that it may be out of the purview of the HRC. Councilor Brown agreed that this was outside what the HRC does under Chapter 2.9. Mr. Runstein said that it was a historic building and he didn't know where to go to further discuss this matter; Councilor Brown offered to assist him. Mr. McClure related that in his experience, contacting his Councilor was very helpful.

III. WORKSHOP- REVISIONS TO LAND DEVELOPMENT CODE CHAPTER 2.9- HISTORIC PRESERVATION PROVISIONS.

Planner Richardson suggested placeholding items that need longer discussions, in order to keep moving through the material but also make sure these items didn't fall through the cracks. He highlighted items 3-5 under Definitions, in the staff report. Mr. McClure highlighted *Visible from Public Rights-of-way (Excluding Alleys) and Private Street Rights-of-way*, subsection (B)-distances of 100' or greater. He said that 100' seemed arbitrary; Ms. Kadas concurred, saying she preferred using a case-by-case basis; it seemed limiting for the future. Planner Kelly Potter said that definitions need to be clear and objective. She stated there seemed to be a consensus to remove Section B from the definition. She added that staff would then remove the letter "A" from subsection A, and then add the sentence to the main provision.

Regarding "hedges," Ms. Kadas said she would prefer a green hedge to a solid fence, since it has a softer appearance; she said she was inclined to leave the "hedges" language in; Mr. Perkins said it was consistent with the LDC. Ms. Potter cited Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting standards. Mr. Perkins added that the Commission allowed vegetative screening for OSU mechanical screening. Mr. Richardson said staff would keep the language regarding hedges unless there was more compelling testimony to remove it.

Mr. Morris said that Ms. Beierle's testimony addressed the definitions of Historically Significant Trees; however, the proposed criteria was very restrictive. Ms. Potter replied the language started on page 3; she clarified that Ms. Beierle opposed staffs' deletion of language. Mr. Richardson added that staff felt the language was redundant: to be a Historically Significant Tree, a tree must meet all the criteria in (a), (b), or (c); if you meet (b), then you also meet (c). Ms. Stephens asked if you could meet (c) but not also (a) or (b). Mr. Richardson stated that the kind of tree that Mr. Morris cited might not meet the definition of a Historically Significant Tree, but it would still enjoy some degree of protection as a Significant Tree, under a different set of provisions. Mr. Perkins suggested deleting (b1) and retaining (c); Richardson said that was worth consideration. Ms. Potter suggested keeping (c), given the Commission's hesitation to remove it. The Commission concurred.

Ms. Stephens asked why "certified arborist" was removed from the Hazardous Tree definition; Ms. Potter replied that staff was responding to the City Urban Forester's concern; currently the Forester makes the call; otherwise, arborists could act on their own without oversight. The proposed provision gives the City Urban Forester the chance to make the final call and make sure the report is accurate; it simply reinforces current practice. Ms. Potter related that there were a number of property owners in Historic Districts with diseased trees, and they were having difficulty in meeting application requirements and going through the HRC process, while the City Urban Forester felt that those removals should have been a simple matter. She added that the Parks and Recreation Department has performed an inventory of all trees in the public rights-of-way and noted which ones should be replaced over time.

Mr. Morris said that removal of a Hazardous Tree is a judgment call; he related that an old walnut tree was evaluated by the City Urban Forester, who described it as dying; Mr. Morris contended the tree was perfectly sound. He asked if there were a chance for a second opinion.

Mr. Parkerson added that if the tree in question was on private property; he thought that would make a big difference. Ms. Potter replied that there was a national standard that applied to a Hazard Tree Evaluation and that standard was included in the language.

Mr. Richardson highlighted Section 2 on tree removal on pages 6 through 9; Ms. Potter cited page 6 new letter (y), an Exemption provision. This standard is already largely existing in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, with respect to Significant Trees and Significant Vegetation: "The Hazardous Tree determination must be based on a Hazard Tree Evaluation performed by an ISA-certified arborist or AFCA consulting arborist using the 12-point hazard evaluation method..." which is a documented national method; "the report must be filed with the Director and the City Urban Forester; removal may only occur after the City Forester approves removal of the tree..." etc. Ms. Potter noted the City Urban Forester will review the certified arborist's report; following removal of the tree, a new tree shall be planted if required by other Code provisions. After the tree is removed, a report would be made to the HRC.

Ms. Stephens objected to the HRC being taken out of that process; Ms. Potter replied the HRC would get a heads-up on removals. Mr. McClure asked if there was provision in Chapter 4.2 for public notice; Mr. Parkerson noted that when a street tree is proposed to be removed, the City Urban Forester puts signs up for public notice. Mr. Richardson noted that this didn't apply to trees outside the right-of-way. Mr. Richardson said it was common for a Hazardous Tree to be dropping limbs that could harm people, but not be in danger of falling over within 24 hours. The current process takes several months to go through; an applicant must meet one of six review criteria.

Mr. Richardson stated that even though a tree may not be Historically Significant, there were still strong protection regulations of Significant Trees on private property. Those Code provisions are in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting. Mr. Nudelman said that public safety should override historic considerations; but public notices should be posted. Mr. Perkins added Commissioners needed to defer to the expertise of the City Urban Forester and should trust her opinion. Mr. Parkerson advocated protecting all trees in the community.

Planner Young said there was a desire to create an expedited process, protect the City from liability issues and respect the time of Commissioners. Ms. Kadas asked if Section 2.9.70.y replaced removal of trees under Demolition; Ms. Potter replied that was partly true. Hazardous Trees are Exempt if the proposed package goes forward; however, non-hazard, Historically Significant Trees must go through the Demolition process before the HRC. Mr. Richardson said that there seemed to be consensus on 2.9.70.y language.

Ms. Kadas highlighted proposed changes under Existing Exemptions from pages 10-19. Mr. Parkerson highlighted page 12, section 2.9.70.h; items 1-5; Mr. Richardson replied there was nothing in the Code about these types of items, so if OSU or others want to install one of them, then the applicant must go before the HRC. By exempting such items, it answers whether someone needs to come before the HRC regarding, say, a bench. Mr. McClure asked about the word "vintage" to describe street and yard lamps; Mr. Perkins suggested that the phrase "compatible Period of Significance" could be used instead. Mr. Richardson cautioned that "Period of Significance" could refer to a creosote covered post.

Ms. Kadas noted that it wouldn't apply only to OSU, though it's being driven by OSU. Ms. Potter said that it could be written specifically for OSU, though staff generally tries not to do this. She added that examples could be given for items previously approved; the wording needs work. Mr. Nudelman suggested "previously approved signage" shall be exempt. While most of the items apply to OSU, other things have come up in Historic Districts. Mr. Perkins said that the

OSU Historic District is unique, but it is still a single property owner; he said he was cautious about a blanket approval. Mr. Parkerson added the concept was asking for trouble. Mr. McClure asked if there was any mechanism available for other private individuals other than OSU to do that within a Historic District. Ms. Kadas said that perhaps neighbors within a District could come get global permission. Mr. Perkins said the difference was codifying it. Mr. Brown stated that the word "vintage" was problematic; there are different ways of interpreting it. For example, some items made in China in 2010 are labeled "vintage". Some property owners in Historic Districts are using Victorian items that don't really fit with their house. Ms. Potter suggested striking item 2. The Commission concurred.

Mr. McClure asked about trash recycling receptacles; he asked if that applied to a dumpster in someone's front yard; Ms. Potter replied that landscape rules mandate screening. Mr. Richardson said that the numbers could be changed. He said that some commercial buildings might want more permanent recycling facilities. Ms. Potter added that that is allowed currently in alleys. Ms. Potter said that staff thought that the possibility of mischief here was remote. Mr. Parkerson said a balance was needed on the amount of regulation, especially in Historic Districts.

Mr. Brown said that OSU's blue light kiosks predate cell phones and were probably obsolete. He said that there were five criteria in the language. Ms. Kadas related that Ms. Beierle suggested including the word "accessory" before the word "structures" in the first line of (h) regarding exemptions; Kadas suggested using the word "items" instead.

Mr. Richardson asked about City-standard bus shelters; Ms. Kadas said that they would be fine, along with bike racks in item #4. Mr. Richardson suggested adding the word "uncovered" in the language. Ms. Potter added that wording for new racks could be added. Mr. Perkins said he preferred limiting it to replacement racks. Mr. McClure cited confusing wording; Mr. Richardson stated that in-kind materials language was precise. Ms. Stephens suggested removing the word "and" at the end. Ms. Kadas suggested the phrase "the same or other surface". Ms. Potter suggested wording "replacement of...with new uncovered bicycle racks on the same or other mounting surface"; she suggested deleting the rest of the sentence. There was consensus that was OK.

Mr. Morris stated he concurred with Ms. Beierle's concern regarding materials for storm doors; Mr. Richardson replied that the language mandates "...use similar materials to existing materials". He asked if wood storm windows were available; Ms. Kadas replied that they were.

Mr. Brown noted there were some glass storm doors that were primarily glass, allowing an insulating layer of air; they are attractive and show the original door. Mr. Nudelman said he didn't want to discourage people from getting storm windows by restricting people to only wood. Mr. Perkins said that if it is reversible and protects the structure, it should be encouraged. Ms. Kadas suggested retitling Section 2.9.70.f "Installation of Removable Screen and Storm Doors and Windows". Ms. Potter suggested modifying the wording in the third sentence to mirror this changed text. The Commission concurred.

Ms. Kadas said on page 14, in Section 2.9.70.k regarding access wheelchair ramps, the word "Reversible" is capitalized throughout, perhaps like all defined words. Ms. Potter confirmed that the term was capitalized because it was a term defined in Chapter 1.6 - Definitions. Ms. Kadas asked if concrete ramps were considered Reversible; Mr. Richardson replied that that was a good question; they could be if they were simply abutting a building. Ms. Potter said non-reversible would not qualify under "Exempt". Mr. Richardson highlighted OSU testimony on adding a provision for increasing the height of ramps to up 48" for Nonhistoric Noncontributing buildings. Mr. Perkins asked for the reason for OSU's request; Mr. Richardson replied that anything between 6-30" requires a handrail; over that requires a heavier guard rail.

Ms. Potter asked if there was any consensus on allowing a larger ramp height as proposed by OSU; there was consensus it was OK and that Section 2.9.70.k should be changed per OSU's suggestions. Mr. Richardson added that if a ramp is over 48" above ground, then the ramp will require a significant length; also, OSU is talking about both above or below grade situations; he cautioned that below-grade work may not be Reversible. Mr. McClure said the main thing was not damaging the primary resource. Ms. Potter asked if under #2, there was a need to include the same last sentence as in #1 regarding opacity; the group confirmed that the additional sentence should be added.

Ms. Kadas concurred with Ms. Beierle regarding building foundations for Ms. Beierle's stated reasons. She said some Corvallis houses have original boulder foundations that were fairly unique. Mr. Young related that Tony Howell testified that he owned a historic home on a wood foundation. Mr. Nudelman added that he had a house on a brick foundation and had concern about earthquakes; Mr. McClure said you could put a brick façade over a replacement. Mr. Richardson highlighted the original 2.9.70.p; he said if the Commission retained the phrase, "provided that the foundation material is not specifically identified as Historically Significant," it should be able to continue to be an Exempt activity; Ms. Kadas concurred that that addressed her concern. She suggested adding the word "and" after subsection #1; Ms. Potter replied that the use of "and" is only put at the second to last item in the Code. The Commission concurred to add the phrase, "provided that the foundation material is not specifically identified as Historically Significant" at the end of the introductory part of Section 2.9.70.p.

Ms. Stephens said on page 16, under Gutters and Downspouts; she said the "internal gutters" was confusing. Mr. Richardson said the wording probably came from OSU's internal copper gutters. She suggested stopping the text in the last sentence at the word "structure". Ms. Stephens highlighted page 19, the "and" at the end of #1 should be replaced by "or". She suggested, for example under c.5, under Signs and Tablets, there should be parallel, matching, and consistent wording. The Commission asked staff to review the text structure of the Exemptions so that the lead-in phrases were more similar. Ms. Potter said staff would review the whole list of Exemptions and accomplish this task.

Mr. McClure said on page 19, Director-level permits, staff analysis; he asked for clarity on what the standard was for "...other materials documented to have been used during the Period of Significance"; Mr. Richardson replied that if an applicant brings in information, such as original drawings showing what was there, that the Director and staff can look at it and make the call. The "staff analysis" in Section 2.9.100.04 means there is staff discretion whether an application is replicating an original feature.

Mr. McClure highlighted b2, "not part of Historic Contributing open space"; he asked whether that was defined; Ms. Potter replied that there was an "open space" definition in the Code, but that the Historic Contributing open space was referring to an actual list of open space areas in the OSU Historic District which were found to be Historic Contributing areas. Mr. Richardson added that OSU has quads that are like that. Ms. Potter said that the intent was that only in Historic Districts would there be such elements that will be Historically Contributing.

IV. VISITOR PROPOSITIONS.

Ms. McIntosh said that every Historic District is unique; OSU's Historic District is physically and economically different because it is a public institution; the HRC has a responsibility to evaluate elements coming into the District. Regarding accessory structures; OSU needs to be able to meet the needs of 25,000 people. She said the proposed items in Section 2.9.70.h would spell out things that people could do without going through the bureaucracy. She said that it's a big deal to just prepare an application to replace an "S" bike rack with a round one. She said she

anticipated installing about five more blue-lit safety calling kiosks. She said the concept could be applicable to other Historic Districts, too.

She suggested using the word "historic" rather than "vintage" for lamps. Regarding ADA ramps, the tweaks to the Code would help avoid having to come before the HRC for an ADA ramp; that would also be applicable for downtown businesses as well. Regarding visibility from public rights-of-way, there was discussion in striking item (b); but retaining the language will help retain that language as it relates to OSU.

Mr. Morris asked if she would like a special section on exemptions for OSU; Ms. McIntosh related that in discussions with staff, staff recommended not doing something OSU-specific. Mr. Nudelman said that in getting previous approval for a similar purpose, such as a design for way-finding signs around campus, it could be catalogued and OSU would only have to come before the HRC once; Ms. McIntosh replied that that could work; although it would be more helpful to have an Exemption in the Code. Mr. Perkins objected to treating OSU differently; it is much harder on individuals than OSU; the Code needs to be as equally applicable as possible. He said it wasn't that hard to put together an application for a single sign design to be used at fifteen different locations and get approval for all of them at once. Ms. McIntosh replied that when they considered establishing a Historic District, they knew it would be a challenge. OSU is not like a residence and already comes before the HRC for what it does; it simply wants consideration on small, simple changes that could make doing business much easier for OSU. Mr. Nudelman noted that one of the points of the workshop process was to make things easier for everyone.

Mr. Brown highlighted the written goals of this set of text changes. He referenced goals #2 and #3, regarding efficient use of City staff and resources; he said the intent was to avoid going through the same process over and over for the same thing. He suggested also addressing regularly occurring issues, such as lights and bicycle racks. In neighborhoods, it is more likely that items are unique things; he said that #2(c) and #3 are important regarding regular occurrence. Mr. Perkins noted the HRC has previously approved 15 signs all at once in a single HPP application, for example.

Ms. Kadas stated the Commission workshop would resume on July 27. Mr. Richardson noted that the meeting would start at 6 p.m. that evening.

V. OTHER BUSINESS/INFORMATION SHARING. None.

VI. ADJOURNMENT: The meeting was adjourned at 10:00 p.m.



Facilities Services
Oregon State University, 130 Oak Creek Building, Corvallis, Oregon 97331
T 541-737-2969 | F 541-737-3013

Monday, June 21, 2010

Historic Resources Commission
City of Corvallis
Development Services
501 SW Madison Avenue
Corvallis, OR 97333

SUBJECT: Revisions to LDC Chapter 2.9 – Historic Resource Provisions

Dear Commissioners:

OSU has reviewed City staff's recommended revisions to Chapter 2.9, and respectfully offer the following clarifying edits. City staff has provided their edits in strike out and underline form, so our edits are highlighted in blue and red.

Poles

Section 2.9.70.r

r.-z. Utility Poles - Installing, relocating, or removing utility poles, provided the subject pole is less than 50-ft. tall, located in a public or private street right-of-way, and is at least 50 ft. from any street-facing facade of a Historic or Historic/Contributing structure.

Accessory Development

Section 2.9.70.h

h. Accessory Development - Installation of the following structures are exempt from the need for a Historic Preservation Permit:

1. Benches;
2. Vintage street and yard lamps;
3. Blue light security kiosks;
- 3.5 City standard bus shelters;
- 3.75 Installation of additional site furnishings provided they are consistent with the published dimensions and design guidelines approved by the Historic Resources Commission;

4. Replacement of uncovered bicycle racks with new bicycle racks on a hard mounting/parking surface of dissimilar materials than existing surface materials; and
5. Trash / Recycling receptacles with footprints less than 15 sq.ft. and meeting other Code standards.
6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets meeting—the criteria in LDC Chapter 4.3 - Accessory Development Regulations, that is not visible from public rights-of-way public or private street rights-of-way, (except for alleys, from which it may be visible), that is 200 sq. ft. or less, and that does not exceed 14 ft. in height.

Access Ramps and Devices on Historic / Contributing Resources

Section 2.9.70.k

- k. Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices Compliant with the Americans with Disabilities Act (ADA) Requirements - Installation of ~~an~~ access ramps, sidewalk wheelchair ramps, and fire/life safety devices that is are compliant with the Americans with Disabilities Act (ADA) requirements, provided the installation is Reversible that none of the external historic features of the resource is are damaged or permanently altered, and the following criteria, as applicable, are satisfied; and the ramp is 32 in. or less in height and is constructed in a manner that is Reversible.
1. Access Ramps on Historic / Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.
 2. Access Ramps on Nonhistoric / Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails.
 2. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.
 3. Fire/Life Safety Devices - Where needed. However, if masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.

Design Flexibility for New Buildings

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

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. Flexibility in new building design may be considered to accommodate contemporary uses, accessibility requirements, compliance with current zoning and development standards, and to be sensitive to local, indigenous cultures cultural considerations pre-dating the District's Period of Significance.

Differentiation

Section 2.9.100.04.b.3.n

n) Differentiation - New work will be differentiated from the old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. ~~An Alteration or New Construction New free standing buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, it also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. Therefore, the differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.~~

Thank you for your consideration of these suggested edits.

Sincerely,

Patty McIntosh
Campus Planning Manager
Campus Planning | Facilities Services
131 Oak Creek Building, Corvallis, Oregon 97331
Phone: 541-737-0917 | Fax: 541-737-3013



Corvallis Historic Resources Commission
June 22, 2010
Revisions to Chapter 2.9

Definitions

Historically Significant Tree

This is a complex definition with references to other aspects of the code. While I appreciate the need for ease of removal of a non-contributing tree on a DHR, the latitude proposed here is sweeping. A significant tree need not be related to a significant historic event or person/group. It could be a contributing feature to a DHR or cultural landscape due to its presence during the Period of Significance of the DHR. This proposed change merits thoughtful discussion and consideration. Consider keeping c.

Visible from Rights-of-Way

- a. A hedge – which can be very difficult to remove – is not necessarily a permanent feature. Consider dropping the hedge as a sufficient screen.
- b. Code needs to address more than the “appearance” or “visibility” of DHR; code needs to address the historic integrity of DHR during decision-making. It is not sufficient to determine that a resource “Looks OK.” The resource needs to “Be OK.”

Hazardous Tree

Is the city arborist available 24 hours? If so, no hardship would be created by this provision. Otherwise, perhaps another option is needed for imminent threats to life, limb, and property.

Existing Exemptions

Signs or Tablets

I support 1 – 3 inclusive of these proposed changes; 4 is more challenging. It is the prerogative of the HRC to determine if signs on Non-historic or Noncontributing buildings (or structures?) impact the Historic District as a whole. Non-historic and Non-contributing resources are still aspects of a larger resource – a district itself.

Alteration or New Construction to Non-historic/Noncontributing Resources

Like Signs and Tablets above, only the HRC should determine the impact of a change on the Historic District as a whole.

Removable Storm Doors and Windows

I am a great supporter of removable Storm Doors and Windows. I believe these elements improve the energy conservation of DHR and are even more energy saving and efficient than double pane elements. I think some limitation regarding **similar materials** is required here, otherwise wholesale addition of insensitive and inappropriate new elements could result.

Accessory Development

Add the word “accessory” following following and before structures. This language occurs in the definition Chapter 1.6 and clarifies placement of these features.

Freestanding Trellises

As proposed, the change from the singular “a freestanding trellis” to the plural “freestanding trellises” does not address challenges that might occur by the installation of multiple trellises on a DHR. The reason this was included as an exemption originally was the implicit limit of one – and only one – trellis as an exemption. A parade of trellis would negatively impact a DHR, no matter where they were placed.

Building Foundations

Consider adding the language “similar materials are used” following 12 in. in #2. Miracle Hollow Core Block, a foundation material, was developed by Corvallis entrepreneur Levi Mellon. The block was intended to provide an easy to maintain masonry surface. The original intent of this section to conserve a unique Corvallis building material is lost without this addition.

Gutters and Downspouts

If these become an exemption, how do we assure that appropriate materials that match the appearance of those being replaced occurs?

Uncovered Rear Deck or Patio Additions

Loose the hedge for shortcomings related to non-permanence cited previously.

Repair or Replacement of Windows or Doors

Metal-clad wood is not wood. These are not similar materials. Irrespective of previous decisions of the HRC, a future HRC may better appreciate the importance retention of original historic fabric. Making this unwarranted change could hamper decision-making in the future. Add “materials” in the second paragraph following “size, shape,”. I am also uncomfortable about using the language “non-street facing facades.” This functions as a substitute definition for a primary facade. The Memorial Union for example has a non-street facing facade that faces one of the contributing cultural landscape features – quad – on the OSU campus.

Re-roofing

If memory serves, this language was crafted to allow the Director to approve a replacement roof that returned a DHR to a more original condition. e.g., a tile roof replacement on the Wells Fargo Depot. The HRC may want to give this proposed change additional consideration.

New Exemptions

Utility Meters and Pipes

Consider adding “or obscure” in the last line between “alter” and “windows.”

Required Screening

The HRC may feel that the location of ground-level screening merits their consideration.

Director-Level Activities

Energy Efficient Windows and Doors and Metal-clad Windows

No. Metal-clad wood is not wood. These are not similar materials. Irrespective of previous decisions of the HRC, a future HRC may better appreciate the importance retention of original historic fabric.

Making this unwarranted change could hamper decision-making in the future.

HRC-level Activities

Facades

Excellent suggestion.

Building Orientation

Again "street-facing facades" is becoming a defacto definition. Again the Memorial Union is an example as is the Benton County Courthouse.

Differentiation

Excellent suggestion.

Alternatives to Demolition

Proposed changes provide needed clarity.

Design Flexibility for New Buildings

I can envision great abuse of the proposed language. Consider: "Flexibility in new building design may be considered to be sensitive to local, indigenous cultures pre-dating the District's Period of significance." Otherwise this could render all review meaningless.

Sidewalk Prisms, Horse Rings and Iron Curbs

Excellent suggestion.

MEMORANDUM

To: City Council Members
From: Charles C. Tomlinson, Mayor CCT
Date: July 29, 2010
Subject: Confirmation of Appointment to Citizens Advisory Commission on Civic Beautification and Urban Forestry

As you know, at our last regular meeting I appointed the following person to the Citizens Advisory Commission on Civic Beautification and Urban Forestry for the term of office stated:

Dan Bregar
Term Expires: June 30, 2013

I ask that you confirm this re-appointment at our next Council meeting, August 2, 2010.

1076

MEMORANDUM

TO: City Council
FROM: Carolyn Rawles-Heiser, Library Director *CRH*
DATE: 7/27/2010

Issue:

Approval of intergovernmental agreement with City of Monroe and Benton County for operation of the Monroe Library.

Background:

The Library typically enters into intergovernmental agreements with the other entities responsible for library buildings in the Benton County Library Service District. For some reason we have been operating on a "handshake" agreement with the City of Monroe for many years. This IGA formalizes the relationship and is required for the application for a county-sponsored Community Development Block Grant which, if awarded, would provide significant funding toward the construction of the new Monroe Library.

Discussion:

The IGA was approved unanimously by the Monroe City Council at their July 26, 2010 meeting. It is simultaneously working its way through the Benton County approval process. The CDBG grant deadline is September 1 so approval is time-sensitive.

The provisions are similar to agreements we have with Philomath and Alsea. Basically the local community is responsible for the building, including maintenance and utilities, and the library system is responsible for operating the facility. It has been reviewed and approved by the City Attorney's office.

Requested Action:

Approve IGA.

Review and Concur:



Jon Nelson, City Manager

INTERGOVERNMENTAL AGREEMENT For Library Services

I. PARTIES:

THIS AGREEMENT is made and entered into this _____, by and between the CITY OF CORVALLIS, an Oregon Municipal Corporation, hereinafter referred to as “Corvallis”, and CITY OF MONROE, a political subdivision of the State of Oregon, hereinafter referred to as “Monroe” and BENTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as “the County,” the agreements of each being in consideration of the agreements of the others.

II. RECITALS:

A. WHEREAS, Benton County and South Benton Community Enhancement are constructing a building to be used as a library which will eventually be owned by Monroe, and Monroe desires to contract with Corvallis to provide library services and staffing. Corvallis desires to provide said services and staffing.

B. WHEREAS, the parties recognize that the voters in Benton County voted to create and fund a Benton County Service District for library services. The service district has contracted with Corvallis to provide the operation and staffing of the Corvallis-Benton County library system and it is the purpose of this Agreement to provide a contractual arrangement among Benton County, Monroe and Corvallis for the operation and staffing of the library facility within the community of Monroe.

NOW THEREFORE, in consideration of the above premises, the parties hereby agree as follows:

1. Facility. Monroe will eventually own the new library building on Hwy 99. Monroe will, upon building completion, assume responsibility for the expenses outlined below

The parties agree that Monroe will provide and make available to Corvallis, the library facilities described in this paragraph. Monroe further agrees to provide notice to Corvallis prior to making any substantial change to the library facilities.

2. Corvallis agrees to. Pay for telephone, waste removal and Internet service and entry floor mats.

3. Maintenance/Utilities. Monroe agrees to provide for all building and grounds maintenance, electricity, and water and sewer.

4. Services and staffing. Corvallis agrees to provide library services and staffing at existing levels or better, subject to annual appropriations and budgeting of such services by the Corvallis City

Council (the governing body of the Corvallis-Benton County Public Library system) and the Benton County Board of Commissioners.

5. Janitorial. Monroe agrees to furnish janitorial services.

6. Annual Report. Corvallis agrees to furnish to Monroe an annual report, or more often if requested, that outlines the operation of the Monroe library and service highlights.

7. Operational Control. Corvallis shall have full and complete authority over the operation of the library facility, including, but not limited to, purchasing materials, supplies, equipment and services necessary for the operation of the library, employing and terminating a director and other employees as deemed necessary, establishing operational supervision and compensation for said employees, establish policies for patron conduct and taking any other action necessary and proper for the managing of the library and the performance of its functions. Monroe assumes responsibility for establishing a meeting rooms policy whereby the Library and its affiliates such as Friends of the Library enjoy first priority for use of the room. Library staff shall manage meeting rooms reservations. If Monroe desires to charge for meeting rooms, the Library and its affiliates shall receive free use of the rooms and revenues from meeting room rentals shall be used by Monroe for maintenance of the Monroe library..

8. Non-employees/Professional Services Recognition. Any and all employees of Corvallis, while engaged or performing any work or services required by them under this agreement, shall be considered the employees of Corvallis only and not employees of Monroe. Any claims that may arise under the Workers' Compensation Act on behalf of said employees shall be the sole responsibility of Corvallis.

9. Any notice under this agreement; shall be effective on the earlier date of actual receipt or two (2) days after deposit as registered or certified mail, return receipt requested to each party at the address stated below or such other address as each party may specify:

City of Monroe
PO Box 486
Monroe, OR 97456

City of Corvallis
645 NW Monroe Ave
Corvallis OR 97330

Benton County
408 SW Monroe Ave Suite 111
Corvallis OR 97333

10. Attorney's Fees. If any action is instituted by either party in connection with any claim or controversy arising out of this Agreement, attorney's fees may not be awarded by a court of competent jurisdiction and each party shall bear its own expenses of such action.

11. Severability. If any part, paragraph, section or provisions of the Agreement is adjudged to be invalid by any court of competent jurisdiction, such adjudication shall not affect the validity of any remaining section, part or provision of this Agreement.

12. Governing Law. This Agreement and the parties' rights under it shall be construed and regulated by the laws of the State of Oregon and venue for any dispute hereunder shall lie in Corvallis, Benton County, Oregon.

13. Arbitration. If any dispute arises between the parties, either party may request arbitration and appoint as an arbitrator an independent individual having knowledge of local government in the State of Oregon. The other party shall also choose an arbitrator with such qualifications, and the two arbitrators shall choose a third. If the choice of the second or third arbitrator is not made within ten (10) days of the choosing of the prior arbitrator, then either party may apply to the presiding judge of Benton County to appoint the required arbitrator.

14. Procedure of Arbitration. The arbitration shall proceed according to the Oregon Statutes governing arbitration, and the award of the arbitrators shall have the effect therein provided. The arbitration shall take place in Benton County. Costs of the arbitration shall be shared equally by the parties, but each party shall pay its own attorney fees incurred in connection with arbitration.

15. Term of agreement and termination. This is a continuing agreement, for a term of ten years, with two ten year extensions. The extensions are automatic unless one party provides notice to the other party of its intent to terminate the agreement, no later than June 1, 2019 or June 1, 2029. Any party may terminate without cause by giving written notice to all other parties not less than six (6) months prior to the end of the fiscal year, such termination shall become effective at midnight of the last calendar day of the fiscal year in which such notice is given.

16. Modification. This agreement may only be amended by mutual written consent of the parties except when a new building is completed either party may request a review of this agreement and it may be opened for revision of terms therein within 6 months of the legal occupation of said building.

17. Non-Discrimination. The parties agree not to discriminate on the basis of race, religion, sex, sexual orientation, color, age, national origin or disabilities in the performance of this Agreement.

18. Public Contracting. The provision of ORS 279 shall apply to this Agreement.

19. Gifts, Grants and Contributions. Any donor of Gifts, Grants and Contributions or fees for the Monroe Community Library, must specify expected use of same. Gifts, Grants, and Contributions or fees specified for improvement or alteration of permanent facilities (such as building, landscaping, and etc.) shall be administered by Monroe. Other Gifts, Grants and Contributions shall be administered by Corvallis and will be used only for the Monroe Library. Fees specified for operational usage (such as books, computers, etc.) will be administered by the library system and used for systemwide library

purposes. In the event that the donor cannot, or does not wish to, designate how the funds are to be used, the gift, grant and contribution or fee shall be divided equally between Monroe and the City of Corvallis to be used for the Monroe Library.

If either the City of Corvallis, or Monroe becomes aware of an unspecified donation that party shall notify the other that such a donation has been received.

20. Real Property. No real property is being transferred from Monroe to Corvallis pursuant to this Agreement and at the termination of this Agreement, all real property shall remain the property of Monroe.

21. Insurance. Monroe will insure the Land, Building and Contents. (Contents meaning fixed assets, such as lighting fixtures, built in cabinets, etc.). Corvallis will insure operational contents (books, computers, furnishings, etc.), as it deems appropriate.

22. Indemnification. Subject to the terms and limits of the Oregon Tort Claims Act, Corvallis shall defend, indemnify, and hold Monroe harmless for any claims related to this agreement that are the result of actions or failures to act by Corvallis, its officers, employees, agents, contractors or assigns. Subject to the terms and limits of the Oregon Tort Claims Act, Monroe shall defend, indemnify, and hold Corvallis harmless for any claims related to this agreement that are the result of actions or failures to act by Monroe, its officers, employees, agent, contractors or assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF CORVALLIS,
an Oregon Municipal
Corporation

CITY OF MONROE
an Oregon Municipal
Corporation

BENTON COUNTY
an Oregon Municipal
Corporation

By: _____

By: _____

By: _____

Approved as to form:

Approved as to form:

Approved as to form:

City Attorney

Office of Monroe Counsel

By: _____
Benton County Counsel

APPENDIX A: HOURS AND STAFFING

HOURS:	Monday,	1:30 am- 4:30 pm	3
	Tuesday & Thursday	10:00 am-4:30 pm	6.5
	Wednesday	3:00 pm-8:00 pm	5
	Saturday	10:00 am-3:00 pm	<u>5</u>
			26
STAFF:	.625 Community Library Specialist		25
	Plus sufficient staff to cover current operations		<u>10</u>
			35
TOTAL	.625 FTE	Total Staff hours	35/ week

Actual number of hours will vary according to budget and individuals selected to work.

MEMORANDUM

TO: Mayor and City Council
FROM: Steve Rogers, Public Works Director 
DATE: July 19, 2010
SUBJECT: Marys Peak Communication Site Lease Agreement

ISSUE

City Council authorization is required for the City Manager to execute a lease agreement (Attachment A) with Silke Communications Inc. to occupy a telecommunications site on city-owned property on Marys Peak.

BACKGROUND

The City of Corvallis owns a parcel of property off the West Point Spur Road on Marys Peak. For more than 30 years, sections of the property have been leased out to different telecommunications companies. There are currently five commercial tenants and one non-profit entity occupying the property. Each tenant pays an annual rent based on the square footage of the ground leased and on the number of radio and microwave frequencies being broadcast at the site.

DISCUSSION

The site Silke seeks to lease occupies 3,138 square feet and includes a small block building and wooden utility pole. The site is currently leased to KLCC who is sub-leasing to Silke. Silke would like to improve the site by upgrading the facilities, but KLCC is not interested in funding or being responsible for the improvements. As a result, Silke and KLCC have agreed that it would be better for Silke to be the primary tenant and sub-lease back to KLCC. KLCC has requested termination of their lease effective upon Council approval of the proposed Silke lease.

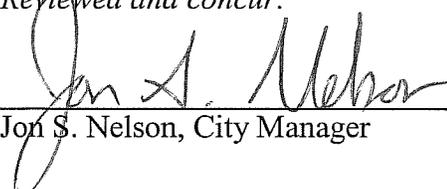
A copy of a Letter of Intent between Silke and KLCC for use of the site has been received by staff collaborating each party's position. Marys Peak Repeater Association, a non-profit, is also present at the site and is amenable to the proposed changes.

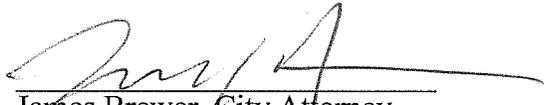
The new 5-year renewable lease agreement with an effective date of September 1, 2010 is consistent with other Council-approved Marys Peak leases. The annual rent, including sublessees, is \$4,974.59 and will be raised annually according to a Consumer Price Index.

RECOMMENDATION

The City Council grant authority to the City Manager to sign a public property lease agreement with Silke Communications Inc.

Reviewed and concur:


Jon S. Nelson, City Manager


James Brewer, City Attorney

Attachments:
Attachment A - Silke Lease Agreement

LEASE AGREEMENT

THIS LEASE, made this September 1, 2010, is by and between the City of Corvallis, an Oregon municipal corporation, hereinafter referred to as the Lessor, and Silke Communications Inc., an Oregon corporation hereinafter referred to as the Lessee.

1. PREMISES. Lessor, in consideration of the terms, covenants, and agreements contained herein, does hereby lease to the Lessee the following described real property located on the west ridge of Marys Peak:

A tract of land in the south 1/2 of the southwest 1/4 of Section 20, Township 12 South, Range 7 West of the Willamette Meridian, Benton County, Oregon. Beginning at a point that is north 562.73 feet and east 91.23 feet from a 3-inch aluminum cap survey monument, as per County Survey No. 7688 marking the southwest corner of said Section 20; thence S 72° 46'49" E, 113.14 feet; thence N 04° 11'17"E, 27.92 feet; thence N 71° 52'04" W, 110.70 feet; thence S 09° 39'39"W, 29.22 feet to the point of beginning. Containing 3,138.05 square feet.

Lessee takes the described land in its present condition without any duty or obligation by Lessor to perform any act or do anything to make the described land usable or suitable for the Lessee's operations.

2. TERM. Lessee shall have the right to possession, use, and enjoyment of the leased property for a period beginning September 1, 2010 and ending September 1, 2015, subject to the terms and conditions of this lease agreement. The term of this lease may be extended for two additional five-year period, provided Lessee notifies Lessor in writing at least sixty (60) days prior to the expiration date of this lease. Any extension shall be at the full prime rental rate then in effect.

3. RENT.

(a) Rental Rate. Lessee shall pay (1) or (2) as annual rent for each year of this agreement, whichever is greater:

- (1) The sum of \$0.55 per square foot of land leased; \$180.49 per radio frequency; and \$360.86 per microwave beam path; or
- (2) A \$2,165.81 minimum.

(b) Sublease Rent. In addition to Lessee's rent, Lessee agrees to pay annual rent for each of its sublessees, if any, based on the charges as listed in 3.a.1 or 2, whichever is greater.

(c) Payment Terms. The first rental payment shall be paid on September 1, 2010 and continuing on the first day of May for each year thereafter during the term of this lease. Rental payments are to be made payable to the City of Corvallis and are to be delivered in person or mailed to Lessor at the address given in Section 19 of this lease.

(d) Adjustment. At Lessor's option, the rental rate may be adjusted annually using the

Consumer Price Index West-A, utilizing the previous January 1 through December 31 average.

(e) Arrearage. Any installment of rent accruing under the provisions of this lease that shall not be paid when due shall bear interest at the rate of ten (10) percent per annum from the date when the same was payable by the terms hereof, until the same shall be paid by Lessee.

(f) Collection of Less than Annual Rent. No payment by Lessee or receipt by Lessor of an amount less than the annual rent herein stipulated shall be deemed to be other than on account of the stipulated rent, nor shall any endorsement on any check or any letter accompanying such payment of rent be deemed an accord and satisfaction, but Lessor may accept such payment without prejudice to Lessor's rights to collect the balance of the rent due.

4. USE OF THE PROPERTY.

(a) Property Owned by Lessor. On the property is located one concrete block building (approximately 8 x 10 dimension), a metal tower, and wooden telephone pole constructed by a previous tenant that was left on the site and is the property of the Lessor. Lessor hereby grants usage of these structures by the Lessee.

(b) Permitted Use. The property shall be used for establishing and operating an electronic-communications facility. The property shall not be used for any other purpose without the written consent of Lessor. Lessor's consent shall not be unreasonably withheld but may be conditioned on the Lessee's compliance with reasonable restrictions and requirements for the protection of the property and the protection of the public.

At the time of this lease, the leased premises accommodates stations on the following frequency:

FREQUENCY	STATION TYPE
152.0375 Mhz	Radio
152.5225 Mhz	Radio
152.6875 Mhz	Radio
146.820 Mhz	Ham Radio
5.840 Gzh	Microwave

It is hereby understood and agreed that should the Lessee or any of its sublessees wish to alter the level of its present operation, Lessee must notify Lessor in writing, prior to such alteration. Lessor shall review the request for approval within 30 days of receipt. Lessee agrees to furnish to Lessor, within thirty (30) days of the date of this lease, a copy of the license granted to Lessee by the Federal Communications Commission.

(d) Conformance with Laws. Lessee shall conform to all applicable laws and regulations, municipal, state, and federal, affecting the premises and the use thereof.

(e) Nuisance. Lessee shall not use or permit the use or occupancy of the property for any illegal purpose, or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance.

(f) Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law and the Corvallis Sewer Use Ordinance, Ordinance 83-3 as amended, except upon prior written notification to Lessor and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this lease.

(g) Roads. Lessee shall be entitled to reasonable use for its purposes of the roads now existing and serving the leased property. Such access roadway is located and constructed upon and across the south half of the Southwest 1/4 of Section 20, Township 12 South, Range 7 of the West Willamette Meridian, Benton County, Oregon. Lessor may locate and relocate roads as desirable so long as reasonable and adjacent access is provided to Lessee. Lessee shall have the right, but not the duty, to, at all times, repair and maintain the existing roadway as described above. Lessee shall pay the entire cost of maintaining any portion of said roadway which is used solely by Lessee.

(h) Underground Utilities. As a condition of entering into this lease, Lessee shall submit to Lessor as-built drawings of any and all new underground utilities to be placed upon the premises, and installation of said utilities shall only take place with prior approval of Lessor.

5. COMPLIANCE WITH APPLICABLE COMMUNICATION LAWS. Lessee shall install, operate, and maintain its equipment in accordance with applicable rules and regulations of the Federal Communications Commission and any other applicable enforcement agencies.

6. COMPATIBILITY WITH OTHER USES. It is Lessor's intent to minimize the number of structures occupying its Marys Peak property while maximizing the use of the property to meet the demand for communication facilities. To that end, the parties agree as follows:

(a) Adjacent Property. Lessor may grant or lease to others the right to use unoccupied real property on the west ridge of Marys Peak for communication purposes if that simultaneous use by others does not interfere with Lessee's use of the premises.

(b) Subletting Lessee's Leased Property.

(1) Lessee shall sublease the leased premises and/or facilities to non-profit organizations under terms and conditions approved by Lessor if that simultaneous use by others does not interfere with Lessee's use of the premises.

(2) Lessee shall sublease the leased premises and/or facilities to other organizations under reasonable terms and conditions negotiated between the Lessee and sublessee if that simultaneous use by others does not interfere with Lessee's use of the premises.

7. ALTERATIONS AND IMPROVEMENTS.

(a) Right to Construct. The Lessee, at its own expense, may construct structural improvements on the leased property, subject to Lessee's compliance with all applicable City, County, and State laws and regulations and issuance of necessary building permits. Any new construction or improvements shall be approved prior to construction by local representatives of the United States Forest Service, Benton County Planning Department, and the City of Corvallis. All sanitary facilities shall be constructed in such a manner as complies with all applicable codes and regulations. Lessee shall cooperate with the United States Forest Service, Benton County Planning Department, and the City of Corvallis in painting buildings and equipment on the described land in such a manner that the buildings and equipment will blend with the landscape. Improvements shall be maintained in a reasonable and satisfactory condition. Lessee shall ensure improvements do not cause interference with other existing (at the time improvements are made) communication sites on the Lessor's property on Marys Peak. If interference is observed as a result of improvements, the Lessee will remove the source of the interference.

(b) Alterations to Property Owned by the Lessor. Written approval from the Lessor is required to remove or make alternations to property owned by the Lessor as listed in Section 4(a).

(c) Ownership of Improvements. Title to all buildings and improvements constructed by Lessee during the term of this lease or a prior lease shall be in Lessee's name and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the sixty-day period following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after sixty days after termination of the lease, any of said property remains on the premises, Lessor may retain the property, or, at its option, remove the property at the Lessee's expense.

8. ENTRY ON PROPERTY.

(a) Right to Inspect. Lessor shall have the right to enter the property at any reasonable time or times to examine the condition of the premises or Lessee's compliance with the terms of this lease.

(b) Access. Lessor retains the right to enter the leased premises at any reasonable time or times to repair or modify Lessor's utilities located upon the property or to conduct repairs or other work on the property.

9. ASSIGNMENT AND SUBLETTING. Lessee shall not assign this lease or sublet any portion of the leased property without the prior written consent of the Lessor; but Lessor shall not unreasonably withhold its consent provided that the rent for sublessee is paid as provided in Section 3 of this lease and sublease agrees, in writing to comply with all other terms and conditions of this lease.

10. LIENS. Lessee shall promptly pay for any material and labor used to improve the leased property and shall keep the leased property free of any liens or encumbrances.

11. TAXES. The Lessee shall promptly pay all real and personal property taxes levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien for other than the current year's taxes to be placed on the leased property. If Lessee applies for and is granted an exemption from real property taxes by a taxing agency, resulting in a refund to Lessor, Lessor agrees to remit said refund to Lessee.

12. INSURANCE.

(a) Coverage Requirements. The Lessee shall purchase and maintain general liability insurance that provides at a minimum premises and operations coverage. The limit of liability shall be no less than the amounts specified in the Oregon Tort Claims Act, ORS 30.260 to 30.300 as presently constituted or hereafter amended. In addition, if the insurance policy contains an annual aggregate limit, the aggregate shall not be less than \$1,000,000. The policy shall name the City of Corvallis, its officers, agents, and employees as an additional insured.

(b) Certificate of Insurance. At the time that this lease is signed, the Lessee shall provide to Lessor a certificate of insurance complying with the requirements of this section. A current certificate shall be maintained at all times during the term of this lease. The certificate shall provide that the insurance company give written notice to Lessor at least 15 days prior to cancellation or any material change in the policy(ies). Failure to maintain any insurance coverage required by this lease shall be cause to initiate termination proceedings of this lease by Lessor.

13. HOLD HARMLESS.

(a) General. Lessee shall at all times indemnify, protect, defend, and hold the City of Corvallis, its officers, agents, and employees harmless from any claims, demands, losses, actions, or expenses, including attorney's fees, to which Lessor may be subject by reason of any property damage or personal injury arising or alleged to arise from the acts or omissions of the Lessee, its agents, or its employees, or in connection with the use, occupancy, or condition of the property.

(b) Environmental Protection. The Lessee shall be liable for, and shall hold Lessor harmless from, all costs, fines, assessments, and other liabilities arising from Lessee's use of the premises resulting in the need for environmental cleanup under state or federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, as presently constituted or hereafter amended.

14. NONDISCRIMINATION. The Lessee agrees that no person shall be excluded from participation in the use of the premises on the basis of race, religion, religious observance, citizenship status, gender identity or expression, color, sex, marital status, familial status, citizenship status, national origin, age, mental or physical disability, sexual orientation, or source or level of income in the use of the premises.

15. WAIVER OF BREACH. A waiver by Lessor of a breach of any term, covenant, or condition of this lease by the Lessee shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the lease.

16. DEFAULT.

(a) Declaration of Default. Except as otherwise provided in this lease, the Lessor shall have the right to declare this lease terminated and to re-enter the property and take possession upon either of the following events:

(1) Rent and Other Payments. If Lessee fails to pay any rent due under this lease for a period of 60 days after that rent is due; or

(2) Other Obligations. If any other default is made in this lease and is not corrected after 60 days written notice to the Lessee. Where the default is of such nature that it cannot reasonably be remedied within the 60-day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

(b) Court Action. It is understood that either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of this lease. Proceedings may be initiated against the violating party for a restraining injunction or for damages or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

17. TERMINATION.

(a) Termination Upon 60 Day's Default. In the event of any other default under Section 16 of this lease, the lease may be terminated at the option of Lessor upon 60 days written notification to the Lessee.

(b) Surrender Upon Termination. Upon termination or the expiration of the term of the lease, the Lessee shall quit and surrender the property to Lessor in as good order and condition as it was at the time the Lessee first entered and took possession of the property under this or a prior lease, usual wear and damage by the elements excepted.

(c) Restoration of Property. Upon termination or expiration of this lease or Lessee's vacating the premises for any reason, the Lessee shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the leased property or beneath its surface. Lessee shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Lessee fails to comply or does not fully comply with this requirement, the Lessee agrees that Lessor may cause the waste products and facilities to be removed and properly disposed of, and further agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.

(d) Holding Over. No holding over upon expiration of this lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this lease or any extension thereof shall be as a tenant from month to month only and not otherwise at the full prime rental rate then in effect.

18. ATTORNEY FEES. If any suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover, in addition to damages and costs, such sum as the trial court or appellate court, as the case may be, may adjudge reasonable as attorney fees.

19. NOTICE. When any notice or anything in writing is required or permitted to be given under this lease, the notice shall be deemed given when actually delivered or 48 hours after deposited in the United States mail, with proper postage affixed, directed to the following address:

Lessor:

City of Corvallis
Public Works Department Attn: Administrative Division
Post Office Box 1083
Corvallis, Oregon 97339

Lessee:

Silke Communications
680 Tyler Street
Eugene, OR 97402

20. SUCCESSORS IN INTEREST. All of the terms, covenants and conditions contained herein shall continue and bind all successors in interest of Lessee.

21. HEADINGS. The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this lease agreement.

IN WITNESS WHEREOF, the parties hereto have executed this lease the date and year first written above.

CITY OF CORVALLIS, OREGON

SILKE COMMUNICATIONS

By: _____
Title: City Manager
Date:

By: _____
Title:
Date:

Attest:

Kathy Louie, City Recorder

Approved as to form:

James Brewer, City Attorney

Rec'd 7/26/10
/ME

Date: 7/23/2010
To: Mayor and City Council
Cc: Benton County Board of Commissioners, City Manager,
From: Mark O'Brien, City Councilor Ward 1
RE: Economic Development Goal Setting

Dear Mayor and Council-

Since I will be absent from our August, 2nd meeting I wanted to share some information and ideas with you all.

You are aware that Councilors Brown, Hamby and I have recently attended public meetings with the Benton County Commission. Mayor Tomlinson has also been in attendance. Our intent was to discover and develop common ground relative to economic development goals and measurements. The city and county each have a unique set of assets, liabilities and responsibilities. Despite those differences, I believe our group has found the commonality we were hoping for in our economic development interests. It is worth noting that Corvallis resides within the confines of Benton County and at the same time is the county seat. A seemingly obvious point but one I think we sometimes overlook. Our co-dependent/co-beneficial relationship certainly lends itself to a natural partnership.

The County Commission has made clear its belief that the single most pressing economic development need in our community is jobs. Job, jobs and more jobs! Speaking for myself, I agree. We considered that this concept could be the genesis of a worthwhile and measurable economic development goal. We also discussed a priority for how we might go about obtaining this goal. That list goes like this; retention, expansion, creation and recruitment of "above average wage" jobs, in that order. Based on this information the City Council could decide to adopt an economic development goal such as the following:

"The Corvallis City Council in partnership with the Benton County Commission formally adopts as our primary, joint economic development goal the retention, expansion, creation and recruitment of above average wage jobs".

I think that adopting such a goal would be an excellent step toward developing a focused and effective economic development strategy.

The County Commission planned to address the Council on August 2nd but I'm not sure whether they will do so. I can say, however, that they have stated an interest in partnering in the development of economic development measurements and metrics per the City Managers June 30th staff report "Economic Development Review and Metrics". I strongly support their inclusion as equal partners in the development of these measurements and metrics and ask that you invite them to a seat at table.

In order to achieve this goal and others we will need resources. The traditional funding sources for economic development are definitely in jeopardy. While I believe that occupancy taxes should continue to be directed toward economic development funding, I also accept that new sources must be developed. To that end I would support the creation of a nominal

business licensing fee to be used exclusively for true economic development activity. Ideally this initiative would be brought forth by the business community, not the Council. Any fee of this type should also provide value added components to the payer. Those might include exclusive access to a local business directory and/or preferential access to business advisory services. Such a license fee must obviously include all enterprise in the county as we are all part of the same economic ecosystem.

It is my desire that once the City Council and Benton County Commission decide upon a number of mutually acceptable economic development goals we might set about finding a way to achieve them. What I have in mind, and what I have discussed in our joint meetings, is the employment of an economic development professional, an independent contractor, who has the knowhow to see our goals through. Imagine a non profit agency along the lines of Corvallis Tourism with an expert director who is accountable to us, the funding agencies, for achieving our directives. It might also include a small volunteer and expert Board of Directors. We would no longer have to make ED allocations under political pressure and would also no longer be making critical decisions about matters outside our expertise. It wouldn't be important anymore that everybody "feels good". Of course we would retain our right to review work plans, outputs and to make policy directives but ground level decisions would be made by an expert rather than us. Whoopee!

I hope you'll assent to including Benton County as an active partner and that you'll have a lively discussion about the ideas I've presented. Adopt the goal if you like. I give two thumbs up! I expect Councilor Brown may also have some things to share about our economic development discussions at the Council meeting. As far as this work goes, Dan speaks for me. Thank you for reading this memo. Thanks Dan. Let's make a first down.

Sincerely,

Mark O'Brien

Councilor, Ward 1

To: Corvallis City Council
From: Dan Brown, Ward 4

July 29, 2010

Subject: Changes to Historic Preservation Fees

I understand that few current Councilors have had actual experience with Chapter 2.9 of the *Land Development Code* or Historic Preservation Permits (HPP) because few have had constituents making applications for such permits and none but myself have been liaison to the Historic Resources Commission.

Since the creation of the Historic Resources Commission (HRC) , the City Council has been involved only in a couple of appeals. These controversial applications were extremely atypical, very significant projects.

Linus Pauling Institute -

huge research center, significant to OSU's future

HRC determines out of scale with existing historic resource

Projected cost \$100,000,000 ($\$4,000 / \$100,000,000 = .000\%$)

Whiteside Theater -

major commercial change to downtown

HRC determines that changes to west side incompatible with historic resource

Projected cost \$4,000,000 ($\$4,000 / \$4,000,000 = .0\%$)

The vast majority of HRC projects appear trivial in comparison to the two above:

- replacement of a handrail;
- replacing rotten wood steps with wood-looking Trex;
- landscaping;
- fencing;
- replacing single pane windows with double panes;
- changing sign to reflect a new business;
- installing a side door for employees;
- replacing a below-grade window;
- demolition of a derelict, non-contributing shed;
- replacing utility poles;
- awnings required by City code;
- bike racks, utility enclosures, building identification signs, etc. at OSU.

For many Councilors, the exemption of Historic Preservation permits from fees may be difficult to understand. However, be assured that the glaring exception to City Financial Policy, zero fee, was created for good reasons and after thorough analysis.

Foremost Reason

The primary reason for the exemption is a practical one, that is, fees will defeat the purposes of historic preservation -- that is, to preserve the historic integrity of historic properties in Corvallis for centuries into the future. This purpose requires cooperation by hundreds of home owners who must adopt the goals of restoration and rehabilitation and also invest substantial sums of their own money, which will never be recouped financially, in keeping their old houses in good repair for the benefit of the community at large.

Unintended and counterproductive consequences of historic preservation fees:

1. Fees will induce homeowners to avoid historic review, completing work on their old homes without guidance. HPPs are required for many small projects which do not also require building permits. There is no reliable enforcement method for enforcing the requirements of Chapter 2.9. Already there is a very high rate of noncompliance, especially for small projects or for planned series of small projects. Over decades (or centuries), these can damage the character of Corvallis' historic resources.
2. Fees will discourage homeowners from maintaining their old homes as they become shabbier, less energy efficient and otherwise inappropriate for modern living, and incompatible with safety codes. Over decades (or centuries) this trend will lead to deterioration and eventual loss of the very historic resources the regulations were designed to protect. Further, it will decrease the benefit to the town's appearance and cultural benefit to the community.
3. Fees will discourage creation of any additional historic districts in Corvallis. In North College Hill, a group of citizens prepared a proposal for creating a North College Hill Historic District in 2002. Through the public process, property owners rebelled against the proposal because they thought that the resulting historic preservation regulations would be too onerous. This was when HPPs were free and long before there was any discussion of charging \$3,000 to \$4,000. The following statement from staff reflects what happened in the opt-out process.

Attached is a letter from James M. Hamrick, Jr., Deputy State Historic Preservation Officer, regarding the status of the North College Hill Historic District nomination. While the State Advisory Committee approved the district as being eligible for placement on the National Register, SHPO has received remonstrances from over 50% of the property owners. Since more than 50% of the property owners have filed proper remonstrances, the district will not be placed on the National Register. Thus, the Corvallis Land Development Code Chapter 2.9 provisions regarding historic districts will not apply to this area.

Chapter 2.9 provisions will continue to apply to those properties in the area which are on the Local or National Registers as individual properties. Currently, there are 41 properties (of the 152 potential properties) which are individually listed. Property owners have applied for individual listing of two additional properties in the area.

The nomination will be forwarded to the National Park Service for a final determination of eligibility. If the area is determined to be eligible as a National Register Historic District, Federal Section 106 provisions will apply for federally sponsored undertakings. State consultation reviews may also be required for state and local agency actions.

The City of Corvallis initiated the creation of the College Hill West Historic district, and to get homeowners to accept the restrictions on their property rights the City assured the homeowners that there would be no fees for historic review. Having lived through the creation of the College Hill West Historic district in 2001, I can assure you homeowners never would have acquiesced to the City's proposal to create this district if fees were part of the proposal. They would have done just what owners in North College Hill did.

A Few Other Issues

There is a long list of other reasons to avoid imposing historic preservation fees. A few follow:

First, the conceived cost of permits could be ten times the cost of the project itself. (Please review the bulleted list on page 1.) The cost of many small projects would be overwhelmed by HPP fees.

Second, the Historic Preservation Permit process involves other costs in addition to potential historic preservation fees.

- If building permits or land use changes are required, all these would be in addition to HPP fees;
- Historic Preservation Permits require a "complete" application. (Requirements are included as an appendix). Completing the application is difficult for a homeowner who will likely go through the process once in a lifetime. An alternative some choose is to seek costly professional advice; one owner said he spent \$70,000 preparing a "complete" proposal, and after thorough consultation with staff, he had the proposal rejected by the HRC. Although this cost is an outlier, it is still \$70,000 down the drain for an ordinary citizen!
- Homeowners unfamiliar with the process do not understand the delays required by the process of review, which can add up to three months. This delay causes problems finding and keeping contractors on the hook, and sometimes puts a project off until the next building season.

Third, there is a matter of equity. Some permits involve non-historic, non-contributing properties (for example, HPP10-0007 and HPP10-0006). If these same non-historic, non-contributing properties were located a couple of blocks away, they would never incur the need for review or any potential fees.

Fourth, hundreds of property owners are affected by historic permit requirements. Mostly they involve single-family residences. Residents want to make their old houses more livable in terms of energy conservation, health and safety, or livable in a modern age.

In contrast, one property owner is responsible for a large portion, perhaps a majority, of the work and expense of the Historic Resources Commission, and there is reason to suspect that this is true of Director Level Decisions. Forming the OSU Historic District and having the City of Corvallis act as Certified Local Government (CLG) was well-intentioned on the part of OSU. But this act has dramatically increased the City's workload. Since the creation, the number of applications coming to the HRC has increased by an amount which roughly doubles the workload from off-campus sources (I suspect that the number of Director-Level decisions has greatly increased as well.

This year, Staff brought a list of proposals for changes to Chapter 2.9 and these are currently under review by the HRC; they appear to have been inspired by the needs of dealing with the University.

Some OSU projects are large: Linus Pauling, Apperson, Gill Coliseum, Goss Stadium As in the neighborhoods, the majority are dinky: utility screens, bike racks, signs, utility poles, paths, ADA requirements.

Fifth, one might imagine that historic preservation applies only to quaint "old" neighborhoods, mostly in the old parts of the city. However, the definition of "historic" is "fifty years old or older." Thus, 1960 is "historic" today. In ten years, 1970 will be "historic;" in twenty years, 1980 will be "historic;" but in fifty years, 2010 buildings will be "historic." The point is that Chapter 2.9 will be relevant to all nine wards in the future.

APPENDIX

2.9.90.02 - Application Requirements

a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits, Director-level and HRC-level, the items listed below. The Director may waive any of the below requirements when he/she determines the information required by a part of this Section is unnecessary to properly evaluate the proposed Historic Preservation Permit:

1. Applicant's name, address, and signature;
2. Owner's name, address, and signature, if different from applicant's.
If the Designated Historic Resource is owned by more than one property owner, the consent of all owners shall be required;
3. Location of the Designated Historic Resource, including address and tax assessor map and tax lot number;
4. Map(s) illustrating the location of the Designated Historic Resource;
5. Historic name of the resource, whether listed in the Local and/or National Register of Historic Places, and (if pertinent) classification

- within a National Register of Historic Places Historic District;
6. A narrative description of the request in sufficient detail to allow for the review of the proposal;
 7. A narrative explanation of what the applicant proposes to accomplish;
 8. A narrative description regarding how the request complies with applicable review criteria, including applicable zone standards;
 9. A site plan, drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions, and the general location of structures on adjacent lots;
 10. Elevation drawings, drawn to scale, in sufficient detail to show the general scale, mass, building materials, and architectural elements of the proposal;
 11. Information regarding whether or not there are any Historically Significant Trees on the site;
 12. A copy of any relevant historic resource inventory information;
 13. As applicable, any recommendations from SHPO or other state or federal agencies relative to any reviews required under state or federal law, including:
 - a) Section 106 of the National Register Historic Preservation Act;
 - b) Consultation review as required by ORS 358.653, as amended;
 - c) Special Assessment Program requirements per ORS 358.475, as amended;
 - d) National Transportation Act;
 - e) National Environmental Protection Act; or
 - f) Any other applicable state or federal law.Such recommendations shall be required only if the proposed changes that are the subject of any of the above required state or federal reviews also require Historic Preservation Permit approval under the provisions of this chapter;
 14. Photographs or drawings of the resource from the applicable Period of Significance to provide context; and
 15. Any additional information reasonably necessary to evaluate compliance with the provisions of this Code as determined by the Director.

2.9 - 13 LDC December 31, 2006

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

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

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

1. A description of the Designated Historic Resource's current physical

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

2.9 - 14 LDC December 31, 2006

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

***** MEMORANDUM *****

JULY 23, 2010

TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: EMPLOYEE PARKING FOLLOW-UP

Background

During Council deliberations on Parking District C, downtown City employees provided oral and written feedback on the impacts of the District as well as general concern for parking availability. Currently, reserved employee parking is only available for supervisory employees and, for at least the past 20 years, has been viewed as a benefit associated with supervisory responsibilities. This memorandum is intended to update the Council on non-supervisory employee transportation efforts underway. Attachment #1 is the revised City Hall Block parking plan dated July 15, 2010 that shows both general areas and specific types of parking. Attachment #2 is greater detail of the yellow lot (C in #1). Attachment #3 is greater detail of the Municipal Court and Madison lots (F & G, respectively, from #1).

As a reminder to information previously provided during Council and Committee meetings, the City has taken a multi-faceted approach. This includes:

1. Recent bicycle parking (covered, non-covered, and secured) investments on the City Hall and Madison Avenue Blocks.
2. Employer paid free transit passes for employees, recently expanded for part-time and casual.
3. Participation opportunity in the regional van pool and regional match programs.
4. Accommodation of a car pool space, including a "free ride home" emergency provision.
5. Development of a lottery parking program for non-supervisory downtown employees (seven spaces).
6. Shower facilities in the Madison Avenue building for bike commuters.

Discussion

The above approach is consistent with Council and community values on alternate modes while also attempting to partially accommodate employee vehicle parking needs. Council heard a preference from City employees for a surface lot. This will be explored through the Capital Improvement Program process, but this solution is most probably very expensive.

The attached graphics provide visual information on existing and planned City parking and alternate modes investments. A few comments:

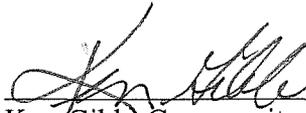
1. The "new" yellow lot (C) retains the historic number of permit spaces (24) while also accommodating an electric charging station.

2. The 15 County spaces in B are associated with a 1990 intergovernmental agreement and resulting parking spaces easement based upon a jointly occupied parking lot that was removed to facilitate the Library's expansion.
3. The 18 two-hour spaces in A are also the result of the library expansion. The planning condition of approval establishing this designation could be revisited at some point in the future.
4. The employee parking lottery system has been more than doubled (from 7 to 16) without triggering an "exception process" for meeting Land Development Code parking requirements. Visitor parking for meetings meets requirements.
5. Staff continues to look for opportunities to expand public parking through more efficient design. A recent example is the 5th Street parking changes that added 4 spaces.

No action by Council on the approach outlined in this memorandum is necessary unless Council would like to pursue a different course of action. This memorandum, or a revised version depending upon Council feedback, will be shared with employees following your input.



Steve Rogers, Public Works Director

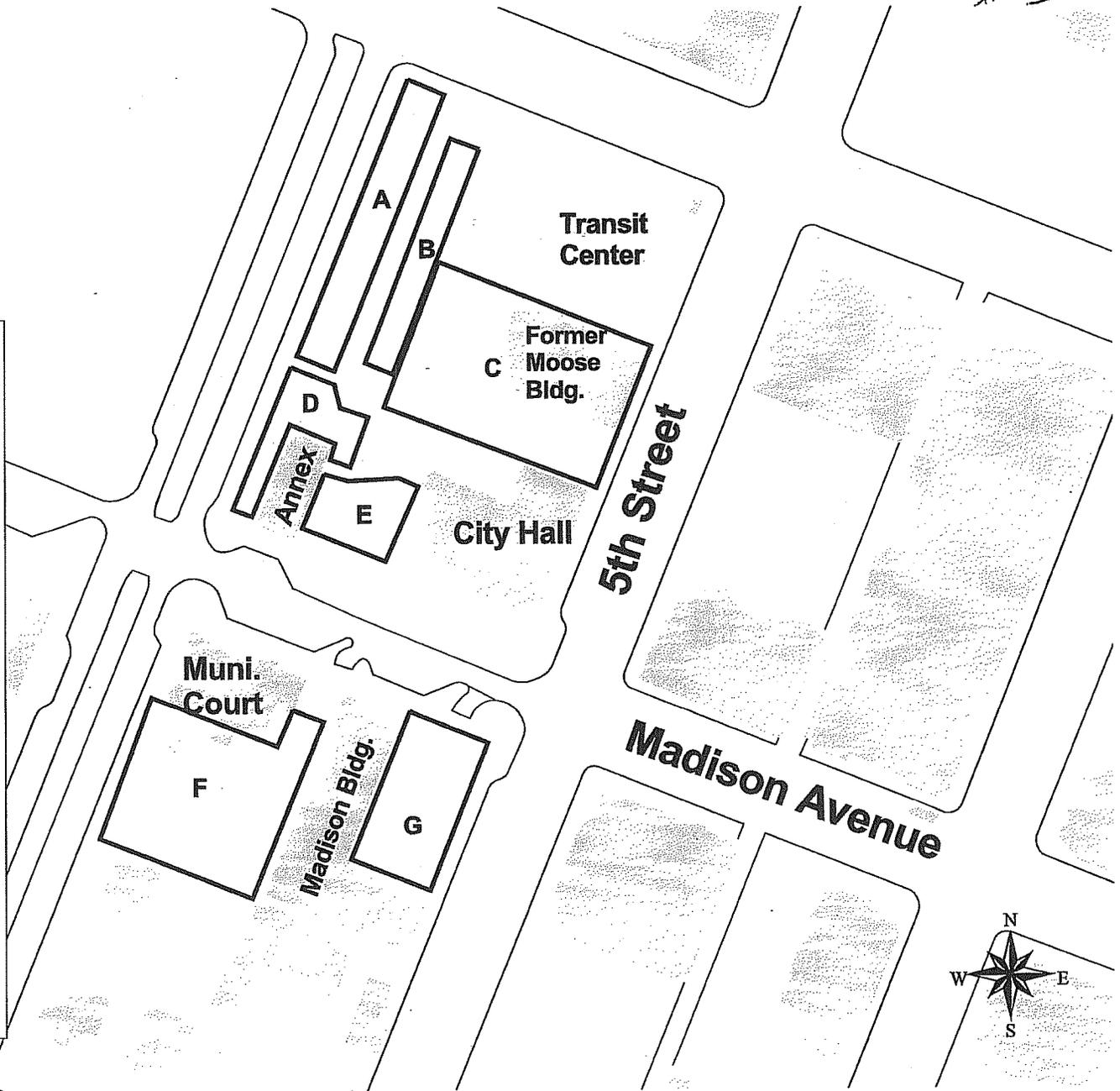


Ken Gibb, Community Development Director

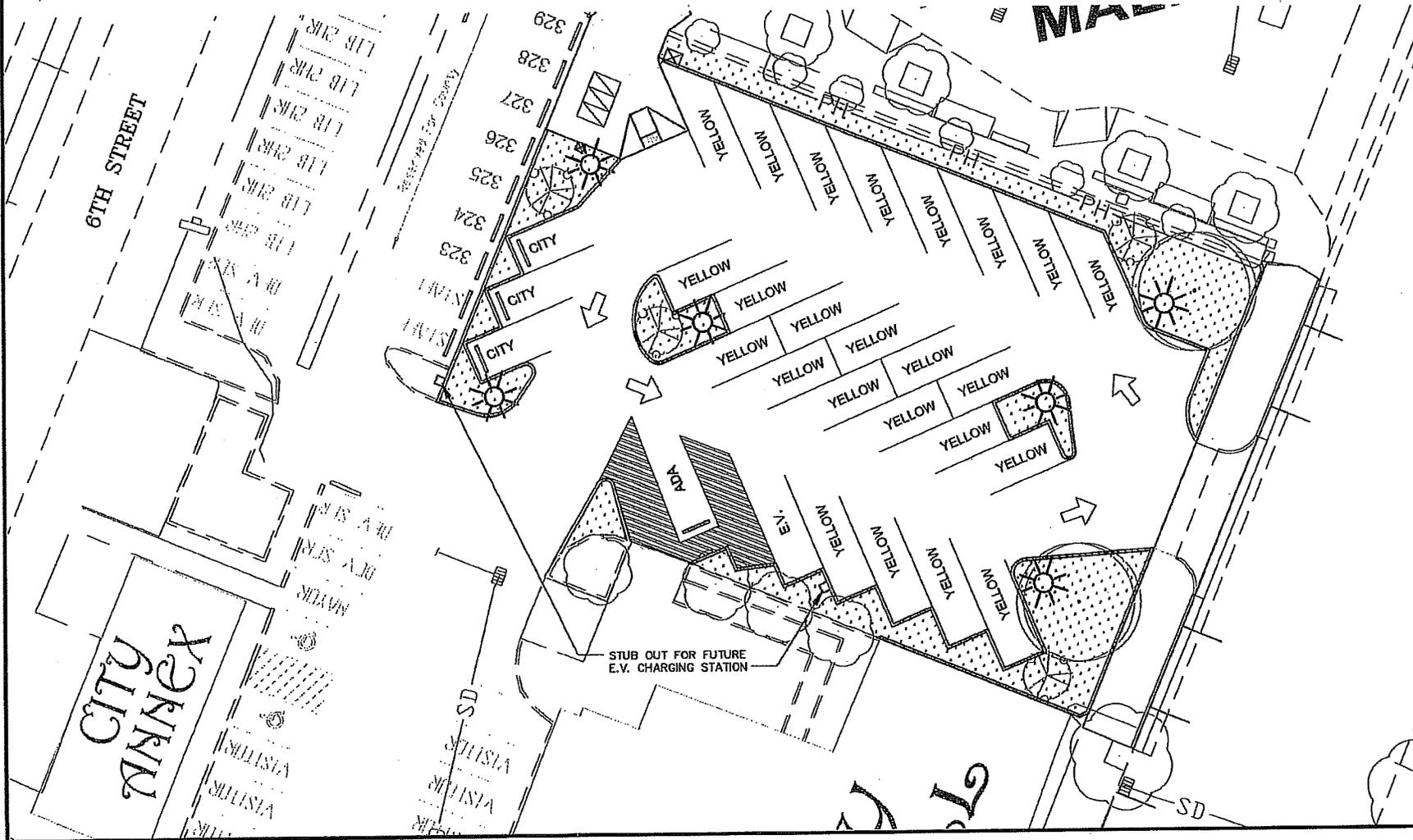
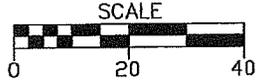
City Hall Block Parking Plan

July 15, 2010

- A = 2 City Vehicles
18 Library public parking
- B = 2 Reserved City Staff
15 Reserved County Staff
- C = 24 yellow permit
1 Electric Vehicle Charging
3 City Vehicles
1 ADA
- D = 1 Reserved City Staff
8 City Vehicles
- E = Mayor
2 City Vehicles
9 2-hr Visitor
2 ADA
- F = 13 Reserved City Staff
1 City Employee Carpool
2 ADA
12 City Employee
- G = 3 Fifteen Minute
1 ADA
4 Reserved City Staff
4 City Employee
3 2-hr Visitor



FORMER MOOSE BUILDING PARKING LOT CONFIGURATION



CITY OF CORVALLIS
Public Works Department

FORMER MOOSE BUILDING
PARKING LOT
CONFIGURATION

DATE: 10/15/2014
DRAWN BY: J. BROWN
CHECKED BY: J. BROWN
APPROVED BY: J. BROWN

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		

DISTRICT: ALLEN
REGION: ALLEN
COUNTY: CLATSOP
SHEET: 7/14/10
SCALE: AS SHOWN

Sheet No.
C-1.3

MUNICIPAL COURT/MADISON BUILDING PARKING LOT CONFIGURATION



CITY OF CORVALLIS
Public Works Department

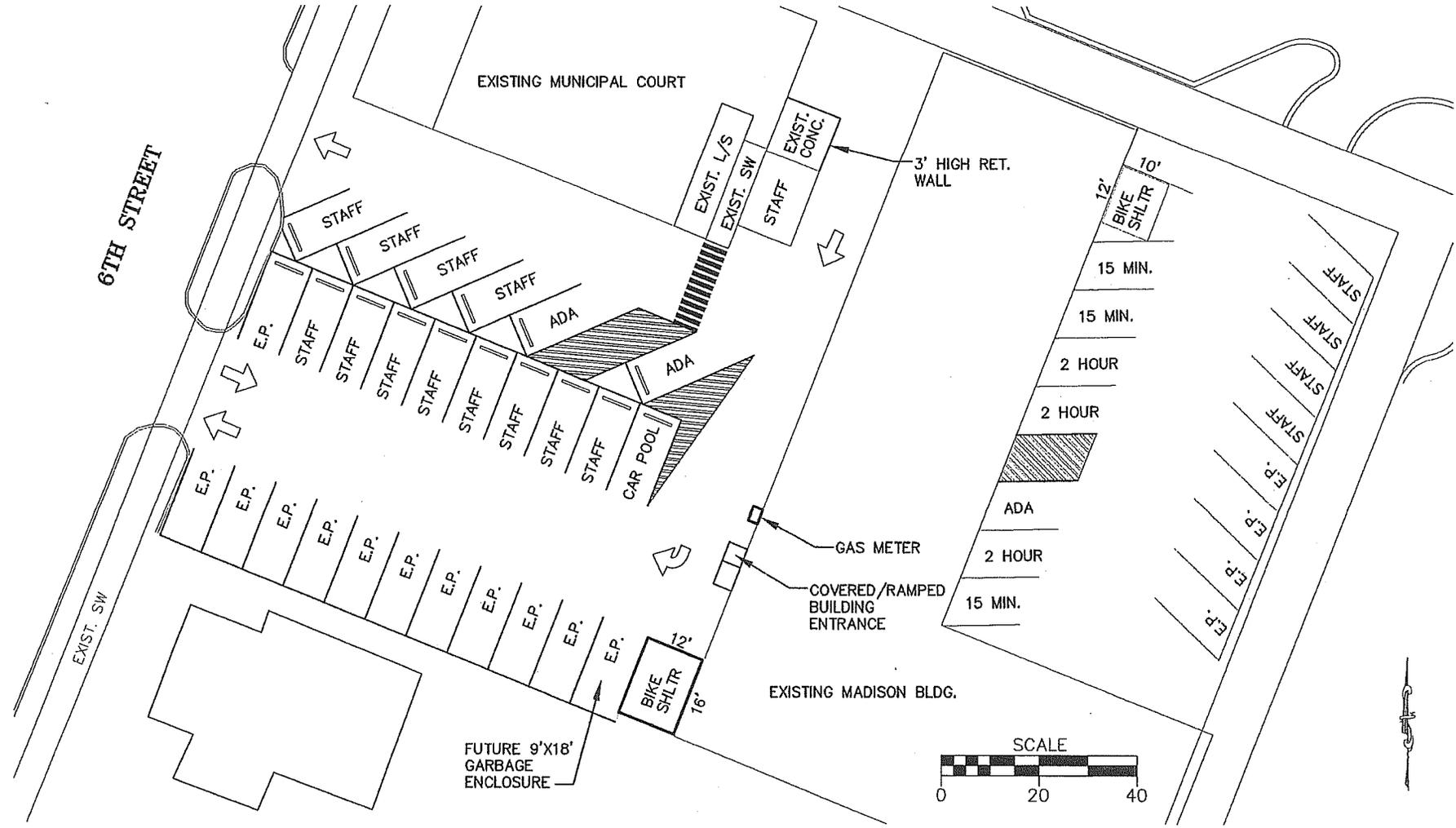
MUNICIPAL COURT/
MADISON BUILDING
PARKING LOT
CONFIGURATION

NOTES:
1. SEE PLAN FOR EXISTING AND PROPOSED PARKING SPACES.
2. ALL PARKING SPACES SHALL BE 18' X 6' UNLESS OTHERWISE NOTED.
3. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
4. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
5. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
6. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
7. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
8. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
9. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
10. ALL PARKING SPACES SHALL BE 15' MIN. CLEARANCE UNLESS OTHERWISE NOTED.

NO.	DATE	DESCRIPTION	BY

DESIGNED: A. Fuchs
DRAWN: A. Fuchs
DATE: 11/4/2000
SCALE: AS SHOWN

Sheet No.
C-1.2



MEMORANDUM

DATE: July 28, 2010

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director



RE: Follow-up information related to land use application fees

During the ASC discussion regarding land use application fees, Committee members discussed the concept of establishing application review fees for historic preservation permits. It has been past City policy to not charge any fee for such applications. Staff noted that because of this past policy, comparator city information for historic preservation application fees has not been collected. Since the ASC meeting, staff has collected this information and it is presented in the attached summary.

Also attached, for the Council's information, is a draft public notice that was prepared consistent with the direction of ASC. Following Council review of the ASC recommendation, this notice will be finalized and sent to stakeholders and interested parties.

2010 Historic Review Fees - Comparator Cities

- Eugene: No charge for most historic reviews, with the exception of:
\$80 for removal of a landmark designation
\$391 for a request for demolition of a historic landmark
- Albany: \$38 for most historic reviews
\$618 for relocation or demolition of a historic resource
- Gresham: \$3,546 for alteration or demolition of a historic resource + 1% tech fee
\$3,901 for new historic designation + 1% tech fee
\$1,775 for removal of a historic designation + 1% tech fee
- Bend: \$1,696 for a major alteration in a historic district
\$7,180 + \$5,152/acre to add a new historic district
\$57.50 for an interior window sign in a historic district
- Lake
Oswego: No fee for most historic reviews, with the exception of:
\$3,700 to remove, demolish, or remove historic designation from a
designated resource
- Springfield: \$60 for administrative historic review
\$176 for review by Historical Commission
\$1,922 for establishment of a historic landmark
\$3,472 for demolition of a historic landmark
- Salem: \$88.50 for over-the-counter sign review for historic resource
\$255.50 for administrative or public hearing historic reviews of residential
resources
\$562.50 for administrative or public hearing historic reviews of commercial
resources
-



DRAFT

The City of Corvallis is Reviewing Land Use Application Fees

Administrative Services Committee Meeting Public Comment Opportunity

The City of Corvallis charges fees for the review of land use applications. These fees may increase as described below. In 2010, fees for Director-level actions (General Development) and fees for actions that go to the Planning Commission and/or the City Council (Special Development) were set to recover up to 70 percent of the Planning Division's actual cost of processing an individual application. The Council is considering incrementally raising these fees to recover 10 percent more of the cost each year until the fees equal the full cost of these actions. Following this approach, this year's increase would result in an 80 percent-cost-recovery approach. Brief descriptions of how fees are calculated and what changes are being considered are described below:

- State law allows the City to set land use application fees at either the actual or the average cost of processing an application.
- The costs are based on the Planning Division's FY 2009-2010 budget for Current Planning services only. Costs for Long Range Planning services and other non-application related planning activities are not included in the calculations used to determine the fees.
- In 2010, fees were set to recover up to 70 percent of the Planning Division's cost of processing an individual application. The Council is considering a change to an 80 percent cost-recovery. Fee schedules to maintain 70 percent cost recovery and to move to 80 percent cost recovery are attached to this notice. Where several land use applications are considered concurrently, the highest fee would be charged, and the fees for the additional applications would continue to be reduced to 75 percent of the adopted fee.
- This year the Council is considering increasing the fee for appeals of land use decisions, which is currently \$250; and establishing fees for historic preservation permits, which have not been charged in the past.
- The Council has not yet determined whether or how much to increase appeal fees. For informational purposes, at 70% cost recovery, the fee for an appeal would be \$7,231 (with an exception for appeals of Staff-level decisions, which can be no greater than \$250, per State Law). At 80% cost recovery, the fee for an appeal would be \$8,264, with the same exception.
- The Council has not yet determined whether to establish a Historic Preservation Permit (HPP) fee, or how much to charge. For informational purposes, at 70% cost recovery, the fee for a Director-level Historic Preservation Permit (HPP) would be \$1,205; the fee for an Historic Resources Commission-level HPP would be \$3,013. At 80% cost recovery, the fee for a Director-level HPP would be \$1,377; the fee for an Historic Resources Commission-level HPP would be \$3,443.

See Reverse Side for Information about the Administrative Services Committee Meeting

What is This?

This is an **Administrative Services Committee** meeting. Its purpose is to provide an opportunity to review the information regarding the costs of providing the Planning Division's review of land use applications and information regarding potential fee adjustments that reflect these costs.

Who is Invited?

Everyone is welcome to participate.

Why is This Important?

The public input received during this meeting will be evaluated by the Administrative Services Committee in relation to the cost of service information. A recommendation regarding fee-setting policies and adjustment of the fees will be forwarded to the City Council for its review and action.

When?

The meeting will occur on **Wednesday, September 22, 2010, at 3:30 p.m.**

Where?

Madison Avenue Meeting Room
500 SW Madison Avenue
Corvallis, OR 97333

Where can I Find More Information?

Staff reports describing the issues to be addressed at this meeting are available from the Planning Division at City Hall, 501 SW Madison Avenue, or on the web at: TBD

How can I Participate?

Written Comments can be mailed to: Kevin Young, Planning Division Manager; P.O. Box 1083; Corvallis, OR 97339. E-mails may be sent to kevin.young@ci.corvallis.or.us. You may also give verbal or written testimony during the meeting.

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Table 5 - 70% Cost Recovery Land Use Application Fee Schedule¹ (2011)

Table 1: Special Development (70% Cost Recovery/5-yr Average, unless otherwise noted)		Base Fee	Per Unit Add-on
Appeal			
	<i>General (2.4% cost recovery/5 yr. average)</i>	\$250	
	<i>Recognized Neighborhood Association (1.2% cost recovery/5 yr. average)</i>	\$125	
Annexation (with per acre add-on)			
	<i>Major</i>	\$8,401	\$122
	<i>Minor (including Health Hazard)</i>	\$2,410	
Comprehensive Plan Amendment		\$10,244	
Conditional Development (including Willamette River Greenway CD)			
	<i>Residential (per lot add-on)</i>	\$6,349	\$38
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$6,349	\$8
	<i>Modification</i>	\$2,589	
District Change			
	<i>Standard</i>	\$4,820	
	<i>Minor Annexation (including Health Hazard)</i>	\$1,205	
	<i>Historic Preservation Overlay (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Administrative</i>	\$2,410	
Planned Development			
Conceptual Development Plan			
	<i>Residential (per acre add-on)</i>	\$6,803	\$75
	<i>Non-residential (per acre add-on)</i>	\$6,803	\$75
Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$7,257	\$43
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,257	\$9
Conceptual and Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$7,711	\$46
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,711	\$9
Major Modification to P.D.			
	<i>Residential (per lot add-on)</i>	\$6,803	\$41
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$6,803	\$8
P.D. Nullification		\$4,820	
Minor Modification		\$3,013	
Subdivision Tentative Plat			
	<i>Non-residential</i>	\$6,349	\$38
	<i>Modification</i>	\$3,013	
	<i>Major Replat</i>	\$7,231	\$1
	<i>Residential (Admin.)</i>	\$5,896	\$35
Historic Preservation Permit			
	<i>HRC-level (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Director-level (0% cost recovery/5-yr. average)</i>	no fee	
Director's Interpretation		\$1,808	
Land Development Code Text Amendment		\$4,820	
Extension of Services		\$8,436	

¹See notes on the reverse side regarding deposit procedures and concurrent application fees.

Table 2: General Development (70% Cost Recovery)		
Minor Replat	\$1,205	
Lot Development Option (Minor)	\$1,205	
Lot Development Option (Major)	\$3,615	
Lot Line Adjustment	\$301	
Partition	\$3,013	
Plan Compatibility Review	\$603	
Vacation	\$1,205	
Sign Permit	\$57	
Sign Variance	\$3,013	

Notes

Deposit - With the exception of appeal fees and historic preservation permits, Special Development land use applications (Table 1) shall be submitted with a \$1,000 deposit. General Development land use applications (Table 2) shall be submitted with a \$100 deposit. Following a determination of the actual extent of the request, the remainder of the fees shall be charged to the applicant. Applications shall be deemed incomplete until all fees have been paid.

Concurrent Application Fees - Where development requires concurrent actions, the largest of the fees determined from Table 1 or Table 2 shall be charged, and 75 percent of the fee for each additional action shall be charged.

DRAFT

Table 6 - 80% Cost Recovery Land Use Application Fee Schedule¹ (2011)

Table 1: Special Development (80% Cost Recovery/5-yr Average, unless otherwise noted)		Base Fee	Per Unit Add-on
Appeal			
	<i>General (2.4% cost recovery/5 yr. average)</i>	\$250	
	<i>Recognized Neighborhood Association (1.2% cost recovery/5 yr. average)</i>	\$125	
Annexation (with per acre add-on)			
	<i>Major</i>	\$9,624	\$138
	<i>Minor (including Health Hazard)</i>	\$2,755	
Comprehensive Plan Amendment		\$11,707	
Conditional Development (including Willamette River Greenway CD)			
	<i>Residential (per lot add-on)</i>	\$7,274	\$43
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,274	\$9
	<i>Modification</i>	\$2,967	
District Change			
	<i>Standard</i>	\$5,509	
	<i>Minor Annexation (including Health Hazard)</i>	\$1,377	
	<i>Historic Preservation Overlay (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Administrative</i>	\$2,755	
Planned Development			
Conceptual Development Plan			
	<i>Residential (per acre add-on)</i>	\$7,794	\$85
	<i>Non-residential (per acre add-on)</i>	\$7,794	\$85
Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$8,314	\$49
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$8,314	\$10
Conceptual and Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$8,833	\$52
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$8,833	\$10
Major Modification to P.D.			
	<i>Residential (per lot add-on)</i>	\$7,794	\$46
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,794	\$9
P.D. Nullification		\$5,509	
Minor Modification		\$3,443	
Subdivision Tentative Plat			
	<i>Non-residential</i>	\$7,274	\$43
	<i>Modification</i>	\$3,443	
	<i>Major Replat</i>	\$8,253	\$1
	<i>Residential (Admin.)</i>	\$6,754	\$40
Historic Preservation Permit			
	<i>HRC-level (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Director-level (0% cost recovery/5-yr. average)</i>	no fee	
Director's Interpretation		\$2,066	
Land Development Code Text Amendment		\$5,509	
Extension of Services		\$9,641	

¹See notes on the reverse side regarding deposit procedures and concurrent application fees.

Table 2: General Development (80% Cost Recovery)		
Minor Replat	\$1,377	
Lot Development Option (Minor)	\$1,377	
Lot Development Option (Major)	\$4,132	
Lot Line Adjustment	\$344	
Partition	\$3,443	
Plan Compatibility Review	\$689	
Vacation	\$1,377	
Sign Permit	\$57	
Sign Variance	\$3,443	

Notes

Deposit - With the exception of appeal fees and historic preservation permits, Special Development land use applications (Table 1) shall be submitted with a \$1,000 deposit. General Development land use applications (Table 2) shall be submitted with a \$100 deposit. Following a determination of the actual extent of the request, the remainder of the fees shall be charged to the applicant. Applications shall be deemed incomplete until all fees have been paid.

Concurrent Application Fees - Where development requires concurrent actions, the largest of the fees determined from Table 1 or Table 2 shall be charged, and 75 percent of the fee for each additional action shall be charged.

DRAFT



CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333
Telephone: (541) 766-6906
Fax: (541) 752-7532

RECEIVED

JUL 26 2010

CITY MANAGERS
OFFICE

CITY ATTORNEY'S OFFICE

MEMORANDUM

July 23, 2010

To: Jon Nelson, City Manager
Ken Gibb, Community Development Director
Dan Carlson, Development Services Manager

From: David E. Coulombe, Deputy City Attorney *DC*

Re: *McElroy v. Corvallis*, US 9th Circuit Court of Appeals

I am pleased to provide you with the enclosed Memorandum from the US Court of Appeals, affirming the City's position. This case has come to a successful conclusion.

krr
Enclosure

FILED

NOT FOR PUBLICATION

JUL 20 2010

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

IAN A. McELROY,

Plaintiff - Appellant,

v.

CITY OF CORVALLIS, a Municipal
Corporation of the State of Oregon; et al.,

Defendants - Appellees.

No. 09-35151

D.C. No. 6:00-cv-06318-HO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Ian A. McElroy appeals pro se from the district court's judgment dismissing his action as a sanction under Federal Rule of Civil Procedure 37(b) for failure to comply with discovery orders. We have jurisdiction under 28 U.S.C. § 1291. We

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review for an abuse of discretion. *Payne v. Exxon Corp.*, 121 F.3d 503, 507 (9th Cir. 1997). We affirm.

The district court did not abuse its discretion by dismissing the action after finding that McElroy's failure to comply with its discovery orders indicated willfulness and bad faith and after properly considering the pertinent factors for determining whether to dismiss under Rule 37. *See id.* at 507-08.

McElroy's remaining contentions are unpersuasive.

McElroy's request for judicial notice is granted.

AFFIRMED.

RECEIVED

JUL 19 2010

CITY MANAGERS
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BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

ARTHUR BOUCOT, BARBARA BOUCOT,
LANCE CADDY, SHERYL OAKES CADDY,
JOE CASPROWIAK, PAM CASPROWIAK,
LAURIE CHILDERS, 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.

JUL15'10 AM 9:51 LUBA

LUBA No. 2010-014

FINAL OPINION
AND ORDER

Appeal from Corvallis.

Arthur Boucot, Barbara Boucot, Lance Caddy, Sheryl Oakes Caddy, Joe Casprowiak, Pam Casprowiak, Laurie Childers, William Koenitzer, Susan Morre, Jeffrey Morre, John Selker, Robert Smythe, Justin Soares, Lina Soares, George Taylor, Lucinda Taylor, Carolyn Ver Linden and Elizabeth Waldron, Corvallis, filed the petition for review. Susan Morre argued on her own behalf.

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

RYAN, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member; participated in the decision.

AFFIRMED

07/15/2010

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

JUL 16 2010

CAO

C: Smith, Ken G.,
Kovach & Bob R

NATURE OF THE DECISION

Petitioners appeal a decision by the city approving conceptual and detailed development plans and a tentative subdivision plat for a 45-lot subdivision.

FACTS

The challenged decision is the city's third decision approving the proposed development, and is the city's decision on remand following our opinion in *Boucot v. City of Corvallis*, __ Or LUBA __ (LUBA No. 2009-042, October 29, 2009) (*Boucot II*). We take the facts from *Boucot II*:

"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." *Boucot II* at slip op 2.

The city's initial decision approving the same development was remanded in *Boucot v. Corvallis*, 56 Or LUBA 662 (2008) (*Boucot I*). As we explained in *Boucot I*, various provisions of the Corvallis Comprehensive Plan (CCP) apply directly to the application:

"The 2006 version of the [Corvallis Land Development Code] LDC was adopted to implement the policies of the 1998 CCP, but the challenged decision was deemed complete before the 2006 LDC went into effect. Thus the 2006 LDC is not directly applicable. The city explains that the 1998 CCP is applicable to the challenged decision, and that CCP anticipated that there would be a period of time between the effective date of the CCP and the effective date of the 2006 LDC where the CCP policies to be implemented by the 2006 LDC would be directly applicable." 56 Or LUBA at 670, n 4.¹

¹ In particular, CCP 4.6.7 and CCP 4.11.12 apply to the application. CCP 4.6.7 provides in relevant part:

"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.

1 On remand, the city again approved the proposed development, and petitioners
2 appealed that approval to LUBA. In *Boucot II*, we agreed with petitioners that the city’s
3 findings that deferred a determination as to whether the applicant’s proposal complied with
4 provisions of the Corvallis Comprehensive Plan (CCP) to a future proceeding that did not
5 allow for public participation were impermissible. First, we concluded that the city could not
6 lawfully defer a determination as to whether individual lot grading complies with CCP 4.6.7
7 to a future proceeding that did not allow for public participation. *Boucot II* at slip op 8.
8 Second, we concluded that the city could not lawfully defer a determination as to whether the
9 applicant’s proposal to use a combination of detention ponds and new public storm drain
10 pipes to detain and capture runoff complied with CCP 4.11.12 to a future proceeding that did
11 not allow for public participation.² *Id.* at slip op 16. However, in sustaining those portions of
12 petitioners’ assignments of error in *Boucot II*, we did not in any way conclude that deferral of

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- “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.”

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.”

1 a determination of compliance with an applicable criterion was impermissible, but only that
2 such a deferral must include a public process that was “infuse[d] * * * with the same
3 participatory rights that would have been required if the decision making had not been
4 deferred.” *Id.* at slip op 8 (citing *Gould v. Deschutes County*, 216 Or App 150, 162, 171 P3d
5 1017 (2007)).

6 In sustaining petitioners’ second assignment of error in *Boucot II*, we also concluded
7 that CCP 4.6.7, rather than the 2006 LDC, applied to the application, including proposed
8 individual lot grading, even though, we noted, the applicant had apparently agreed to have the
9 arguably more stringent provisions of the 2006 LDC Chapter 4.5 apply in place of CCP 4.6.7:

10 “* * * [P]etitioners are incorrect that 2006 LDC Chapter 4.5 applies directly to
11 this application for subdivision approval, which predates 2006 LDC Chapter
12 4.5. It is CCP Policy 4.6.7 that applies directly to the application. Because
13 2006 LDC Chapter 4.5 does not apply directly to the application, the city was
14 not required to determine whether the applicant’s proposed grading of the
15 property satisfies those provisions. Rather, the city was required to determine
16 whether those activities satisfy CCP 4.6.7, which is the relevant approval
17 standard. The city appears to have made that determination, based on
18 evidence in the record in the form of the applicant’s revised grading plan.
19 Petitioners do not argue that that plan does not constitute substantial evidence
20 that the city could rely on in determining that the applicant’s mass grading
21 activities comply with CCP 4.6.7. For that reason, we need not address the
22 numerous challenges that petitioners raise regarding whether the grading plan
23 satisfies all the requirements of the 2006 LDC Chapter 4.5, with respect to
24 mass grading, and petitioners’ argument provides no basis for reversal or
25 remand.” *Id.* at slip op 6.

26 In the above-quoted part of our decision in *Boucot II*, we concluded that the city’s finding
27 that the proposed mass grading of the subject property complies with CCP 4.6.7 was
28 supported by substantial evidence in the record.

29 On remand from our opinion in *Boucot II*, the city again approved the proposed
30 development. This appeal followed.

31 **FIRST ASSIGNMENT OF ERROR**

32 In their first assignment of error, we understand petitioners to argue that the city erred
33 in failing to make a current determination as to whether the proposed development complies

1 with CCP 4.11.12. *See* n 1. On remand, the city imposed Condition 20, which requires the
2 applicant to provide information regarding proposed storm drainage plans and provides:

3 “The applicant shall submit the information required in this condition of
4 approval. This information shall be reviewed for consistency with [CCP]
5 4.11.12 and approved through a City Council Public Hearing review process
6 prior to issuance of [Public Improvement by Private Contract] PIPC permits.”
7 Record 21.

8 To the extent petitioners argue that it was unlawful for the city to defer a determination of
9 compliance with CCP 4.11.12, we reject that argument. The city’s decision deferred a
10 current finding of compliance with CCP 4.11.12 to a later proceeding that apparently includes
11 a city council review process and the public participation rights we stated were required in
12 order to lawfully defer a current finding of compliance in *Boucot II*. That is all that is
13 required.

14 The first assignment of error is denied.

15 **SECOND, THIRD AND FOURTH ASSIGNMENTS OF ERROR**

16 These assignments of error challenge the city’s decision regarding CCP 4.6.7. *See* n 1.

17 **A. Second and Fourth Assignments of Error**

18 In their second and fourth assignments of error, petitioners argue that (1) the proposed
19 mass grading of the property (as opposed to individual lot grading) does not comply with
20 CCP 4.6.7, (2) the city erred in failing to determine whether the mass grading of the property
21 complies with CCP 4.6.7, and (3) there is no substantial evidence in the record to allow the
22 city to determine whether the application complies with CCP 4.6.7.

23 The city responds first that petitioners are precluded from challenging the city’s
24 previous determination in *Boucot II* that the proposed mass grading satisfies CCP 4.6.7. *See*
25 *Beck v. Tillamook County*, 313 Or 148, 831 P2d 678 (1992) (parties are foreclosed from
26 raising old, resolved issues). We agree with the city that petitioners may not challenge in the
27 present appeal the city’s determination, which we sustained in *Boucot II*, that the proposed
28 mass grading complies with CCP 4.6.7.

1 With respect to individual lot grading, the city also responds that in approving the
2 application on remand, the city imposed Condition 27, which provides in relevant part that:

3 “[p]rior to grading and excavation activities in areas not approved for mass
4 grading * * * the applicant shall obtain approval by the City Council through a
5 public hearing review process, detailing how the grading plan(s) for
6 development on individual lots are consistent with [CCP] 4.6.7.” Record 23.

7 To the extent petitioners argue that it was unlawful for the city to defer a determination of
8 compliance with CCP 4.6.7 with respect to individual lot grading, we reject that argument.
9 As with the first assignment of error, the city’s decision deferred a current finding of
10 compliance with CCP 4.6.7 to a later proceeding that includes a city council review process
11 and the public participation rights we stated were required in order to lawfully defer a current
12 finding of compliance in *Boucot II*. That is all that is required.

13 The second and fourth assignments of error are denied.

14 **B. Third Assignment of Error**

15 In the third assignment of error, petitioners argue:

16 “Respondent erred in changing the applicable review criteria for future lot
17 development from 2006 LDC 4.5 to the 1998 CCP 4.6.7.

18 “This change was in response to [LUBA’s opinion in *Boucot II*] which
19 petitioners believe misinterpreted the city’s reason to apply 2006 LDC to
20 future lot development and house construction, rather than CCP 4.6.7. We are
21 unsure how LUBA handles a request to reconsider a previous decision based
22 on such misinterpretation, but feel it is relevant to note it here.” Petition for
23 Review 9.

24 There is no provision in the statutes governing LUBA’s review authority to reconsider a final
25 opinion. If we committed error in *Boucot II*, the remedy was for petitioners to appeal that
26 decision to the Court of Appeals pursuant to ORS 197.850. *Sarti v. City of Lake Oswego*, 20
27 Or LUBA 562 (1991). Accordingly, the third assignment of error provides no basis for
28 reversal or remand of the decision.

29 The city’s decision is affirmed.

Certificate of Mailing

I hereby certify that I served the foregoing Final Opinion and Order for LUBA No. 2010-014 on July 15, 2010, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

Scott A. Fewel
Fewel Brewer Coulombe
456 SW Monroe Suite 101
Corvallis, OR 97333

Susan Morre
Jeffrey Morre
2775 SW Fairmont Drive
Corvallis, OR 97333

Dated this 15th day of July, 2010.

Kelly Burgess
Paralegal


Kristi Seyfried
Executive Support Specialist

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS**

July 29, 2010

MEETING DATE	AGENDA ITEM
August 4	No meeting
August 18	<ul style="list-style-type: none"> • Development Services Division Service Enhancement Package/Fee
September 8	<ul style="list-style-type: none"> • Fourth Quarter Operating Report • Economic Development Allocations Fourth Quarter Reports
September 22	<ul style="list-style-type: none"> • Land Use Application Fees Review
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	
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

- | | |
|---|--|
| <ul style="list-style-type: none"> • Economic Development Policy Review • Utility Rate Structure Review • Voluntary Donations on Electronic Utility Payments | <ul style="list-style-type: none"> Community Development Public Works Finance |
|---|--|

Regular Meeting Date and Location:

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

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS**

July 29, 2010

MEETING DATE	AGENDA ITEM
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 • Municipal Code Review: Chapter 1.14, "Funding of Social Services"
September 8	<ul style="list-style-type: none"> • Municipal Code Review: Chapter 5.03, "Offenses" (Begging)
September 21	<ul style="list-style-type: none"> • Rental Housing Program Annual Report • Council Policy Review: <ul style="list-style-type: none"> • CP 07- 4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs"
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

- Municipal Code Review: Chapter 5.01, "City Park Regulations" Parks & Recreation
 (Alcoholic Beverages in Parks)

Regular Meeting Date and Location:

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

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS**

July 29, 2010

MEETING DATE	AGENDA ITEM
August 5	No meeting
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"
December 23	

USC PENDING ITEMS

- | | |
|--|-----------------------|
| • Council Policy Review: CP 91-7.08, "Sidewalk Policy" | Public Works |
| • Display Advertisement for Annexation (49th Street Annexation) | Community Development |
| • Fire Protection Services in Health Hazard Residential Areas | Fire |
| • Municipal Code Review: Chapter 2.09, "Storm Water System" | Public Works |
| • Reducing Potential for Fire Spread Involving Natural Resources | Fire |
| • Renewable Energy Sources | City Manager's Office |
| • Traffic Calming Program | Public Works |
| • Voters' Pamphlet Article (49th Street Annexation) | Community Development |

Regular Meeting Date and Location:

Thursday following Council, 4:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST



City of Corvallis

JULY - DECEMBER 2010

(Updated July 29, 2010)

JULY 2010

Date	Time	Group	Location	Subject/Note
31	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	

AUGUST 2010

Date	Time	Group	Location	Subject/Note
2	12:00 pm	City Council	Downtown Fire Station	
2	7:00 pm	City Council/Planning Commission work session	Downtown Fire Station	Prosperity That Fits Plan
3	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
4	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
4	5:30 pm	<i>Land Development Hrg Board</i>	<i>Downtown Fire Station</i>	
4	7:00 pm	Planning Commission	Downtown Fire Station	
4	7:30 pm	Library Board	Library Board Room	
5	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
5	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
6	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
7	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
10	7:00 pm	Historic Resources Commission	Downtown Fire Station	
11	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
11	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
12	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
12	3:00 pm	<i>TMDL Stakeholder Briefing</i>	<i>Madison Avenue Mtg Rm</i>	
12	5:00 pm	Joint City Council/County Board of Commissioners meeting	Downtown Fire Station	Enterprise Zone Phase I expansion
14	10:00 am	Government Comment Corner	Library Lobby - David Hamby	
16	12:00 pm	City Council	Downtown Fire Station	
16	7:00 pm	City Council	Downtown Fire Station	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
18	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Watershed Mgmt Advisory Cmsn	Madison Avenue Mtg Rm	
18	7:00 pm	Planning Commission	Downtown Fire Station	
19	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
21	10:00 am	Government Comment Corner	Library Lobby - TBD	
23	4:30 pm	Airport Industrial Park Plang Cmte	Downtown Fire Station	
24	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
28	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	

SEPTEMBER 2010

Date	Time	Group	Location	Subject/Note
1	7:00 pm	Planning Commission	Downtown Fire Station	
1	7:30 pm	Library Board	Library Board Room	
2	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
3	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
4		No Government Comment Corner		
6		City holiday - all offices closed		
7	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
7	12:00 pm	City Council	Downtown Fire Station	
7	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
7	7:00 pm	City Council	Downtown Fire Station	
8	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
8	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
8	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
8	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
9	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
9	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
11	10:00 am	Government Comment Corner	Library Lobby - <i>Hal Brauner</i>	
13	4:30 pm	Mayor/City Council Candidate Open House	Madison Avenue Mtg Rm	
14	7:00 pm	Mayor/City Council/City Manager quarterly work session	Madison Avenue Mtg Rm	
14	7:00 pm	Historic Resources Commission	Downtown Fire Station	
15	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
15	5:30 pm	Watershed Mgmt Advisory Cmsn	Madison Avenue Mtg Rm	
15	7:00 pm	Planning Commission	Downtown Fire Station	
16	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
18	10:00 am	Government Comment Corner	Library Lobby - Dan Brown	
20	12:00 pm	City Council	Downtown Fire Station	
20	7:00 pm	City Council	Downtown Fire Station	
21	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
23	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
25	10:00 am	Government Comment Corner	Library Lobby - Jeanne Raymond	
27	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
27	4:30 pm	Airport Industrial Park Plang Cmte	Downtown Fire Station	
29	4:30 pm	Mayor/City Council Candidates	Madison Avenue Mtg Rm	meeting with City Manager and Council Leadership

OCTOBER 2010

Date	Time	Group	Location	Subject/Note
1	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
2	10:00 am	Government Comment Corner	Library Lobby - Hal Brauner	
4	12:00 pm	City Council	Downtown Fire Station	
4	7:00 pm	City Council	Downtown Fire Station	
5	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
5	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
5	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
6	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
6	7:00 pm	Planning Commission	Downtown Fire Station	
6	7:30 pm	Library Board	Library Board Room	
7	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
7	5:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
9	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	
11	4:30 pm	Mayor/City Council Candidates	Madison Avenue Mtg Rm	meeting with City Manager and Council Leadership
12	7:00 pm	Historic Resources Commission	Downtown Fire Station	
13	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
13	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
14	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
16	10:00 am	Government Comment Corner	Library Lobby - Mark O'Brien	
18	12:00 pm	City Council	Downtown Fire Station	
18	7:00 pm	City Council	Downtown Fire Station	
19	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
20	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
20	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
20	5:30 pm	Watershed Mgmt Advisory Cmsn	Madison Avenue Mtg Rm	
20	7:00 pm	Planning Commission	Downtown Fire Station	
21	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
21	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
23	10:00 am	Government Comment Corner	Library Lobby - David Hamby	
25	4:30 pm	Airport Industrial Park Plang Cmte	Downtown Fire Station	
26	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
30	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	

NOVEMBER 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	12:00 pm	Human Services 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	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
6	10:00 am	Government Comment Corner	Library Lobby - Patricia Daniels	
9	7:00 pm	Historic Resources Commission	Downtown Fire Station	
10	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
10	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
11		City holiday - all offices closed		
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	

Date	Time	Group	Location	Subject/Note
16	7:00 pm	City Council-Elect Work Session	Madison Avenue Mtg Rm	
17	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
17	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
17	7:00 pm	Planning Commission	Downtown Fire Station	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
20	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
22	4:30 pm	Airport Industrial Park Plang Cmte	Downtown Fire Station	
23	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
25		City holiday - all offices closed		
26		City holiday - all offices closed		
27		No Government Comment Corner		

DECEMBER 2010

Date	Time	Group	Location	Subject/Note
1	7:00 pm	<i>Planning Commission</i>	<i>Downtown Fire Station</i>	
1	7:30 pm	<i>Library Board</i>	<i>Library Board Room</i>	
2	7:00 pm	<i>Committee for Citizen Involvement</i>	<i>Madison Avenue Mtg Rm</i>	
4	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby - TBD</i>	
6	12:00 pm	City Council	Downtown Fire Station	
6	7:00 pm	City Council	Downtown Fire Station	
7	12:00 pm	<i>Human Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
8	3:30 pm	<i>Administrative Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
8	5:30 pm	<i>Downtown Commission</i>	<i>Madison Avenue Mtg Rm</i>	
9	8:00 am	<i>Citizens Advisory Cmsn on Civic Beautification and Urban Forestry</i>	<i>Parks and Rec Conf Rm</i>	
9	4:00 pm	<i>Urban Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
11	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby - David Hamby</i>	
14	7:00 pm	<i>Historic Resources Commission</i>	<i>Downtown Fire Station</i>	
15	12:00 pm	<i>Housing and Community Dev Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
15	7:00 pm	<i>Planning Commission</i>	<i>Downtown Fire Station</i>	
16	6:30 pm	<i>Parks, Natural Areas, and Rec Brd</i>	<i>Downtown Fire Station</i>	
18	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby - Mark O'Brien</i>	
20	12:00 pm	City Council	Downtown Fire Station	
20	7:00 pm	City Council	Downtown Fire Station	
21	12:00 pm	<i>Human Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
22	3:30 pm	<i>Administrative Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
23	4:00 pm	<i>Urban Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
25		City holiday - all offices closed		
25		No Government Comment Corner		
27	4:30 pm	<i>Airport Industrial Park Plang Cmte</i>	<i>Downtown Fire Station</i>	
28	12:00 pm	<i>Cmsn for Martin Luther King, Jr.</i>	<i>City Hall Meeting Room A</i>	

Bold type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting
TBD To be Determined



In June 2010 Community Outreach provided the following:

- **Housing (men)** – 592 nights of housing for 27 homeless men
- **Housing (women)** – 344 nights of housing for 18 homeless women
- **Housing (families with children)** – 126 nights of housing for 10 homeless families, including 143 nights for 15 children
- **Medical Clinics** – 243 visits, 16 general medical clinics held this month, plus 4 physical therapy clinics, 2 psychiatric clinics, and 8 diabetes clinics
- **Alcohol and Drug Treatment** – 315 contact hours for 22 individuals, including 14 co-occurring clients (meaning they receive substance abuse and mental health treatment)
- **Mental Health** – 66 contact hours for 20 mental health clients
- **Therapeutic Childcare** – 733 hours working with 14 children with an additional 9 Second Step counseling and activity hours for 8 children
- **Family Support Services** – 125 hours working with 12 families
- **Crisis, Information, and Referral Services** – 812 calls or visits
- **Homeless Emergency Services** – 348 visits providing a shower or use of the community kitchen/food pantry
- **Abuse Intervention Counseling** – 116 contact hours for 21 individuals
- **Emergency Food** – 74 food boxes distributed, feeding 265 people
- **Case Management** – 183 case management meeting hours for residential men and women
- **Mail Services** – 63 clients
- **Bus Tickets** – 126 tickets, providing transportation throughout Corvallis and Albany
- **Permanent Supportive Housing** – 53 continuing clients

**HUMAN SERVICES COMMITTEE
MINUTES
JULY 20, 2010**

Present

Councilor Dan Brown, Chair
Councilor Jeanne Raymond

Absent

Councilor Mike Beilstien (excused)

Staff

Jon Nelson, City Manager
Kent Weiss, Housing Division Manager
Gary Boldizar, Police Chief
Dan Hendrickson, Patrol Captain
Mary Finnegan, Library Division Manager
Jim Brewer, Deputy City Attorney
Carrie Mullens, City Manager's Office

Visitors

Jim Moorefield	Charlyn Ellis
Will Mustard	Mark Boyd
Jim Munford	Allen Goodman
Niya Standish	Hilarie Phelps
Scott Clifford	Jack Wolcott
William Gilbert	Suzanne King

SUMMARY OF DISCUSSION

<u>Agenda Item</u>	<u>Information Only</u>	<u>Held for Further Review</u>	<u>Recommendations</u>
I. Willamette Neighborhood Housing Services Third Quarter Report			Accept the Willamette Neighborhood Housing Services third quarter report for Fiscal Year 2009-2010
II. Municipal Code Review: Chapter 5.03, "Offenses" (Special Response Fee)			Amend Municipal Code Section 5.03.150, Special Response Fee, by means of an ordinance read by the City Attorney
III. Council Policy Review: 92-4.05, "Library Meeting Rooms Policy"			Amend Council Policy 92-4.05, "Library Meeting Rooms Policy" as recommended by staff
IV. Other Business	***		

Chair Brown called the meeting to order at 12:00 pm.

CONTENT OF DISCUSSION

I. Willamette Neighborhood Housing Services Third Quarter Report (Attachment)

Mr. Weiss reported that WNHS received economic development allocations for general operations and microenterprise activities and, as a condition of receipt, WNHS submits quarterly reports outlining the progress of activity goals.

Highlights:

- The Seavey-Alexander project continues to move forward with solicitation of investment interests.
- The number of WNHS Home Buyer program graduates purchasing homes exceeded program goals.
- Microenterprise participant counts continue to grow through all phases of the program.

Councilor Raymond commended the efforts of WNHS and opined that the program continues to be money well spent.

Mr. Moorefield announced that Greg Gerding has been hired as the new microenterprise program manager. Representatives from the Oregon Housing and Community Services Department will be visiting the Seavey-Alexander site on July 21. The site visit means this project made it through the initial cut of state-wide project applicants. Mr. Weiss and Councilor Hamby will be part of the team highlighting various aspects of the project to the representatives.

The Committee unanimously recommends that Council accept the Willamette Neighborhood Housing Services third quarter report for Fiscal Year 2009-2010.

II. Municipal Code Review: Chapter 5.03, "Offenses" (Special Response Fee)
(Attachment)

Captain Hendrickson said the ordinance was initiated in the early 1990s to address livability issues and provide an avenue for the Police Department (PD) to recover associated costs when responding to repeat locations. Typically, the ordinance is used for large parties, altercations, and other issues adversely impacting neighborhood livability. Most incidents occur between Thursday night and Sunday morning. Following an initial complaint, the offender receives a written warning and if the PD responds a second time within 48 hours, civil fees can be incurred. Over the years, the value of the ordinance has decreased due to staffing issues and repeat offenders learning how to bypass the 48 hour restriction. For example, if a loud party receives a written warning on Thursday night, the 48 hour restriction is over by Saturday night and another party can start the process over again. Increasing the time period between the first notice and the second notice to 30 days may reduce the number of parties at that location and increase livability for the neighborhood. The proposed change also places less of a burden on current staffing levels who have sometimes resorted to verbal warnings of disruptive behavior in order to move on to the next call-for service. Staffing levels have decreased over the last five years while calls-for-service have increased.

Increasing the time between the first notice and the second notice aligns the ordinance more closely with the Chronic Nuisance Property ordinance.

In response to Councilor Raymond's inquiry, Captain Hendrickson said a Special Response Notice (SRN) most likely would not be utilized in a neighbor dispute. Chief Boldizar added that it is the discretion of the responding officer to issue a SRN.

Chief Boldizar clarified for Councilor Raymond that the cost recovery is based on officer and dispatch hourly wages and associated equipment costs. Administrative fees can total several hundred dollars.

Chair Brown noted that with current City budget constraints and limited officer resources, it is helpful to recover associated costs.

Will Mustard lives on the border of the University District and deals with loud parties, cars with loud stereos, and sub-woofers that shake his house windows. He is increasingly irritated and annoyed, and his quality of life is deteriorating at an alarming rate. When he moved to Corvallis six years ago, the neighborhood experienced an occasional loud party, but now they occur two or three times per week or more. The offenders have total disregard for their neighbor's peace or are oblivious to the fact that their behavior is bothersome. He cannot relax in his backyard garden without hearing a stereo blaring. The noise issue is out-of-control. Increasing the time line to 30 days for repeat offenders may motivate the recidivists to have fewer parties.

Jim Munford said he moved to Corvallis in 1985 and has dealt with noise issues from small, next-door-neighbor parties to fraternities with hundreds of participants. It is not uncommon to ask neighbors to turn down their music or lower their voices several times per month. He uses the opportunity to share information about City ordinances and the neighborhood association (Chintimini). Sometimes this works and other times the PD must be called. The officers are always responsive and helpful even though they have other things to do. Mr. Munford read from his written testimony in support of the ordinance change (Attachment A).

Niya Standish read from her written testimony in support of the proposed changes (Attachment B).

Scott Clifford testified as a recent Oregon State University (OSU) graduate (2009). He said a problem has been festering in Corvallis for years. It is time to start bringing real solutions to the table and not stop-gap measures such as the proposed extension of the SRN. The problem is rental blight that has pitted two factions against one another. It is not the fault of the Corvallis residents or OSU student population that have both been placed in this awkward situation. When residents moved to their communities, they had no idea that many of the surrounding campus neighborhoods would be

flooded with students renting houses due to a lack of housing options. Students moving to Corvallis had no idea they would face hostility from neighbors just by moving in. Both sides have vowed arguments against the other when it is time to bridge the gap and not deepen the divide. The real blame lies with two different parties, OSU and past City leadership. These two groups failed to work together to provide solutions to the Corvallis housing problem which will only worsen if real solutions are not brought forth. OSU is gearing up for the biggest class in its history and has publicly stated they expect the student population to grow to 35,000 in the next 10 to 15 years. That is an approximate 57% increase in student population. No one has yet determined where these students will live and park or whether the infrastructure can sustain this increase. This is the problem that needs to be dealt with, not noise violations.

The proposal specifically targets students, yet other issues such as neighbor disputes are not considered. Regardless, chronic noise complaints is one keystone of the chronic nuisance ordinance recently adopted. The issue is already being address so there is no need to take it further. Written warnings, when given, are beyond effective and limit parties to the utmost.

Mr. Clifford said residents in the impacted areas have every right to be angry and he would also be angry if a house he purchased 15 years ago was ultimately surrounded by college students renting from landlords who could care less about the condition of the house or what is happening on the property they own. Extending the SRN will only exacerbate the problem between residents and students when it is more important to make students part of the community so they care about noise, litter, and vandalism.

It is time to provide housing solutions so families can have their neighborhoods back and students can have the freedom afforded to other students across the Country. This is the only course that will improve livability issues. Mr. Clifford implored the City to reach out to OSU, Associated Students of OSU (ASOSU), and the Interfraternity Council (IFC) to start the conversation. He encouraged Council to look at the bigger picture and not a band-aid solution.

Councilor Raymond noted that residents are not upset about students moving into the neighborhood, they are upset about the noise levels and number of parties. It is an advantage to the neighborhood to increase the SRN to 30 days if it limits parties to one time per month versus twice per week.

Mr. Clifford responded that the proposed solution is only a short-term solution. The problem is much larger and will only increase as more and more students move into these neighborhoods.

In response to Councilor Raymond's inquiry, Mr. Clifford agreed to participate in a discussion between the City and OSU.

William Gilbert testified in support of the proposed changes. The parties rotate from dwelling to dwelling to bypass the SRN; however, the 30-day time period will most likely catch most of the party dwellings. He said the housing development at the north end of the Chintimini area is very crowded, all of the residents have vehicles, and half of those include sub-woofers.

Charlyn Ellis testified in support of the proposed changes. She said it is a tool the PD can use to limit chronic parties in the neighborhoods. She read from her prepared statement and included a letter she sent to City officials last year following student Halloween parties (Attachment C).

In response to Councilor Raymond's inquiries, Ms. Ellis said she can easily request a party of 15 with slightly loud music to be more quiet. A townhouse with more than 100 participants who are drinking and wandering from townhouse to townhouse or fraternity is a mega-party and homeowners do not exist. Parties that have been announced to the neighborhood in advance will sometimes quiet down when requested and other times get out of control.

Mark Boyd said he is a landlord who rents to students. He read from his written testimony that supports the proposed ordinance amendments (Attachment D).

Allen Goodman said the noise issues have increased in intensity and frequency during the last four years. The proposed amendment is one of many measures that need to be adopted. He agreed that root causes should also be addressed, but he is more concerned about mega-parties that can be as few as 50 and as many as 300 people. The noise issues are not only from one location, the small groups of people walking to and from parties can be quite loud and disruptive. Any measure to discourage mega-parties is warranted.

Hllarie Phelps said the noise issues became worse last year due to the continual demolition of larger homes and construction of structures only students would rent. This proposal is a short-term step toward neighborhood livability. A long-term solution can develop from a stronger relationship between the City and OSU. The City must require more housing be built on campus where it can be controlled. High density zoning of properties north of campus caused many homeowners to sell or rent to students. The noise issues will continue as the student population increases and more student housing is constructed in family neighborhoods.

Chair Brown said he has lived in the College Hill area since 1993. The City is aware of the issues and has taken every opportunity to address the overall situation; however, the City has not been successful engaging OSU in helping to solve this problem. The proposed change is designed to protect City taxpayers. He noted that this is a behavior problem that reduces livability for residents and is not related to a group of people.

Ms. Phelps added that the walk-by noise by party-goers is an issue. She plans to attend Planning Commission meetings when developers request to build large apartment buildings that are obviously designed for students. Most students are happy to have a small area in a new development versus an older house that is substandard and expensive.

Chair Brown recommended Ms. Phelps study the Corvallis Comprehensive Plan and attend Council meetings. He said solutions come from Council not the Planning Commission.

Jack Wolcott commended the PD for their responsiveness to this situation. He said he lives near five fraternities and agonizes about when and who to call. Landlords need to be involved and if the City develops a registry of landlords, they can be notified when complaints are made against their properties.

Suzanne King said she used to live across the street from a fraternity. One year ago the fraternity obtained a noise permit for a special event and then violated the parameters of the permit. She opined that the proposed changes to the ordinance will reduce the frequency of parties. When new neighbors move in, she welcomes them to the community and advises them of pertinent ordinances. It is not possible for residents to deal with larger complexes when their parties or noise become disruptive. Many complexes have balconies so students have an early warning of the PD arriving and many students utilize police scanners for the same reason. Residents in the OSU surrounding neighborhoods are sleep deprived.

Mr. Nelson explained that in years past, OSU students would request street closures for musical fund-raising events. Some times this provided an opportunity for mega-parties that severely impacted neighbors. The City informed OSU that students would no longer be allowed to use any public right-of-way for fund-raising parties.

Chief Boldizar confirmed for Councilor Raymond that the PD participates with the OSU student orientation each year. Brochures about pertinent ordinances have been developed and are shared with students.

In response to Chair Brown's inquiry, Chief Boldizar said there are laws dealing with excessive noise levels in vehicles. Captain Hendrickson added that the SRN can be applied to people in addition to a location.

Councilor Raymond thanked the audience for their testimony and noted that the SRN also applies to non-students. She requested discussions with ASOSU to help solve this issue.

Mr. Nelson responded that huge efforts to work with OSU on this issue have been undertaken in the past. Solid support needs to be obtained from both sides.

The Committee unanimously recommends that Council amend Municipal Code Section 5.03.150, Special Response Fee, by means of an ordinance read by the City Attorney.

III. Council Policy Review: 92-4.05, "Library Meeting Rooms Policy" (Attachment)

Ms. Finnegan reported that the Library Board approved increasing meeting room rental fees in an effort to increase revenue and minimize further budget cuts. Meeting room fees offset the cost of providing rooms while remaining affordable for nonprofits and groups with limited resources. The increase is expected to generate an additional \$1,000. The large meeting room currently rents for \$15/hour with a \$45 minimum. The proposed fee is \$20/hour and \$60 minimum. The small meeting rooms currently rent for \$10/hour with a \$10 minimum. The proposed fee is \$15/hour and \$15 minimum.

The Committee unanimously recommends that Council amend Council Policy 92-4.05, "Library Meeting Rooms Policy" as recommended by staff.

IV. Other Business

Mr. Nelson discussed the scheduling of future meeting topics.

The next Human Services Committee meeting is scheduled for 12:00 pm on Tuesday, August 3, 2010 in the Madison Avenue Meeting Room.

Respectfully submitted,

Dan Brown, Chair

ORDINANCE 2010 - _____

AN ORDINANCE RELATING TO SPECIAL RESPONSE FEE, AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 5.03, "OFFENSES," AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.03.150.010 is hereby amended as follows:

1) When a police officer determines that one or more persons are engaged in an activity or conduct which violates the provisions of the Corvallis Criminal Code [Municipal Code Chapter 5.03] or the Criminal Code of Oregon, the police shall give written notice to one or more of the persons who are engaged in, or who are in control of, such activity or conduct that the activity or conduct must immediately cease.

2) Notice recipients shall be liable for a special response fee if a subsequent police response arising out of the activity or conduct is required within ~~forty-eight (48) hours~~ **30 days** following such notice. A special response fee will be charged to each person identified in subsection 5.03.150.020 of this Section. Separate fees shall be charged for each subsequent police response. The special response fee is defined as the total cost incurred by the City in connection with such response, including but not limited to, police officers, equipment, dispatch and supervisor time.

(Ord. 2010-* §1, 08/02/2010; Ord. 82-77, 1982)

Section 2. Municipal Code Section 5.03.150.020 is hereby amended as follows:

1) Each person responsible for, or engaged in, activity or conduct requiring a subsequent police response as defined in subsection 5.03.150.010 of this Section ~~will~~ **shall** be held jointly and severally liable for payment of the costs included in the special response fee. If any person responsible for, or engaged in, the activity or conduct is a minor, the minor's parent(s) or guardian(s) shall also be liable for such fee.

2) Affirmative defense. A person charged for a special response fee under the terms of Section 5.03.150.010 may demonstrate to the City Manager (by providing a valid driver's license or utility bill or other similar document satisfactory to the City Manager) that the person has vacated the property and officially changed his or her address and/or residency so that the person no longer had control of the location where the activity or conduct occurred at the time the special response fee was charged. If the documents show clearly and unambiguously on their face that the change of address was effective prior to the date of the subsequent police response set out in Section 5.03.150.010, the City Manager shall waive the special response fee charges and no appeal to a hearings officer is required.

(Ord. 2010-* §2, 08/02/2010; Ord. 82-77, 1982)

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: Human Services Committee

FROM: Ken Gibb, Community Development Director 

DATE: July 2, 2010

SUBJECT: Willamette Neighborhood Housing Services Quarterly Report for the quarter ending March 31, 2010

I. Issue

Under the terms of the Economic Development Allocations Program funding agreements between the City of Corvallis and Willamette Neighborhood Housing Services (WNHS), review and acceptance of WNHS quarterly reports by the City is required in order for operational funding payments to continue.

II. City Funding

The City's FY 09-10 budget provided Economic Development Allocations funding to Willamette Neighborhood Housing Services for two separate purposes: \$33,000 in general operations funding support, and \$8,580 to support WNHS microenterprise development activities. Through the end of the quarter discussed herein, WNHS received 75% of those funding allocations. Payments throughout the fiscal year were made monthly in an amount not to exceed \$2,750.00 for general operations and \$715.00 for microenterprise support. Payments through the end of the quarter totaled \$31,185 (\$24,750/\$6,435) for both programs combined.

III. Discussion

Within 30 days of the end of each quarter, WNHS is required to submit reports on their City-funded activities for review by staff and acceptance by City Council. The City's Housing Division carries out the staff-level review of WNHS activities, evaluating the reported accomplishments using the activities proposed in the agency's applications for Economic Development Allocations funding as a guideline.

WNHS General Organizational Support

The WNHS funding agreement for organizational support during FY 09-10 outlined a set of six activities that the organization planned to pursue through its work plan using City Economic Development resources during the year. These included:

1. Continue work on the Alexander Court/Seavey Meadows Project, 48 units of multifamily housing at two sites in Corvallis.
2. Continue work on the Seavey Meadows Homeownership Project, 7 single family homes for first time buyers.
3. Complete the move, rehabilitation, and sale of the first two Community Land Trust homes.
4. Begin a new Acquisition/Rehab/Resale program in a targeted neighborhood.
5. Continue search, site evaluation, and acquisition activities related to future projects.
6. Assist low and moderate income households with the purchase of their first home.

WNHS Microenterprise Development Activity Support

The WNHS funding application for microenterprise development support during FY 09-10 outlined a set of six activities that the organization would pursue with the assistance of City resources. These included:

1. Enroll at least 18 microentrepreneurs from Corvallis during 09-10 grant period.
2. Create a training plan with microentrepreneurs and address their specific needs to achieve business success. At least 80% of program enrollees will complete their individual training plan.
3. Conduct three twelve-week microenterprise training classes (30+ hours total), helping microentrepreneurs increase knowledge of business management and planning. At least 80% of enrollees will graduate from the class and 85% will report satisfaction with the education they received.
4. Through microenterprise training and individual assistance, microentrepreneurs will complete a business plan, increase skills giving their business a sustainable foundation, and the proper planning to access credit. At least 33% of enrollees will complete a business plan; 100% of Valley Individual Development Account (VIDA) MicroBusiness or Microloan participants will complete a business plan.
5. Microentrepreneurs will start, maintain, or expand their businesses. At least 30% will start, maintain, or expand a microenterprise within 12 months.
6. Low income microentrepreneurs will increase independence and sustainability through microenterprise activity, as measured by an increase in microentrepreneurs' household income and assets from time of program enrollment to one year later.

IV. Review of Activities

The WNHS quarterly reports for the period ending March 31, 2010 (copies of which are attached) outline the progress the organization made under its two Economic Development Allocations funding agreements in many of the activity areas outlined above.

WNHS General Organizational Support

The report on general organizational support reflects varying degrees of progress and success in each work plan area.

Activity 1 (Alexander Court/Seavey Meadows): Work continued on funding applications, solicitation of investor and lender interest, and wrapping up final City planning issues.

Activity 2: A City HOME Investment Partnerships Program CHDO project reservation for the project (actually in the amount of \$800,000, not \$400,000 as reported by WNHS) was recommended by the Housing and Community Development Commission for consideration by the City Council. Design work for the project's homes continues.

Activity 3: Activity complete; nothing more to report.

Activity 4: Because of housing market conditions and more pressing organizational priorities, WNHS and the City have agreed to shift FY 08-09 HOME funding from WNHS's Acquisition/Rehab/Resale Program to Activity 2 above (Seavey Meadows Community Land Trust homes).

Activity 5: The report reflects WNHS's conservation and/or reallocation of reduced staff resources.

Activity 6: Home buyer education program activities continue to run somewhat behind annualized participation goals, while home purchases by program graduates continue to exceed annualized goals.

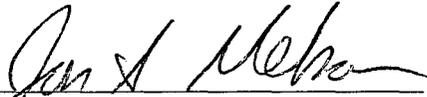
WNHS Microenterprise Development Activity Support

During the third quarter of FY 09-10 WNHS initiated a MicroBusiness Program workshop series in which six Corvallis residents enrolled and all continued their participation and completed the series. Achievement of other work plan goals for the WNHS Microenterprise Development Program is also reflected in the report, which notes that one participant completed a business plan, another expanded an existing business, and three made preparations to begin operating microbusinesses in the near future. Program progress was also reflected in the growing number of participants taking advantage of marketing, mentoring and networking opportunities provided by WNHS.

V. Action Requested

The WNHS quarterly reports demonstrate the organization's general compliance with the terms of the City's Economic Development Allocations funding agreements. Staff requests a Human Services Committee recommendation of City Council acceptance of both WNHS reports for the third quarter of FY09-10.

Review and Concur:



Jon S. Nelson
City Manager



Nancy Brewer
Finance Director

WILLAMETTE NEIGHBORHOOD HOUSING SERVICES
2009 – 2010 ECONOMIC DEVELOPMENT WORK PLAN
AND QUARTERLY REPORT

AFFORDABLE HOUSING PROGRAMS

SUBMITTED TO THE CITY OF CORVALLIS
FOR THE PERIOD JANUARY- MARCH 2010



**WILLAMETTE NEIGHBORHOOD HOUSING SERVICES
2009-2010 ECONOMIC DEVELOPMENT WORK PLAN
AND QUARTERLY REPORT
JANUARY – MARCH 2010**

The WNHS work plan and city economic development goals

Economic Development Policy: Support the development of a supply of adequate housing which is affordable to employees of existing and future businesses (Goal 6.03.022h):

Note: Two activities identified in WNHS' application for Economic Development Fund support have since been modified and the report below reflects those modifications. More specifically, our original application included two housing projects that were listed as separate activities: Alexander Court and Seavey Meadows. In order to address changes in design, market conditions, and financing opportunities and constraints - especially the opportunity to finance Alexander Court and a portion of Seavey Meadows under one financial package - these activities have been re-arranged into the following two activities: the "Alexander Court-Seavey Meadows Project" (49 multifamily rental units at two locations); and the "Seavey Meadows Homeownership Project" (7 single family homes for first-time homebuyers).

Activity 1: Continue work on the Alexander Court-Seavey Meadows Project, 49 units of multifamily housing at two sites in Corvallis.

During this quarter WNHS:

- Continued work on the Consolidated Funding Cycle (CFC) for the scattered site development of Alexander Court (25 units) and Phase 2 of Seavey Meadows (24 units). WNHS will be asking for approximately \$8.9 million in Low Income Housing Tax Credits and grants in this application.
- Solicited requests for potential Tax Credit Investors, Construction and Permanent Lenders.
- Submitted final planning applications for both sites.

Note: The financing for this project will include multiple sources administered by the Oregon Housing and Community Services Department. During this quarter the state announced multiple policy and procedural changes that will significantly impact this project. Among the changes:

- Rather than two application opportunities in 2010, there will only be one opportunity.
- Applications to the state are due on April 30th.
- At least half of available resources will be devoted to "Preservation" projects (existing affordable housing projects with expiring rent restrictions and rents assistance), which means few resources will be available to finance new construction projects like Alexander-Seavey.

Activity 2: Continue work on the Seavey Meadows Homeownership Project, 7 single family homes first-time homebuyers.

The City of Corvallis awarded a CHDO reservation of \$400,000 for the Seavey Meadows homeownership project. Sara Bergsund of Bergsund Delaney Architects has begun preliminary

house/ site layouts for the proposed houses. In the next few months, WNHS will provide to the City updated construction cost estimates, unit specifications, and sale prices of the homes. This is to determine the amount of awarded HOME funds to be structured as a loan versus a grant for the project.

Activity 3: Complete the move, rehabilitation, and sale of our first two Community Land Trust Program homes.

This project was completed during the first quarter.

Activity 4: Begin a new Acquisition/Rehab/Resale Program in a targeted neighborhood.

Organizational constraints and asking prices for available properties led us to doubt the feasibility of completing this project at this time. These factors combined with the homes at Seavey Meadows getting closer to development, WNHS asked the City to consider transferring last year's CHDO reservation for the ARR homes to go toward the Seavey homeownership development. In February, HCDC approved the reallocation of \$400,000 for the ARR program to be used for the Seavey CLT homes.

Activity 5: Continue search, site evaluation, and acquisition activities related to future projects.

WNHS was approached by an organized group, who want to partner in a future development for people living with Multiple Sclerosis. WNHS will determine in the next few months if a potential strategy exists and what other options might be available.

Activity 6: Assist low and moderate income households with the purchase of their first home.

Services include: *Home Buyer Education and Counseling* – In 2009-2010 we will provide Home Buyer Education to about 200 households and to help at least 60 of those households buy a home in the first year after receiving services. *Access to low cost financing* – We provide the education access point to the city's First Time Home Buyer Program. WNHS also offers our own second mortgage product and works with local lenders to assure the availability of other low cost mortgage programs. However, our second mortgage product is currently suspended because we do not have current access to a secondary market. NeighborWorks America is reorganizing our secondary market and we hope to have access this fall.

Progress this quarter:

ACTIVITY	THIS QUARTER ONLY		YEAR TO DATE TOTAL
	PROJECTED	ACTUAL	
Home Buyer Education attendance (graduates)	50	45	112
Class graduates that purchased a home	15	30	67

Leveraging city to non-city funding sources

The following summarizes the year-to-date status of requests for financial support submitted in support of 2009-2010 activities.

SOURCE	REQUEST	RESULTS
OPERATING SUPPORT		
NeighborWorks® America	120,000	110,000
Meyer Memorial Trust/Foreclosure Assistance Grant	30,000	30,000
Department of Justice Foreclosure Grant	35,000	35,000
JP Morgan Chase	5,000	5,000
HUD Housing Counseling Grant	60,000	60,000
Northwest Health Foundation/Resident Services Grant	50,000	0
CAPITAL SUPPORT		
NeighborWorks® America/Round 1	450,000	235,000
TOTAL VALUE OF APPLICATIONS SUBMITTED FY 2009-2010		\$750,000
VALUE OF PENDING RESOURCES		\$0
VALUE OF COMMITTED RESOURCES		\$475,000

**Willamette Neighborhood Housing Services
2009-2010 Linn Benton MicroBusiness Program report
City of Corvallis Economic Development
January 1, 2010 – March 31, 2010
Contact: Brigetta Olson Phone: (541) 752-7220 ext. 304**

The MicroBusiness work plan and City Economic Development Goals
Economic Development Policy Goal 6.03.022i Support financial and technical assistance programs that are available to business start-ups, small business development, local product development, and environmentally responsible modernization.

Economic Development Policy Goal 6.03.022j Facilitate partnerships with public, non-profit, educational and private sector organizations to maximize the effectiveness of economic development resources.

Activity			Year To Date Total
	Total Projected	Actual this quarter	
Microentrepreneurs enroll in Linn Benton MicroBusiness Program	18	7	17
Complete a Training plan	15	7	17
Graduate the Program	15	6	13
Complete Business Plans	6	1	6
Open/Maintain a microenterprise as a result of program	5	3	5
Clients who have participated in program from previous years and are utilizing networking, mentoring, counseling or micro loan programs.	-	4	26

Training

During the Jan-March 2010 we started the MicroBusiness training workshop in Lebanon. Class began January 12th and ended March 18th, with a total of 12 sessions being completed. LBCC's Lebanon Center was used for our workshop, allowing for the full array of classroom media for teaching, including: PowerPoint, Excel, access to the Internet, and use of the computer labs. Internet hyperlinks within the Power Point instruction slides proved to be extremely successful for training as we were able to communicate strategic information using real life examples. The core class was attentive,

offered peer support, and worked hard to formulate businesses that could start and flourish in a down economy, always with an eye focused on what the instructor, our guest speakers, and their own developing business plans were telling them.

Guest Speakers

Guest speakers add a diversity of views and expertise to our workshops. This term we had several entrepreneurs and business professionals from the community including:

- Brian Miagishima, LBCC Research Librarian (research)
- Justin Wirth, Jeanne Smith and Associates (attorney)
- Chris Nodyke, State Farm Insurance (insurance)
- Alan Fudge, CPA and Dir. LBCC Small Business Development Ctr (accounting, taxes)
- Karen Schulz, OSU Federal Credit Union (banking)
- Brenda Baze, Cascades West Council of Governments (microloans and grants)
- Brian Egan, Counselor, LBCC Small Business Development Ctr (management)
- - Rudy Asunsolo, Counselor, LBCC Small Business Development Ctr (employment law)
- Rebecca Badger, Badger Marketing (marketing)
-

Participants

The workshop was well attended at first through the entire semester, with 20 people (including 6 Corvallis residents) participating on a regular basis. Several participants dropped out or were absent after the first six sessions for job, child care, and/or health reasons. Of the 6 Corvallis residents, all met the minimum requirement for the course in terms of attendance, with the majority attending 95% of the sessions.

We had a wide variety of businesses ideas in this workshop including: a diaper service, nut packaging company, grain and seed farmer, raw food consultant, wholesale supplies for soap making, soap maker, flooring company, children's lending toy and equipment provider, vegetable landscape gardener, and child care.

One Corvallis residents completed a business plan. Three people started their businesses during the workshop, one person expanded an existing business, and three plan to start their businesses Spring-Summer 2010.

Market Research Assistance

Having good market research is an important part of presenting a strong business plan, and it's something that many of our clients struggle with. Through MarketLink, a program of the Oregon Microenterprise Network, clients received assistance in gathering research on their industry, some creating a contact list of potential customers. We work with clients to create queries, which are sent to a market researcher who compiles an industry report or creates a contact list for them. This quarter four participants, including

written notice (First Special Response Notice) at 10:00 PM Thursday night. The organization has a 48 hour window (until 10:00 PM Saturday) where they must comply, but beginning at 10:01 PM the organization may commit the same offenses adversely affecting the livability of nearby community members without risk of civil fines. Over time, offending persons and organizations have proven able to work around the current ordinance, causing police officers to repeatedly respond to the same places over and over again over long periods of time, utilizing resources that could be better spent working proactively on more dangerous livability issues.

With decreasing available-staffing levels per patrol shift and increasing numbers of calls-for-services over the past five years, combined with the lack of effectiveness of the current ordinance's time restrictions (48 hours) described above, police officers have frequently resorted to issuing verbal warnings to persons and/or locations of disruptive behavior in order to move on to the next calls-for-service.

<u>YEAR</u>	<u>SRN – First Notice Only</u>	<u>SRN – Second Notice</u>	<u>Annual Total</u>
2004	30	3	33
2005	20	6	26
2006	8	1	9
2007	16	4	20
2008	1	3	4
2009	1	2	3

FINANCIAL IMPACTS OF MAINTAINING CURRENT TIME RESTRICTIONS

First-level impact is the City of Corvallis will be unable to recoup financial costs incurred with police response to repeat (but outside the current 48 hour restriction) offending persons and/or locations.

Second-level effects are Police resources will continue to respond to repeat offenders and/or locations, thus wasting limited police resources on nuisance calls-for-service that can be better addressed by increasing the enforcement periods.

An additional adverse impact, but not fiscal in nature, is neighbors of repeat offending locations and/or persons will suffer decreased livability due to the frequent, chronic disturbances.

RECOMMENDATIONS

Staff recommends increasing the restricted period from the current forty-eight (48) hours to thirty (30) days. The increase in the period of restriction, combined with the City of Corvallis Chronic Nuisance Property ordinance (5.07 – Chronic Nuisance Property), should serve to improve community livability.

A revised ordinance incorporating the recommended changes is attached.

Reviewed and Concur:



Jon Nelson, City Manager

Attachment: Proposed Revised Ordinance (5.03.150.010 – Notice Provisions)

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

CP 92-4.05 Library Meeting Room Policy

Adopted February 18, 1992

Revised April 7, 1997

Revised December 18, 2000

Revised October 2003

Revised November 20, 2006

Revised December 7, 2009

4.05.010 Purpose

To establish a policy governing use of Library meeting rooms.

4.05.020 Policy

The Corvallis-Benton County Public Library makes its meeting rooms available, but neither approves nor disapproves of any viewpoint expressed by the users of the meeting rooms. The Library does not endorse any goods or services, makes no representation as to the accuracy of the information, and assumes no liability for the quality or safety of any goods or services which may be the subject of meetings. When the meeting rooms are not being used by the Library, the Library Foundation, or the Friends of the Library, then the Library will open the space to all persons or groups for meetings for purposes consistent with the laws of the State of Oregon, ordinances of the City of Corvallis, and the Library's Code of Conduct. The following policy shall apply to all users at the Corvallis Library except for the Library, the Library Foundation, and Friends of the Library.

4.05.021 Use of Facility

- a. Rental reservations may be made no more than six months in advance. Advance notice of twenty-four hours is required if event is canceled. Fees must be paid prior to the event. Fees are as follows:

Large Room:	\$15/hour, \$45 minimum \$20/hour, \$60 minimum
Smaller Rooms:	\$10/hour, \$10 minimum \$15/hour, \$15 minimum

Council Policy 92-4.05

The Library may establish fees for the use of library equipment such as projectors.

Fees are charged to all users except the City of Corvallis and Benton County.

- b. After reservation is made, groups will receive a confirmation with information regarding use. Rooms may be rented four times each January-June and July-December.
- c. Facilities will not be made available for meetings where admission is charged or money raised. The exchange of money for goods or services is prohibited on the Library premises, except by the Library, the Library Foundation, or the Friends of the Library.
- d. The Library will post a sign in all meeting rooms with a disclaimer stating that the Library does not endorse any goods or services, makes no representation as to the accuracy of the information, and assumes no liability for the quality or safety of any goods or services which may be the subject of meetings.
- e. Library meeting rooms are not designed for the cooking of meals. If refreshments are to be served, the Library should be informed at the time the reservation is made. No alcoholic beverages may be served.
- f. The use of meeting rooms shall conform to all local, state or federal laws. State law prohibits smoking in all facilities.
- g. Users shall assume responsibility for cleaning up and for any damage to Library property or the facility. No food or other items may be left in the meeting rooms or kitchen. Trash or recyclables that do not fit into the provided receptacles must be removed by the user. The Library may assess charges for damage or cleaning. The Library assumes no responsibility for personal belongings.
- h. Users are responsible for returning the large room to an auditorium setting.
- i. The Library expects organizations to be considerate of library patrons and activities. The Library Director or her/his designee has the power to terminate any meeting disruptive to Library operations.

Council Policy 92-4.05

- j. Deviations from the above policies will jeopardize future access to the facilities.

4.05.030 Review and Update

This Leisure and Cultural Activities Policy shall be reviewed triennially in October by the Library Director and updated as appropriate.

Attachment A

Corvallis City Council
Re: second response law

7/19/2010

We support extending the Second Response law to 30 days. We and other members of Chintimini Neighborhood Association have to report noise violations related to OSU student parties numerous times through out the school year. We believe the proposed law change would help control this situation and allow the City Counsel to show it is dedicated to restoring peace and quiet to our wonderful neighborhoods in the OSU area.

Jim & Carolyn Munford
Chimintimni Neighborhood Association members

Corvallis, OR 97330

Attachment
B

Effect of increased “disturbing the peace” activities on neighborhood livability.

I am a resident of the Chintimini neighborhood and over the past couple years - have seen a steady increase in the number of loud disruptive weekly parties.

This has led to long time renters and owner occupied residents leaving the neighborhood – changing the stability of the neighborhood.

With the current ordinance of just 48 hours for the 2nd offense notification – Parties happen every Saturday without any viable consequences.

A loud party happens – police are called to the scene – a citation is given – and then the following Saturday is a repeat of the same scenario because the 48 hour window to receive the consequences for a 2nd offense has passed. There is no incentive or reason to curtail the disruptive behavior because there are no real consequences with the current system. It is like a mere slap on the wrist.

As a person who works on Sunday mornings:

I am kept awake by loud partying every Saturday and am sleep deprived for work in the morning.

Loud music and constant yelling up and down the street occur all through the night.

I don't want to be the neighborhood ogre or sound like a hermit that insists on complete silence!

– the occasional party or social gathering that is respectful to the neighbors is no problem

Something just needs to be done to curtail the ongoing repeated offenders who are oblivious to their impact on neighbors.

Niya Standish

Attachment C

I am here today speaking in favor of increasing the second response time frame from 48 hours to 30 days. It is clearly a necessary measure, at least in our neighborhood.

Over the past few years, I have become intimately familiar with the party schedules of our neighbors. Chronic partiers follow one of two schedules—party on Thursday and Saturday nights, or party every Thursday night (are the even morning classes on campus on Fridays?). The second response, as it stands now, does not address either of these schedules. For example, if I walk the block and determine that the frat across the way is gearing up for a big party on Thursday night at 10 PM, I want to stop it early, before the police get busy and before I need to fall asleep. So I call. The police come out and squash the party. The block is quiet. On Saturday night, I may wake up to a booming base beat at one AM. I stick my head out, and it is the frat, once again, so I call the police, who cheerfully respond “We’ll get someone out these as soon as we can.” By the time they arrive, it’s one thirty and the 48 hour window of the second response is closed, thus cutting off a very powerful deterrent of fines and police presence for an hour or so while they process everyone at the party.

This is NOT an uncommon occurrence. During the Spring and Fall party seasons, we will call the police on Thursday and Saturday nights at least twice a month, if not more often. Add in my neighbors phone calls as well and it seems to me that we are all spending far too much time busting people for loud, large parties. Expanding the second response window seems to me to be an obvious, cost neutral step which we can take to begin to address this issue. It will not solve the problem, but it will provide some food for thought to the chronic party houses—can we really afford to have a second party this month?

Charlyn Ellis

Attached is a copy of the letter I sent to the police, city council, and mayor last November, when things truly went over the top in our neighborhood.

To Whom It May Concern:

I am writing this because I am afraid that my neighborhood is becoming a student slum. For the second Halloween in a row, our neighborhood was under siege. The combination of Homecoming, Halloween, Saturday night, and full moon created a perfect storm of party conditions, but really, this was the culmination of events which began in early September.

After the first home football game, I was in my back yard, eating dinner, when I heard a series of "Go Beavs!" in loud female voices. I shrugged, as this is not uncommon after games, but it continued for over an hour—I wandered down the street to find six girls sitting on a porch, shouting at every car that went by. Most honked back. No problem... but then they started screaming at an elderly man crossing the street on his bike in a very intimidating manner. It was no longer a friendly fan shout. I walked on, heading down Harrison just in time to see someone pitch a glass bottle out of their truck window. As I came home, two guys were complaining about my neighbor's small dogs. "Get a fuckin' real dog, like a German Sheppard," one slurred as he walked by. This afternoon set the tone for the autumn. Over the next few weeks, we called the police with noise complaints almost every night. Northwest 23rd has become Party Central, focusing on the Chi Phi fraternity and bracketed by townhouses. Several parties have ranged up and down the entire street.

Things really came to a peak on Homecoming weekend. Thursday night had its usual and expected rounds of beery bellowing from the Chi Phi fraternity across the street. Friday night brought out another round of loud parties beginning at nine PM with a marching band near campus. As drum line riffs floated over the neighborhood, students shrieked and yelled. The frat house checked out its sound system. I tried to ignore them and went to bed, but, all night, people caroused throughout the neighborhood. At four AM, my partner went out through the back yard to tell six people who were engaged in a mud fight to shut up and take it inside. "I had to tell them twice—the first time, it didn't penetrate," he muttered as he came back to bed. This is, however, all in a night's work for the adults living in our neighborhood.

Saturday night was...surreal. It started around nine, with a steady bass beat and the constant sound of young men yelling, voices blurred together. Groups walked by, talking and swearing loudly. At ten, we went out to check on the party locations. As we walked down Harrison, we dodged dozens of people in costume, all checking their cell phones for directions. Streams of students were crossing the street, heading down 23rd. Cars cruised by slowly, watching for drunks and parties with equal interest. Five boys tumbled out of one of the new townhouse apartments on the corner, all clutching glass bottles of beer. Others hung out in the yard and sidewalk. We turned onto 23rd, following the crowd. The intersection with Tyler was clearly the center of the party, a block from our house. Hundreds of people, all dressed in costume, stood around. Some were in the building, which was throbbing with the beat of the sound system. Some were in the yard, waving cups and bottles. Some hung out in the streets, shouting at each other and the cruising cars. People were arriving from all directions. We walked through the mob to check out the townhouses to the north, then headed home to call the police. We'll send someone out, the dispatcher told me.

By eleven, we could hear their noise in our basement. I went next door to see if the neighbors had also called the police, as their lights were on and who could sleep through this? "Take a number," the dispatcher told him. "It is all over town." We stood on the porch, watching the parade go by, feeling the air vibrate with sound. Groups walked by—4 or 10 or 15 at a time—looking for a party. "Dude," one guy said into his cell phone, "It's on 23rd, right around the corner. I'll be right there." He headed for the frat house. Others were less agreeable. "Fuck the Raiders," one group yelled, referring to my neighbor's sweatshirt, "Go Spartans!" Over a hundred people walked by as we stood on the porch for about ten minutes. There were girls dressed like prostitutes, guys wearing Viking helmets and carrying axes, people wearing stripes and ski gear, face paint and witches hats. One guy was totally in black, with the day glow sticks you buy at street fairs attached to his body, indicating his arm and leg bones and his spine. If it wasn't so late, so constant, and so drunk, it could have been entertaining. From where we stood, we watched a party blossom on one of the small porches of the new Harrison Street townhouses. Eighteen or twenty people crowded onto the small balcony, talking loudly over their music. The volume increased. Someone broke through the just repaired fence, allowing the party to flow from townhouse to sorority parking lot. A police car turned up Tyler, but nothing happened. I think he was on recognizance and gave up. What could they do? The party was "too big to fail"; the situation was clearly out of control. An ambulance raced down the street a little while later, heading way from the party, lights flashing.

This went on, unabated, until 1:30 AM, when finally, the parade died down and we were left with an occasional piercing shriek or siren. We heard the bass from the frat party until after two, even in our back bedroom with the windows shut. In fact, when I walked by the next morning, I could still hear the faint sounds of bellow and beat within.

I understand that the police were out in force. I don't know how they could have possibly stopped this street party once it began. They don't have the numbers to do so and they certainly can't borrow from other towns on Halloween. But—I knew that it was going to be chaos in my neighborhood. This was just an extension, on a grand scale, of what has been happening regularly for the last two years. And if I knew, then people in power knew: the university, who scheduled Homecoming on Halloween; the police, who have records on the frat house that run for several pages; the city managers, who monitor patterns across districts.

Clearly, something has to change. Enforce already existing laws in the weeks leading up to Halloween, raise the fines for drunkenness and open containers in the neighborhoods during regular football games, work with those thousands of students who were streaming all over town, find a place for them to go that does not disrupt the entire central core of our community. I know that I do not want another repeat performance on Halloween next year, and I am sure the police department and all of my neighbors would agree. But we need to start working on it now.

Please let me know what you can do to address this situation.

Sincerely,
Charlyn Ellis

I would like to offer testimony in favor of extending the police Second Response window from 48 hrs to 30 days.

We live in a great neighborhood, within walking or biking distance of just about everything – work, grocery stores, restaurants, movies. There are a lot of nice older houses in the area, including our own 1931 home. We've put a lot of time and money into making it beautiful.

When we first moved here 12 years ago, loud parties were an occasional nuisance – two or three times a year. Not ideal, but tolerable.

During the last few years, however, the noise – as well as trash and vandalism – has increased enormously. There have been entire months where we've had to get up in the middle of the night, two or three times a week, every week, to track down a noise source, in order to deal with it ourselves or call the police when necessary.

The majority of the problem comes from repeat offenders, who don't seem to be deterred by either considerations of neighborliness or the threat of noise fines. A Second Response can result in significantly higher costs for the offender, but the window that it applies to is inadequate. Increasing that window to 30 days would simultaneously reduce the number of loud parties, and help fund our hard-working police when they do have to deal with them.

This would be a good start on dealing with the issues our neighborhood is facing.

Thank you,

Mark Boyd

Corvallis OR 97330

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
July 21, 2010**

Present

Councilor Joel Hirsch, Chair
Councilor Hal Brauner
Councilor Mark O'Brien

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Gary Boldizar, Police Chief
Kevin Young, Planning Division Manager
Carla Holzworth, City Manager's Office

Visitors

Nancy Taylor, Oregon Dept of Fish and Wildlife
Dave Soloman, Corvallis resident
Al Haunold, Corvallis resident
Lee Van Nice, Corvallis resident
Valerie White, Corvallis resident

Wayne Gladwin, Corvallis resident
Peter Sears, Corvallis resident
William Randall, Corvallis resident
Margie Powell, Corvallis resident

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Land Use Application Fees Review			Schedule a public comment opportunity for the September 22 Administrative Services Committee meeting, providing public notice that the City Council is considering 80% cost recovery for land use application fees. (The notice will provide information on land use application fees at the current 70% cost recovery level, and also provide information on the cost of historic preservation permit fees and appeals fees were they to move from no-cost and \$250, respectively, to 70% and 80% cost recovery levels.)
II. Municipal Code Review: Chapter 5.03, "Offenses" (Prohibit Feeding Wild Turkeys)			Continue education efforts and complaint driven enforcement. Staff to bring information back to the Committee on culling turkeys, including best practices input from Nancy Taylor, ODFW.
III. Other Business	*		

Chair Hirsch called the meeting to order at 3:30 p.m.

CONTENT OF DISCUSSION

I. Land Use Application Fees Review (Attachment)

Mr. Gibb highlighted last year's fee review process. In 2008, Council directed staff to begin moving from 50% cost recovery for most land use applications toward 100%. The 60% recovery rate became effective in 2008 and it was raised to 70% in 2009. Staff is presenting two options for consideration: retain the 70% cost recovery or increase the rate to 80%.

Mr. Young said staff continues to use a rolling five-year average of current planning activities to identify costs associated with various reviews. He noted that maintaining a 70% cost recovery would require a 3% fee increase to offset rises in personnel and materials costs; if an 80% rate was adopted, fees would need to increase by 18%.

Mr. Young said staff have observed a number of trends, including a decline in the overall number of land use applications received each year. Possible contributing factors include the economy, adoption of the new, more complex, Land Development Code (LDC) in December 2006, and revisions to LDC Chapter 2.9 that created the quasi-judicial Historic Resources Commission. Oregon State University's Historic District, established in June 2008, contributed to a sharp increase in the number of historic preservation permit applications. Mr. Young said the new LDC requires more staff time to review nearly all types of applications and per Council direction, costs are not recovered for a significant proportion of the current planning workload. He also observed Corvallis' fees are generally below the average of comparitors at both the 70% and 80% cost recovery rates, as shown in Table 7 of the staff report.

In response to Councilor O'Brien's inquiry, Mr. Gibb confirmed the 3% increase is needed to maintain the 70% cost recovery rate. Mr. Gibb added that revenue is dependent upon the number and type of applications.

Councilor Brauner opined the issue is balancing Council's desire to move toward full cost recovery, and the resultant impact on the General Fund, with a bad economy that suggests now is not the time to increase fees. He recommended public outreach that communicates Council is considering cost recovery rates at 80%. Councilor Brauner noted that discussing the 80% option does not preclude Council from retaining the 70% rate after public input. Councilor O'Brien agreed.

In response to Councilor O'Brien's inquiry, Mr. Gibb said an 80% cost recovery rate is not expected to impact staff's workload, assuming the number of applications remains stable.

In response to Chair Hirsch's inquiry, Mr. Gibb said the application fee is a small percentage of a project's cost, but an 80% rate could result in fewer applications.

Councilor Brauner noted last year's discussion about not seeking cost recovery for historic preservation permits and appeals. He remains torn between keeping appeal fees low for individual citizens versus discouraging "harassment" appeals. Mr. Gibb said of the 20 appeals since January 2007, 12 came from applicants and 8 from citizens at large.

Mr. Gibb reminded the group about the State law that caps fees at \$250 for appeals of staff level decisions that do not involve public hearings. Of the 20 appeals previously noted, only 4 were administrative decisions that would have been capped at \$250. In response to Councilor Brauner's inquiry, Mr. Gibb confirmed the \$250 cap does not apply in cases involving a public hearing.

Councilor Brauner said he has observed more applicants who use the appeal process to refine their plans. In response to his inquiry about whether a change in the fee would influence that tactic, Mr. Gibb said he did not know, but he has heard from the development community that strategy is sometimes used.

Councilor O'Brien observed that a great deal of money is not recovered from frivolous appeals and he would like to see more appropriate, well-thought-out plans up front. He supports a higher level of cost recovery and he is fine with either the 70% or 80% rate for historic preservation permits. Chair Hirsch agreed.

In response to Councilor O'Brien's inquiry, Councilor Brauner noted a historic preservation permit at 70% cost recovery rate would be \$3,013 or \$1,205 at the Director level, as shown in Table 2 of the staff report. Mr. Gibb said the Historic Resources Commission (HRC) does not support charging for historic preservation permits and he believes the opinions of both the HRC and Committee for Citizen Involvement should be sought as part of the public input process. Councilor O'Brien agreed, adding that the pros and cons of increasing the recovery rate should be articulated.

City Manager Nelson suggested public outreach include a statement that Council is considering a fee for historic preservation permits, increasing appeals fees, and what land use application fees would be at 70% and 80% recovery rates. Staff recommended the public comment opportunity be scheduled for the September 22 Administrative Services Committee meeting.

The Committee unanimously recommends that Council move forward and schedule a public comment opportunity for the September 22 Administrative Services Committee meeting, providing public notice that Council is considering the 80% cost recovery level (with information on the current 70% level), and Council is considering charging a fee for historic preservation permits and Council is considering increasing the appeals fee.

In response to Mr. Gibb's inquiry about any additional information from staff prior to the September 22 meeting, Councilor Brauner said would like to see comparator historic preservation fees. In response to Councilor O'Brien's inquiry, Mr. Gibb said prevailing parties have been allowed to pursue recovery of attorney fees at the Land Use Board of Appeals, but he is not aware of this occurring at the local level.

II. Municipal Code Review: Chapter 5.03, "Offenses" (Prohibit Feeding Wild Turkeys)
(Attachment)

Ms. Holzworth distributed letters from Tom Picht (Attachment 1), Wayne Gladwin (Attachment 2) and Patricia Wallace (Attachment 3).

Police Chief Bolidzsar reviewed the staff report, noting concerns about wild turkeys were brought forward through Visitors' Propositions at City Council meetings rather than through complaints to the Police Department. Staff is returning for an annual review of the ordinance as directed by Council.

In response to Councilor O'Brien's previous request for information, Chief Boldzisar said the Police Department has received less than a dozen turkey-related phone calls in the last 5 years. He noted those calls came through the 911 center; calls placed directly to the animal control officer's line are not available through a query in the Police Department's database.

Ms. Taylor thanked the City for working closely with her on the turkey issue. She said the Oregon Department of Fish and Wildlife (ODFW) regularly receives damage complaint calls related to roosting, feces and noise. Since March, they have received six new calls from streets near the Witham Hill area where turkey issues had not previously been reported. The birds are crossing Circle Boulevard and Witham Hill. Councilor Brauner added he has seen them in the areas near Highland Dell and Good Samaritan Hospital. Ms. Taylor has distributed flyers to residents and she noted that most people were not familiar with the ordinance that prohibits feeding of turkeys. She expressed concern about the growing population, including predators that may be coming into the area. Ms. Taylor complimented recently-retired Animal Control Officer Richard Wendland's skills and she said when speaking to residents, it is helpful to have someone from the City in uniform.

Ms. Taylor distributed copies of Oregon Administrative Rules related to discharge of weapons in Coos Bay and Albany (Attachment 4). She said if the City wished to adopt a hunting ordinance, language could specify hunting areas and what weapons could be used. Alternatively, kill permits could be issued by ODFW that target a specific number of birds. ODFW issued such permits to the Cities of Philomath and Dallas. Ms. Taylor noted that kill permits require that the meat goes to the needy through a charity. In response to Councilor Brauner's inquiry, Ms. Taylor said such permits do not have to be issued to law enforcement. They can be issued to a contracted person, such as a certified master hunter who has received specialized training and education.

In response to Councilor O'Brien's inquiry, Ms. Taylor said kill permits allow two types of weapons: high velocity pellet guns or archery equipment. If hunting was approved, the City would adopt an ordinance and ODFW would have to subsequently approve it. The master hunter requirement could be specified in the ordinance.

In response to Councilor Brauner's inquiry, Ms. Taylor said harassing turkeys, such as having a dog chase them, generally drives turkeys to other properties.

In response to Chair Hirsch's inquiry, Ms. Taylor opined the City must go above and beyond education. If the natural environment is favorable to turkeys, such as plentiful acorns and very few predators, they will multiply.

Wayne Gladwin referred to his prepared letter (Attachment 2). He thanked Ms. Taylor and Mr. Wendland for their efforts and he agreed that more needs to be done to address the growing turkey problem. He opined the conscientious feeding has stopped in his neighborhood, but natural food is plentiful. He said the population needs to be reduced faster than it can reproduce. Mr. Gladwin suggested approaching the State to request funding help and he supports culling the birds.

Dave Sullivan thanked the City for recognizing the problem. He requested action to get rid of at least half of the population and he supports culling the birds.

In response to Councilor Brauner's request, by a show of hands in the audience, all in attendance except one said they support the City allowing hunting. Mr. Nelson noted it is important to distinguish between kill permits and open hunting in the city limits. The Committee agreed.

Peter Sears referred to his prepared letter (Attachment 5). He opined the turkey problem has become worse and he thanked the City for their efforts.

Al Haunold said turkeys have been peeling bark from his oak trees. He has lived at his residence on Forest Drive since 1966 and had never seen turkeys on his property until last March. Mr. Haunold noted the birds are not native to the West Coast, he thinks the City should consider reducing the population, and he supports kill permits.

William Randall referred to his prepared letter (Attachment 6). He said the turkeys have been a problem for many years and he supports culling the flock. Mr. Randall opined this can be safely done through regulation and he urged the City to take action.

Ed Walsh said he is not against hunting and he recognizes that it may ultimately be needed. He suggested culling the turkey eggs if possible or using trained animals

before using guns. Mr. Walsh noted he did not know the City had an ordinance prohibiting the feeding of turkeys and he believes more education is needed. He opined the largest groups have decreased so perhaps the flocks are breaking up.

Ms. Taylor said eggs cannot be culled under the current law, but if it is brought up as part of an ordinance specifying it is acceptable within the city limits, it may be permissible. She said it is a gray area that should be explored and it would help to stabilize the population.

Lee Van Nice said he regularly sees about 20 turkeys in his yard. They start at Skyline West in the morning and work toward Foothill Place. Mr. Van Nice noted there are no predators and action must be taken to address the problem.

Margie Powell said residents who have bird feeders that not protected by a suitable fence are inadvertently feeding the turkeys.

Valerie White noted there are a few predators in the area, including racoons who would eat turkey eggs at the right time of year. However, there are not enough natural predators to address the problem.

Councilor O'Brien said he does not support using City staff to shoot the birds because it is not an appropriate use of their time.

The Committee unanimously recommends continuing education efforts and complaint driven enforcement. Staff to bring information back to the Committee on culling turkeys, including best practices input from Nancy Taylor, Oregon Department of Fish and Wildlife.

III. Other Business

The next regular Administrative Services Committee meeting is scheduled for 3:30 pm, Wednesday, August 4, 2010 in the Madison Avenue Meeting Room.

Respectfully submitted,

Joel Hirsch, Chair

MEMORANDUM

From: Ken Gibb, Community Development Director 

To: Administrative Services Committee (ASC)

Date: July 13, 2010

Re: Yearly Review of Land Use Application Fees

I. Issue

Each year, the City Council conducts a review of Land Use Application Fees. State law requires these fees to be based on the actual or the average cost of processing such applications. Corvallis has been basing fees on the average cost since at least 1998. The average costs are based on the funding for Current Planning in the Community Development Department's budget and an analysis of the efforts associated with each type of application. This year's update is presented below, and further direction is requested.

II. Background

Each time Land Use Application Fees are updated, an analysis is conducted to determine the average number of land use actions considered and the associated level of effort. Dividing the cost of providing the service by this yearly level of effort allows the average cost to be determined. The 2008 analysis included calendar years 2000 through 2007 (eight years). However, in 2009 it was determined that the appropriate period of time for a "rolling average" would be five years. For this reason, the following analysis is based on Planning Division data from 2005 through 2009 (see Table 1).

For each type of Land Use Application, staff have determined a relative level of effort. The most complex application type is the Annexation. This has been given a level of effort of 1.0. The various types of actions associated with Planned Developments range from 0.25 for a Minor Modification to 0.85 for a combined Conceptual and Detailed Development Plan. A standard Zone change is 0.4, and a standard Subdivision is 0.7 (see Table 1). Table 1 calculates the average number of each application type that is processed per year over the five year period. This is done in order to minimize pronounced trends that may occur on an-annual basis (for example, 39 Historic Preservation Permits were processed by the Historic Resources Commission in 2009, which is a sharp increase from prior years). The average number of each type of application is multiplied by the associated level of effort for that application type, to determine average yearly units of effort for each type of application. These numbers are totaled. In this year's analysis, 35.01 average yearly units of effort were calculated for Special Development applications (generally these are applications that would require a public hearing), and 6.68 average yearly units of effort were calculated for General Development applications (generally, these are Staff-level review items). The two numbers are then added for a total of 41.69 average yearly units of effort. The total average yearly units of effort is then divided into the cost of providing the Land Use Application review effort in order to determine the cost of one unit of effort. This information is shown in the small shaded rectangle towards the bottom of Table 1.

Once the cost for one unit of effort is determined, the cost/unit is then multiplied by the level of effort for each application type to determine the average cost for each type of Land Use Application (see Table 2). For this year's update, the cost for the review of Land Use Applications is based upon the FY09-10 budget for Current Planning, with the recognition that 3.5 Planner-level FTE have been dedicated to the effort (with Fred Towne's retirement in November, one current planner transitioned into the Division Manager function).

Prior to 2008, the Council's cost-recovery policy for Land Use Application Fees was to recover 50 percent of the Community Development Department's average costs for processing these applications. Costs associated with the development review activities of the Public Works, Parks and Recreation, Fire, and Police Departments have never been included in the fees. In 2008, the City Council made a change to its cost-recovery policy for Land Use Applications, and consequently, the 2008 fees were designed to recover approximately 60 percent of Land Use Application processing costs. Staff were also given direction that each year, fee increases were to be considered such that after the fifth year, 100 percent of these costs would be recovered. In 2009, the City Council increased the cost recovery ratio to 70%, which established the current fee schedule. Staff would like direction with regard to this year's fee adjustment. Should they be designed to recover approximately 80% of Land Use Application processing costs? Further information is presented later in this memo regarding the implications of various answers to this question.

III. Analysis

Staff have created a series of tables to show how this year's process affects Land Use Application Fees. **Table 1** provides data regarding land use applications processed in calendar years from 2005 to 2009. Based on that information, Table 1 then calculates the average yearly units of effort expended per application type and also totals the average yearly units of effort expended (41.69 units of effort). This number is then divided by the total estimated costs of current planning services to provide a cost per unit of effort (\$17,216 per unit of effort).

Table 2 incorporates 2009 land use application and current planning cost data to arrive at a figure for 70% of the average cost of each application type. As noted in the data in the right-hand column, this generally represents a 3% cost increase over this year's application fees in order to maintain the 70% cost recovery ratio that was approved by the City Council last year. The increase in costs is generally attributable to increased personnel and non-personnel costs for the current planning function within the Planning Division. It should be noted that the 70% of average cost figures shown on Table 2 will not correspond in all cases to the 70% cost recovery fee schedule shown on Table 5. This is because, for many application types, per-unit add-on fees will be added to the base fee in order to arrive at 70% cost recovery.

Similarly to Table 2, **Table 3** incorporates 2009 land use application and current planning cost data to arrive at a figure for 80% of the average cost of each application type. As noted in the right-hand column, this generally represents an 18% cost increase over this year's application fees in order to continue the Council's direction to increase land use application fees 10% each year until 100% cost recovery is achieved. As with Table 2, the 80% average cost figures shown on Table 3 will not correspond in all cases to the 80% cost recovery fee schedule shown in Table 6, for reasons explained above.

Table 4 is provided for comparative purposes and shows the current land use application fee schedule for 2010.

Table 5 illustrates the land use application fee schedule that would be put in place in 2011 if the Council decides to maintain the current 70% cost recovery ratio. The cost increase per application would be approximately 3% above current fees. Per-unit add-on costs have been calculated such that the “average” scale application will achieve 70% cost recovery. Smaller applications will pay proportionately less and larger applications will pay proportionately more to reflect the relative levels of effort (and cost) of small and large applications.

Table 6 illustrates the land use application fee schedule that would be put in place in 2011 if the Council decides to increase the cost recovery ratio from 70% to 80%. The cost increase per application would be approximately 18% above current fees. Per-unit add-on costs have been calculated such that the “average” scale application will achieve 80% cost recovery. Smaller applications will pay proportionately less and larger applications will pay proportionately more to reflect the relative levels of effort (and cost) of small and large applications.

Table 7 provides information regarding typical land use application fees currently charged by comparator cities in Oregon. Additionally, Table 7 provides information regarding what current Corvallis fees would be for the same applications, along with fees at the 80% cost recovery ratio and our estimate of the total cost of such applications.

A number of trends are evident from a close review of the tables. Generally, the number of applications received per year has declined from 2005 to 2009, with 105 Special Development applications in 2005, 96 in 2006, 70 in 2007, 84 in 2008, and 83 in 2009. Certainly, the recent downturn in the economy is likely one factor that reduced application numbers. Another factor to note is the adoption of the new Land Development Code in December of 2006. The Planning Division experienced a flurry of land use applications prior to adoption of the new code from applicants seeking to develop under the “old” rules, and a relative paucity of applications in the year following adoption (2007). Six months prior to the adoption of the updated Land Development Code, in June of 2006, the City adopted revisions to LDC Chapter 2.9, which restructured the City’s Historic Preservation program, and formed the Historic Resources Commission (HRC) as a quasi-judicial decision-making body. Prior to this, all decisions by the Historic Preservation Advisory Board (HPAB) were recommendations to the Community Development Director. This explains why the number of Director-level historic preservation permits fell markedly between 2006 and 2007, and why quasi-judicial historic preservation permits began to appear in 2006. The sharp increase in quasi-judicial historic preservation permits in 2009 is due in part to the establishment of a historic district on the OSU campus in June of 2008.

The general decrease in the number of land use applications over the last five years may lead one to wonder why staffing demands in current planning have stayed relatively constant over that time period. The main reason for this is that the adoption of the new Land Development Code in 2006 has resulted in a higher level of complexity for nearly all land use applications. For example, Planned Development applications now must address Pedestrian Oriented Design Standards, Natural Features, and Natural Hazard provisions, if applicable to the subject development site. These are just some of the new standards that were added into the 2006 Land Development Code, for which one of the goals was to establish clear and objective decision criteria. These decision criteria are necessarily more detailed than past code language, which was more discretionary. The result is that most land use applications are more complex than they were prior to 2006. Because the relative effort required of each application type is basically the same in relation to the most complex application type (annexations) under both the old code and the new code, the “relative effort” proportions shown on Table 1 have not fundamentally changed since 2005. What

has changed is that nearly all application types (with the possible exception of Lot Line Adjustments) take more staff time to process and are more complex than they used to be.

Permit data on General Development applications also reflect some marked trends, although data on these types of applications was not recorded prior to the Planning Division's assumption of these application types in 2007. The Major Lot Development Option process was incorporated into the Land Development Code in July of 2009. This is a relatively new quasi-judicial process that allows for variations from Land Development Code standards under certain circumstances. Also, there has been a sharp decline in the number of Lot Line Adjustment applications. This is because of recent clarification (in consultation with City and County Survey Staff) of the limited circumstances under which a Lot Line Adjustment will achieve a satisfactory result for applicants.

One very important trend to point out is the proportion of the current planning workload for which costs are not recovered. In 2009, Historic Preservation Permits (HPPs) and appeals of land use decisions represented a large proportion of the overall units of effort expended in current planning (14.75 out of a total of 30.58 units of effort for 2009). 53 HPPs and 6 appeals were received in 2009. The total estimated cost for these activities in 2009 is approximately \$250,000, while the fees collected were \$1,500. Consistent with Council direction, the Planning Division charges no fees for HPPs and charges a nominal fee for appeals (\$250, which can be reduced to \$125 if submitted by a recognized Neighborhood Association).

Table 2 shows that in order to maintain 70% cost recovery level, a 3% increase in fees is necessary. This is generally consistent with increases in personal and non-personal services costs for the current planning function. Personal service costs account for approximately 90% of the Planning Division's annual budget. Table 3 calculates land use fees at the 80% cost recovery level, based on the City Council's direction to increase fees by 10% increments until 100% cost recovery is reached. The 80% cost recovery schedule (Table 6) represents an 18% increase in land use application fees from the 2010 fee schedule.

Table 7 shows how the City's current land use application fees (as well as proposed 80% cost recovery fees and estimated actual costs) compare to the fees of other jurisdictions in Oregon for selected land use applications. Generally, the City's current- and 80%-cost-recovery-level-fees are below the average of the fees charged by the other jurisdictions. In some cases, the City's current and proposed fees are well below the average. However, as can be seen from Table 7, some of the selected cities are much more aggressive in setting fees to cover costs than others. In particular, Bend, Gresham, and Springfield appear to be quite aggressive at cost recovery. One anomaly is also notable: Corvallis' current and proposed fees for Conditional Development applications exceed the average charged by other cities. One possible explanation for this is that our decision criteria for conditional developments are nearly identical to our criteria for planned developments, and are generally more rigorous than the limited criteria that many jurisdictions apply to conditional developments. This could explain the higher effort and cost that we ascribe to conditional development applications.

III. Direction Requested

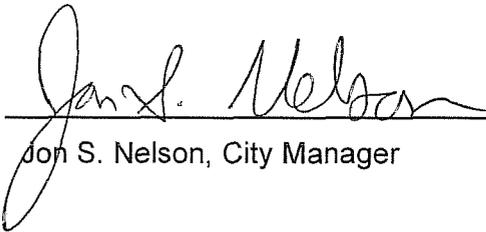
With past reviews of Land Use Application Fees, the Administrative Services Committee has asked staff to prepare fees based on direction given at an initial meeting and then to provide notice to the general public and the development community of an Administrative Services Committee meeting to allow review and comment on those proposed fees. Staff are prepared to follow this process again this year. Based on the information presented in this memo, staff have identified two options, both of which rely on the five-

year averaging of Land Use Application data. These options represent either the continuation of a 70 percent cost-recovery or an increase to a 80 percent cost-recovery.

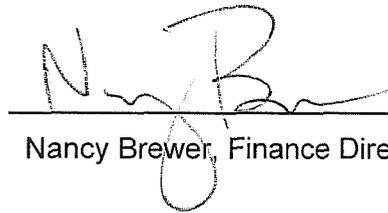
	Option	Potential Fee Increase
1.	5-yr Average @ 70% Cost Recovery	+3% Fee Increase for Special and General Development Application Types
2.	5-yr Average @ 80% Cost Recovery	+18% Fee Increase for Special and General Development Application Types

Based on direction from the ASC, Staff will prepare and distribute a notice for publication and distribution to the public and to the development community regarding an upcoming ASC meeting at which public comment regarding the proposed fees will be heard. Following that meeting, Staff will make any suggested adjustments to the fee schedule for presentation to the full City Council.

Review and Concur:



Jon S. Nelson, City Manager



Nancy Brewer, Finance Director

Table 1- Average Yearly Units of Effort Based on 5 Years

Land Use Application Fees								
Description	2005	2006	2007	2008	2009	Average # Done (2005-2009)	Relative Effort	Avg. Yearly Units of Effort
Special Development (S)								
Appeal	4	6	2	14	6	6.40	0.60	3.84
Annexation	3	0	0	0	2	1.00	1.00	1.00
Health Hazard Annexation (Minor)	1	0	0	2	0	0.60	0.20	0.12
Comprehensive Plan Amendment	5	1	1	1	0	1.60	0.85	1.36
Conditional Development	1	5	7	3	2	3.60	0.70	2.52
Modification to CD	5	4	2	1	3	3.00	0.25	0.75
District Change	14	1	5	5	2	5.40	0.40	2.16
HPO	1	0	0	1	0	0.40	0.20	0.08
Health Hazard (w/ Minor Annexation)	1	0	0	2	0	0.60	0.10	0.06
Administrative	NA	NA	3	2	0	1.67	0.20	0.33
Planned Development (Total-all PD Types)	23	19	11	15	9	15.40		
Conceptual Development Plan	1	0	0	0	0	0.20	0.75	0.15
Detailed Development Plan	3	1	0	0	1	1.00	0.80	0.80
Detailed Dev. Plan w/ Conceptual	0	3	5	5	2	3.00	0.85	2.55
Major Modification to PD	11	4	1	6	2	4.80	0.75	3.60
PD Nullification	0	0	0	0	0	0.00	0.40	0.00
Minor Modification	8	11	5	4	4	6.40	0.25	1.60
Tentative Plat	4	7	5	5	1	4.40	0.70	3.08
Modification to Tentative Plat (New Action)	0	0	0	0	0	0.00	0.25	0.00
Major Replat	1	1	0	1	1	0.80	0.60	0.48
Administrative	NA	NA	1	5	0	2.00	0.65	1.30
Extension of Services	0	0	0	0	0	0.00	0.70	0.00
Historic Preservation Permit	NA	21	26	20	39	26.50	0.25	6.63
Director-level	40	29	4	3	14	18.00	0.1	1.80
Director's Interpretation	1	1	0	2	4	1.60	0.15	0.24
Land Development Code Text Amendment	1	1	3	2	0	1.40	0.40	0.56
Total	105	96	70	84	83	87.60		35.01

Expenditures Allocated to Current Planning	\$ 717,688
Total Yearly Units of Effort S+G=	41.69
Cost per unit	\$ 17,216

General Development G)		2007	2008	2009	Ave. # Done	Effort	Yrly. Effort
Minor Replat		6	16	8	11.00	0.1	1.10
Lot Development Option		30	23	15	22.67	0.1	2.27
Major Lot Development Option*				3	3.00	0.3	0.90
Lot Line Adjustment		20	9	1	14.50	0.025	0.36
Partition		10	5	2	7.50	0.25	1.88
Plan Compatibility Review		6	1	5	3.50	0.05	0.18
Total		72	54	34	63.00		6.68

* Major LDO option began in 2009

Table 2- Land Use Application Fees - 70% Cost Recovery

Averages # of applications over the past 5 years and maintains the 70% cost-recovery approved in 2009

Description	Average # Done (2005-2009)	Relative Effort	Avg. Yearly Units of Effort	Average Cost (Effort * Unit Cost)	70% of Average Cost	Current Base Fee	Percent Increase
Special Development (S)							
Appeal	6.40	0.60	3.84	\$ 10,330	\$ 7,231	\$ 250	NA
Annexation*	1.00	1.00	1.00	\$ 17,216	\$ 8,401	\$ 8,156	3%
Health Hazard Annexation (Minor)	0.60	0.20	0.12	\$ 3,443	\$ 2,410	\$ 2,331	3%
Comprehensive Plan Amendment	1.60	0.85	1.36	\$ 14,634	\$ 10,244	\$ 9,908	3%
Conditional Development*	3.60	0.70	2.52	\$ 12,051	\$ 6,349	\$ 6,164	3%
Modification to CD*	3.00	0.25	0.75	\$ 4,304	\$ 2,589	\$ 2,514	3%
District Change	5.40	0.40	2.16	\$ 6,886	\$ 4,820	\$ 4,663	3%
HPO	0.40	0.20	0.08	\$ 3,443	\$ 2,410	no fee	
Health Hazard (w/ Minor Annexation)	0.60	0.10	0.06	\$ 1,722	\$ 1,205	\$ 1,166	3%
Administrative	1.67	0.20	0.33	\$ 3,443	\$ 2,410	\$ 2,331	3%
Planned Development (Total- all PD Types)	15.40						
Conceptual Development Plan*	0.20	0.75	0.15	\$ 12,912	\$ 6,803	\$ 6,605	3%
Detailed Development Plan*	1.00	0.80	0.80	\$ 13,773	\$ 7,257	\$ 7,046	3%
Detailed Dev. Plan w/ Conceptual*	3.00	0.85	2.55	\$ 14,634	\$ 7,711	\$ 7,486	3%
Major Modification to PD*	4.80	0.75	3.60	\$ 12,912	\$ 6,803	\$ 6,605	3%
PD Nullification	0.00	0.40	0.00	\$ 6,886	\$ 4,820	\$ 4,663	3%
Minor Modification	6.40	0.25	1.60	\$ 4,304	\$ 3,013	\$ 2,914	3%
Tentative Plat*	4.40	0.70	3.08	\$ 12,051	\$ 6,349	\$ 6,164	3%
Modification to Tentative Plat (New Action)	0.00	0.25	0.00	\$ 4,304	\$ 3,013	\$ 2,914	3%
Major Replat	0.80	0.60	0.48	\$ 10,330	\$ 7,231	\$ 6,994	3%
Administrative*	2.00	0.65	1.30	\$ 11,190	\$ 5,896	\$ 5,724	3%
Extension of Services	0.00	0.70	0.00	\$ 12,051	\$ 8,436	\$ 8,160	3%
Historic Preservation Permit	26.50	0.25	6.63	\$ 4,304	\$ 3,013	\$ 0	NA
Director-level	18.00	0.1	1.80	\$ 1,722	\$ 1,205	\$ 0	NA
Director's Interpretation	1.60	0.15	0.24	\$ 2,582	\$ 1,808	\$ 1,749	3%
Land Development Code Text Amendment	1.40	0.40	0.56	\$ 6,886	\$ 4,820	\$ 4,663	3%
Total	87.60		35.01				
Expenditures Allocated to Current Planning				\$717,688			
Total Yearly Units of Effort Expended				41.69			
Cost per unit				\$ 17,216			
General Development (G)	Ave. # Done	Effort	Yrly. Effort	Cost	70% of Cost	Current Fee	Increase
Minor Replat	11.00	0.1	1.10	\$ 1,722	\$ 1,205	\$ 1,166	3%
Lot Development Option	22.67	0.1	2.27	\$ 1,722	\$ 1,205	\$ 1,166	3%
Major Lot Development Option**	3.00	0.3	0.90	\$ 5,165	\$ 3,615	\$ 2,000	New Fee
Lot Line Adjustment	14.50	0.025	0.36	\$ 430	\$ 301	\$ 291	4%
Partition	7.50	0.25	1.88	\$ 4,304	\$ 3,013	\$ 2,914	3%
Plan Compatibility Review	3.50	0.05	0.18	\$ 861	\$ 603	\$ 583	3%
Totals:	63.00		6.68				

* Base Fee does not represent 70% of cost because per unit fees are added to these application types to arrive at 70% cost recovery

** Major LDO option began in 2009

Table 3- Land Use Application Fees - 80% Cost Recovery

Averages # of applications over the past 5 years and provides the 80% cost-recovery to be considered for 2010

Description	Average # Done (2005-2009)	Relative Effort	Avg. Yearly Units of Effort	Average Cost (Effort * Unit Cost)	80% of Average Cost	Current Base Fee	Percent Increase
Special Development (S)							
Appeal	6.40	0.60	3.84	\$ 10,330	\$ 8,264	\$ 250	NA
Annexation*	1.00	1.00	1.00	\$ 17,216	\$ 9,624	\$ 8,156	18%
Health Hazard Annexation (Minor)	0.60	0.20	0.12	\$ 3,443	\$ 2,755	\$ 2,331	18%
Comprehensive Plan Amendment	1.60	0.85	1.36	\$ 14,634	\$ 11,707	\$ 9,908	18%
Conditional Development*	3.60	0.70	2.52	\$ 12,051	\$ 7,274	\$ 6,164	18%
Modification to CD*	3.00	0.25	0.75	\$ 4,304	\$ 2,967	\$ 2,514	18%
District Change	5.40	0.40	2.16	\$ 6,886	\$ 5,509	\$ 4,663	18%
HPO	0.40	0.20	0.08	\$ 3,443	\$ 2,755	No Fee	
Health Hazard (w/ Minor Annexation)	0.60	0.10	0.06	\$ 1,722	\$ 1,377	\$ 1,166	18%
Administrative	1.67	0.20	0.33	\$ 3,443	\$ 2,755	\$ 2,331	18%
Planned Development (Total- all PD Types)	15.40						
Conceptual Development Plan*	0.20	0.75	0.15	\$ 12,912	\$ 7,794	\$ 6,605	18%
Detailed Development Plan*	1.00	0.80	0.80	\$ 13,773	\$ 8,314	\$ 7,046	18%
Detailed Dev. Plan w/ Conceptual*	3.00	0.85	2.55	\$ 14,634	\$ 8,833	\$ 7,486	18%
Major Modification to PD*	4.80	0.75	3.60	\$ 12,912	\$ 7,794	\$ 6,605	18%
PD Nullification	0.00	0.40	0.00	\$ 6,886	\$ 5,509	\$ 4,663	18%
Minor Modification	6.40	0.25	1.60	\$ 4,304	\$ 3,443	\$ 2,914	18%
Tentative Plat*	4.40	0.70	3.08	\$ 12,051	\$ 7,274	\$ 6,164	18%
Modification to Tentative Plat (New Action)	0.00	0.25	0.00	\$ 4,304	\$ 3,443	\$ 2,914	18%
Major Replat	0.80	0.60	0.48	\$ 10,330	\$ 8,264	\$ 6,994	18%
Administrative*	2.00	0.65	1.30	\$ 11,190	\$ 6,754	\$ 5,724	18%
Extension of Services	0.00	0.70	0.00	\$ 12,051	\$ 9,641	\$ 8,160	18%
Historic Preservation Permit	26.50	0.25	6.63	\$ 4,304	\$ 3,443	\$ 0	NA
Director-level	18.00	0.1	1.80	\$ 1,722	\$ 1,377	\$ 0	NA
Director's Interpretation	1.60	0.15	0.24	\$ 2,582	\$ 2,066	\$ 1,749	18%
Land Development Code Text Amendment	1.40	0.40	0.56	\$ 6,886	\$ 5,509	\$ 4,663	18%
Total	87.60		35.01				
Expenditures Allocated to Current Planning		\$717,688					
Total Yearly Units of Effort Expended		41.69					
Cost per unit		\$ 17,216					
General Development (G)	Ave. # Done	Effort	Yrly. Effort	Cost	80% of Cost	Current Fee	Increase
Minor Replat	11.00	0.1	1.10	\$ 1,722	\$ 1,377	\$ 1,166	18%
Lot Development Option (Minor)	22.67	0.1	2.27	\$ 1,722	\$ 1,377	\$ 1,166	18%
Major Lot Development Option**	3.00	0.3	0.90	\$ 5,165	\$ 4,132	\$ 2,000	New Fee
Lot Line Adjustment	14.50	0.025	0.36	\$ 430	\$ 344	\$ 291	18%
Partition	7.50	0.25	1.88	\$ 4,304	\$ 3,443	\$ 2,914	18%
Plan Compatibility Review	3.50	0.05	0.18	\$ 861	\$ 689	583	18%
Totals:	63.00		6.68				

* Base Fee does not represent 80% of cost because per unit fees are added to these application types to arrive at 80% cost recovery

** Major LDO option began in 2009

Table 4 - Current Land Use Application Fee Schedule (2010)

Special Development (70% Cost Recovery/5-yr Average, unless otherwise noted)		Base Fee	Per Unit Add-on
Appeal			
	General (2.5% cost recovery/5 yr. average)	\$250	
	Recognized Neighborhood Association (1.25% cost recovery/5 yr. average)	\$125	
Annexation (with per acre add-on)			
	Major	\$8,156	\$117
	Minor (including Health Hazard)	\$2,331	
Comprehensive Plan Amendment		\$9,908	
Conditional Development (including Willamette River Greenway CD)			
	Residential (per lot add-on)	\$6,164	\$36
	Non-residential (per 100 sq. ft. add-on)	\$6,164	\$7
	Modification	\$2,514	
District Change			
	Standard	\$4,663	
	Minor Annexation (including Health Hazard)	\$1,166	
	Historic Preservation Overlay (0% cost recovery/5-yr. average)	no fee	
	Administrative	\$2,331	
Planned Development			
Conceptual Development Plan			
	Residential (per acre add-on)	\$6,605	\$95
	Non-residential (per acre add-on)	\$6,605	\$95
Detailed Development Plan			
	Residential (per lot add-on)	\$7,046	\$41
	Non-residential (per 100 sq. ft. add-on)	\$7,046	\$8
Conceptual and Detailed Development Plan			
	Residential (per lot add-on)	\$7,486	\$44
	Non-residential (per 100 sq. ft. add-on)	\$7,486	\$9
Major Modification to P.D.			
	Residential (per lot add-on)	\$6,605	\$39
	Non-residential (per 100 sq. ft. add-on)	\$6,605	\$8
P.D. Nullification		\$4,663	
Minor Modification		\$2,914	
Subdivision Tentative Plat			
	Non-residential	\$6,164	\$36
	Modification	\$2,914	
	Major Replat	\$6,994	\$27
	Residential (Admin.)	\$5,724	\$33
Historic Preservation Permit			
	HRC-level (0% cost recovery/5-yr. average)	no fee	
	Director-level (0% cost recovery/5-yr. average)	no fee	
Director's Interpretation		\$1,749	
Land Development Code Text Amendment		\$4,663	
Extension of Services		\$8,160	

General Development (70% Cost Recovery)		
Minor Replat	\$1,166	
Lot Development Option (Minor)	\$1,166	
Lot Development Option (Major)	\$2,000	
Lot Line Adjustment	\$291	
Partition	\$2,914	
Plan Compatibility Review	\$583	
Vacation	\$1,166	
Sign Permit	\$57	
Sign Variance	\$2,914	

Table 5 - 70% Cost Recovery Land Use Application Fee Schedule¹ (2011)

Table 1: Special Development (70% Cost Recovery/5-yr Average, unless otherwise noted)		Base Fee	Per Unit Add-on
Appeal			
	<i>General (2.4% cost recovery/5 yr. average)</i>	\$250	
	<i>Recognized Neighborhood Association (1.2% cost recovery/5 yr. average)</i>	\$125	
Annexation (with per acre add-on)			
	<i>Major</i>	\$8,401	\$122
	<i>Minor (including Health Hazard)</i>	\$2,410	
Comprehensive Plan Amendment		\$10,244	
Conditional Development (including Willamette River Greenway CD)			
	<i>Residential (per lot add-on)</i>	\$6,349	\$38
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$6,349	\$8
	<i>Modification</i>	\$2,589	
District Change			
	<i>Standard</i>	\$4,820	
	<i>Minor Annexation (including Health Hazard)</i>	\$1,205	
	<i>Historic Preservation Overlay (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Administrative</i>	\$2,410	
Planned Development			
Conceptual Development Plan			
	<i>Residential (per acre add-on)</i>	\$6,803	\$75
	<i>Non-residential (per acre add-on)</i>	\$6,803	\$75
Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$7,257	\$43
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,257	\$9
Conceptual and Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$7,711	\$46
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,711	\$9
Major Modification to P.D.			
	<i>Residential (per lot add-on)</i>	\$6,803	\$41
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$6,803	\$8
P.D. Nullification		\$4,820	
Minor Modification		\$3,013	
Subdivision Tentative Plat			
	<i>Non-residential</i>	\$6,349	\$38
	<i>Modification</i>	\$3,013	
	<i>Major Replat</i>	\$7,231	\$1
	<i>Residential (Admin.)</i>	\$5,896	\$35
Historic Preservation Permit			
	<i>HRC-level (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Director-level (0% cost recovery/5-yr. average)</i>	no fee	
Director's Interpretation		\$1,808	
Land Development Code Text Amendment		\$4,820	
Extension of Services		\$8,436	

¹See notes on the reverse side regarding deposit procedures and concurrent application fees.

Table 2: General Development (70% Cost Recovery)		
Minor Replat	\$1,205	
Lot Development Option (Minor)	\$1,205	
Lot Development Option (Major)	\$3,615	
Lot Line Adjustment	\$301	
Partition	\$3,013	
Plan Compatibility Review	\$603	
Vacation	\$1,205	
Sign Permit	\$57	
Sign Variance	\$3,013	

Notes

Deposit - With the exception of appeal fees and historic preservation permits, Special Development land use applications (Table 1) shall be submitted with a \$1,000 deposit. General Development land use applications (Table 2) shall be submitted with a \$100 deposit. Following a determination of the actual extent of the request, the remainder of the fees shall be charged to the applicant. Applications shall be deemed incomplete until all fees have been paid.

Concurrent Application Fees - Where development requires concurrent actions, the largest of the fees determined from Table 1 or Table 2 shall be charged, and 75 percent of the fee for each additional action shall be charged.

Table 6 - 80% Cost Recovery Land Use Application Fee Schedule¹ (2011)

Table 1: Special Development (80% Cost Recovery/5-yr Average, unless otherwise noted)		Base Fee	Per Unit Add-on
Appeal			
	<i>General (2.4% cost recovery/5 yr. average)</i>	\$250	
	<i>Recognized Neighborhood Association (1.2% cost recovery/5 yr. average)</i>	\$125	
Annexation (with per acre add-on)			
	<i>Major</i>	\$9,624	\$138
	<i>Minor (including Health Hazard)</i>	\$2,755	
Comprehensive Plan Amendment		\$11,707	
Conditional Development (including Willamette River Greenway CD)			
	<i>Residential (per lot add-on)</i>	\$7,274	\$43
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,274	\$9
	<i>Modification</i>	\$2,967	
District Change			
	<i>Standard</i>	\$5,509	
	<i>Minor Annexation (including Health Hazard)</i>	\$1,377	
	<i>Historic Preservation Overlay (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Administrative</i>	\$2,755	
Planned Development			
Conceptual Development Plan			
	<i>Residential (per acre add-on)</i>	\$7,794	\$85
	<i>Non-residential (per acre add-on)</i>	\$7,794	\$85
Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$8,314	\$49
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$8,314	\$10
Conceptual and Detailed Development Plan			
	<i>Residential (per lot add-on)</i>	\$8,833	\$52
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$8,833	\$10
Major Modification to P.D.			
	<i>Residential (per lot add-on)</i>	\$7,794	\$46
	<i>Non-residential (per 100 sq. ft. add-on)</i>	\$7,794	\$9
P.D. Nullification		\$5,509	
Minor Modification		\$3,443	
Subdivision Tentative Plat			
	<i>Non-residential</i>	\$7,274	\$43
	<i>Modification</i>	\$3,443	
	<i>Major Replat</i>	\$8,253	\$1
	<i>Residential (Admin.)</i>	\$6,754	\$40
Historic Preservation Permit			
	<i>HRC-level (0% cost recovery/5-yr. average)</i>	no fee	
	<i>Director-level (0% cost recovery/5-yr. average)</i>	no fee	
Director's Interpretation		\$2,066	
Land Development Code Text Amendment		\$5,509	
Extension of Services		\$9,641	

¹See notes on the reverse side regarding deposit procedures and concurrent application fees.

Table 2: General Development (80% Cost Recovery)		
Minor Replat	\$1,377	
Lot Development Option (Minor)	\$1,377	
Lot Development Option (Major)	\$4,132	
Lot Line Adjustment	\$344	
Partition	\$3,443	
Plan Compatibility Review	\$689	
Vacation	\$1,377	
Sign Permit	\$57	
Sign Variance	\$3,443	

Notes

Deposit - With the exception of appeal fees and historic preservation permits, Special Development land use applications (Table 1) shall be submitted with a \$1,000 deposit. General Development land use applications (Table 2) shall be submitted with a \$100 deposit. Following a determination of the actual extent of the request, the remainder of the fees shall be charged to the applicant. Applications shall be deemed incomplete until all fees have been paid.

Concurrent Application Fees - Where development requires concurrent actions, the largest of the fees determined from Table 1 or Table 2 shall be charged, and 75 percent of the fee for each additional action shall be charged.

**Table 7 - Land Use Application Review Fees Update
Selected Special Development Fee Comparisons
(Fiscal 2009 – 2010 Comparators)**

Jurisdiction	Comp. Plan Map Amendment (5-acre)	Zone Change (5-acre)	Annexation (200 lots; 50 Acres)	Conditional Use Permit (Non-residential)	Residential PD & Subdivision (100 lots; 25 acres)	Straight Subdivision (100 Lots; 25 acres)
Albany	\$3,088 ¹	\$3,088 ²	\$4,500 ³	\$3,360 ⁴	\$14,762 ⁵	\$9,328 ⁶
Bend ⁷	\$18,217	\$9,522	\$85,700	\$3,023	\$91,645	\$79,804
Eugene	\$6,339	\$3,984	\$5,156	\$6,797	\$41,408	\$18,215
Gresham	\$11,516	N/A ⁸	\$5,970	\$6,203 ⁹	\$64,158	\$53,527
Lake Oswego	\$9,745	\$9,745	\$138,400	\$4,784	\$25,950	\$25,950
Salem	\$1,035 (+ hourly rate)	\$4,059	\$6,810 ¹⁰	\$2,269	\$13,323	\$6,880
Springfield	\$40,026	\$5,822	\$104,542	\$4,404	\$135,670 ¹¹	\$135,670
Other City - Averages:	\$14,822¹²	\$6,037	\$50,154	\$4,406	\$55,274	\$47,053
Other City - Median Values:	\$9,745	\$4,941	\$6,810	\$4,404	\$41,408	\$25,950
Corvallis (Current)	\$9,908	\$4,663	\$14,006	\$6,164 (base fee)	\$18,654	\$9,024
Corvallis (at 80%)	\$11,707	\$5,509	\$16,524	\$7,274 (base fee)	\$22,099	\$10,754
Corvallis Cost	\$14,634	\$6,886	\$17,216 (avg.)	\$12,051	\$23,027 (avg. cost)	\$11,190 (avg. cost)

¹ Combined Comprehensive Plan / Zone Map Amendment Application Fee is \$4,324

² Combined Comprehensive Plan / Zone Map Amendment Application Fee is \$4,324

³ Approximate fee. Actual fee depends on location / type of annexation. Also, fee of only \$100 applies for property with single home that has failing septic system or inadequate well.

⁴ Lesser fee may apply depending on type of use, whether use is in existing or new building, if Design Standards apply, and whether TIA is required

⁵ Assumes Traffic Impact Analysis is required

⁶ Assumes Traffic Impact Analysis is required

⁷ City of Bend Planning fees are subject to an additional 14% surcharge to fund long range planning.

⁸ Gresham does not have a traditional zoning scheme. Land use districts are based on the Comprehensive Plan Map; there is no zoning map.

⁹ Gresham has provisions for "Community Services" rather than "Conditional Uses". "Type III Community Services" include uses such as schools, hospitals, and child care facilities, which are similar to Conditional Uses allowed by the Corvallis Land Development Code.

¹⁰ Includes Comp Plan / Zone Changes and Voter Publication Costs

¹¹ Springfield utilizes "Cluster Subdivision Development" option rather than Planned Development. No fee difference from conventional subdivision development.

Springfield Planning fee also includes Public Works review fees.

¹² Average does not include Salem, which has hourly Comprehensive Plan Map Amendment fee.

**Selected General Development and Appeal Fee Comparisons
(Fiscal 2009 – 2010 Comparators)**

Jurisdiction	Minor Replat	Minor LDO	Major LDO	Property Line Adjustment	Partition (2 lots)	Appeal to City Council ¹
Albany	\$247 ²	\$740 ³	\$740	\$247	\$2,474 ⁴	\$740
Bend ⁵	N/A ⁶	\$1,760 ⁷	\$3,198	\$1,215	\$5,105	\$3,546 (Deposit, add actual cost)
Eugene	N/A ⁸	\$597	\$597	\$897	\$4,495	50% of orig. fee
Gresham	N/A ⁹	\$1,103	\$5,318	\$1,780	\$7,806	\$2,307
Lake Oswego	N/A ¹⁰	\$2,910 ¹¹	\$3,356 ¹²	\$1,492	\$3,661 ¹³	50% of orig. fee, up to \$4,606 max.
Salem	\$849	\$2,265	\$2,265	\$331	\$3,415	\$258
Springfield	\$5,359	\$2,715	\$7,051	\$654	\$8,432	\$2,322
Other City - Averages:	\$2,152¹⁴	\$1,727	\$3,218	\$945	\$5,055	\$1,407¹⁵
Other City – Median Values:	\$849	\$1,760	\$3,198	\$897	\$4,495	\$2,322
Corvallis (Current)	\$1,166	\$1,166	\$2,000	\$291	\$2,914	\$250
Corvallis (at 80%)	\$1,377	\$1,377	\$4,132	\$344	\$3,443	\$250
Corvallis Cost	\$1,722	\$1,722	\$5,165	\$430	\$4,304	\$10,330

¹ In many cities, appeals by recognized Neighborhood Associations are discounted.

² Albany Replat process may be utilized to relocate or vacate existing property lines or easements created through a subdivision or tentative plat. It does not create new lots. Replat and PLA fees are the same.

³ Albany charges \$740 for first variance; \$494 for each additional variance.

⁴ Albany charges \$3,340 for floodplain, cluster or hillside partitions.

⁵ City of Bend Planning fees are subject to an additional 14% surcharge to fund long range planning.

⁶ Bend does not have a separate “Replat” procedure. Replats are reviewed as a standard property line adjustment, partition, or subdivision.

⁷ Bend has multiple variance “classes”. Fees shown are for those that most closely align with Corvallis Major and Minor LDOs.

⁸ Eugene does not have a separate “Replat” procedure. Replats are reviewed as a standard property line adjustment, partition or subdivision.

⁹ Gresham does not have a separate “Replat” procedure. Replats are reviewed as a standard property line adjustment, partition or subdivision.

¹⁰ Lake Oswego does not have a separate “Replat” procedure. Replats are reviewed as a standard property line adjustment, partition or subdivision.

¹¹ Lake Oswego charges \$2,910 for first Class 1 variance; \$321 for each additional Class 1 variance.

¹² Lake Oswego charges \$3,356 for first Class 2 variance, \$431 for each additional Class 2 variance.

¹³ Lake Oswego charges additional fee (beyond what is shown) for partitions that include the creation of a street.

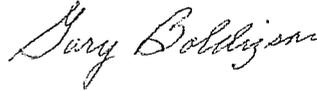
¹⁴ Replat average does not include Bend, Eugene, Gresham or Lake Oswego, which do not have a separate “Replat” procedure.

¹⁵ Average does not include Bend, Eugene or Lake Oswego, which have variable City Council appeal fees.

**CORVALLIS POLICE DEPARTMENT
MEMORANDUM**

TO: Administrative Services Committee

FROM: Gary Boldizar, Chief of Police



DATE: June 16, 2010

SUBJECT: Municipal Code Review; Chapter 5.03 Prohibit Feeding of Wild Turkeys

ISSUE:

Corvallis Municipal Code (C.M.C.) 5.03.050.040.11, Wild Turkeys, was enacted on July 20, 2009. This action amended C.M.C. 5.03.050.040 by making it an offense to intentionally, knowingly, recklessly or with criminal negligence, place or allow to be placed in any manner food or other attractants attracting or feeding wild turkeys. A review was requested at the one year anniversary of the enactment of the ordinance.

BACKGROUND:

In early 2009 the Administrative Services Committee heard testimony from residents regarding property damage, noise, and health and sanitary issues related to large flocks of wild turkeys in several areas of Corvallis. Testimony was also received from Nancy Taylor of the Oregon Department of Fish and Wildlife and Corvallis Animal Control Officer Richard Wendland. While ~~options discussed included the destruction of the birds,~~ the Administrative Services Committee favored measures to both harass the turkey flocks and to enact an ordinance to prohibit the feeding of the turkeys which has been shown to be a major attractant for large flocks.

At the City Council Meeting on July 20, 2009, the City Council (Council Action Minutes attached) amended C.M.C. 5.03.050.040 to include subsection 11 (attached) which prohibits the feeding of wild turkeys. C.M.C. 5.03.050.040.11 is a Class A Infraction. The enforcement of this ordinance, as with many City ordinances, is complaint driven.

DISCUSSION:

During the past year the Police Department has received two complaints about wild turkeys, both in the Skyline West neighborhood. However, both of these complaints were not about people feeding wild turkeys, but were rather about the large number of turkeys in the neighborhood.

Animal Control Officer Richard Wendland reports that the number of wild turkeys does not seem to have diminished. He has spotted large flocks in the Withim Hill area, the Mary's River area near Brooklane, and in the Skyline West neighborhood. He has not received any complaints about

persons violating the new ordinance.

At this point, after only one year, it would be difficult to estimate how successful this ordinance will be in impacting the wild turkey population in the Corvallis area.

RECOMMENDATION:

Staff recommends continued education efforts and complaint driven enforcement.

Attachments: Council Action Minutes, July 20, 2009 - Attachment A
City Ordinance Section 5.03.050.040.11 Wild Turkeys - Attachment B

Reviewed and Concur:


Jon Nelson, City Manager

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

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 494-495			
New Business 1. State of the Forest report Pages 495-496	Yes		
Mayor's Report 1. Energy Strategy Ad Hoc Committee appointments 2. Nypro trade adjustment support 3. Wheelchair With the Mayor Pages 496-497	Yes Yes		• Approved appointments <u>passed U</u>
Council Reports 1. Energy task force process (Brown, Hervey) 2. Constituent contact (Raymond) 3. BEC barbeque (Raymond) 4. da Vinci Days support (Raymond) 5. Homelessness initiatives and meetings (Raymond) 6. da Vinci Days commendations (Hirsch) 7. Parks and Recreation activities (Hirsch) 8. Herbicides use in Parks (Hirsch) 9. Annexation map (Hirsch) Pages 497-498	Yes Yes Yes Yes Yes Yes Yes Yes		
Visitors' Propositions 1. Wild turkey feeding (Gladwin, Randall, Doler, Van Nice, Unwin, Taylor, Sears) 2. International Day of Peace (Bolger, Nelson) 3. Circle Boulevard speed humps (Henry, Ayers, Graham, Davis, Anderson) 4. Police Department budget (Wershow) Pages 498-503	Yes Yes Yes Yes		

ATTACHMENT A

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Staff Reports 1. Council Request Follow-up Report – July 16, 2009 <ul style="list-style-type: none"> • Sustainability • Circle Boulevard Speed Humps • Newsletter Notices 2. City Manager’s Report – June 2009 3. Parks facilities ADA assessment update Pages 503-505	Yes Yes Yes Yes		<ul style="list-style-type: none"> • Proceed as proposed <u>passed U</u>
ASC Meeting of July 8, 2009 1. Economic Development Allocations third quarter report 2. Wild Turkey Enforcement Ordinance 3. Enterprise Zone Application – T. Gerding Construction Pages 505-507			<ul style="list-style-type: none"> • Accept reports except CBCC <u>passed U</u> • ORDINANCE 2009-11 <u>passed U</u> • RESOLUTION 2009-27 <u>passed U</u>
USC Meeting of July 9, 2009 1. Watershed Harvest Sales Method Page 507-508			<ul style="list-style-type: none"> • Approved selling timber for FY09-10 as FSC marketed lumber <u>passed 5-1</u>
Other Related Matters 1. JARC Grant Acceptance 2. International Day of Peace Pages 508-509			<ul style="list-style-type: none"> • RESOLUTION 2009-28 • Sponsor Peace Fair, waive fees, provide parade support, allocate \$300 loan <u>passed U</u>

Glossary of Terms

- ADA Americans With Disabilities Act
- ASC Administrative Services Committee
- BEC Business Enterprise Center
- CBCC Corvallis-Benton Chamber Coalition
- FSC Forest Stewardship Council
- FY Fiscal Year
- JARC Job Access and Reverse Commute Program
- U Unanimous
- USC Urban Services Committee

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

July 20, 2009

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on July 20, 2009 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

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

ABSENT: Councilors Beilstein, Daniels, Hamby (excused)

Mayor Tomlinson directed Councilors' attention to the items at their places, including testimony from Wayne Gladwin regarding feeding wild turkeys (Attachment A), an e-mail from Councilor Daniels related to the energy strategy (Attachment B), a memorandum from Mayor Tomlinson identifying the Corvallis Energy Strategy Ad-Hoc Committee appointments (Attachment C), testimony from Douglas Henry relating to feeding wild turkeys (Attachment D), an e-mail from Duane Johnson regarding speed bumps on Circle Boulevards (Attachment E), and a Peace Fair parade route map submitted by Leah Bolger (Attachment F).

II. CONSENT AGENDA

Mayor Tomlinson announced that staff administratively corrected the July 6 Council minutes based upon requests from Councilors Hervey and Hirsch.

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

A. Reading of Minutes

1. City Council Meeting – July 6, 2009
2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – June 2, 2009
 - b. Bicycle and Pedestrian Advisory Commission – June 5, 2009
 - c. Committee for Citizen Involvement – June 4, 2009
 - d. Corvallis-Benton County Public Library Board – June 1, 2009
 - e. Downtown Commission – June 10, 2009
 - f. Downtown Parking Committee – June 2, 2009
 - g. Historic Resources Commission – June 9, 2009
 - h. Housing and Community Development Commission – June 17, 2009
 - i. Planning Commission – June 3, 2009
 - j. Watershed Management Advisory Commission – May 27 and June 17, 2009

- B. Confirmation of Reappointments to various Boards, Commissions, and Committees
- C. Confirmation of Appointments to Boards, Commissions, and Committees (Bicycle and Pedestrian Advisory Commission - Christie; Citizens Advisory Commission on Transit - Aljets; Committee for Citizen Involvement - Davidson, Foster; Corvallis-Benton County Public Library Board - Castellano; Parks, Natural Areas, and Recreation Board - Todorovich, Willard; Public Art Selection Commission - O'Deay; Watershed Management Advisory Commission - Eckert, Stuart, Zahler)
- D. Announcement of Appointments to Boards, Commissions, and Committees (Citizens Advisory Commission on Transit - Shimabuku; Downtown Commission Parking Committee - Corjasso)
- E. Approval of Fiscal Year 2009-2010 Neighborhood Empowerment Grant Program allocations

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS – None.

X. NEW BUSINESS

A. State of the Forest report

Public Works Director Rogers said the first annual State of the Forest report provides information on activities occurring during the past year and highlights future planned activities.

According to Watershed Management Advisory Commission (WMAC) Chair Fehrenbacher, the report is an effective tool to convey accomplishments and plans for City forest stewardship. After decades of minimal forest activity, the City and partners identified, prioritized, and acted on a number of stewardship activities and opportunities within the scope of the adopted Forest Stewardship Plan. The report highlights major accomplishments, such as fish habitat, passage, and ladder improvements; inventory and control of invasive weeds; endangered species survey; thinning of forest stands to promote diversity and habitat; comprehensive forest inventory; and maintenance of road networks within the forest.

Mr. Fehrenbacher said significant outreach occurred last year and more than 150 citizens toured the forest. The operations plan for 2009-2010 was approved by WMAC and is summarized in the report. Planned activities include additional forest thinning, habitat improvements, and invasive species management.

Mr. Fehrenbacher attributed the success of this program to the collaborative efforts of the City and its partners. For 2009-2010, WMAC anticipates continued success in stewardships through innovative, collaborative, and on-going public involvement in City forest management.

Mr. Fehrenbacher confirmed for Councilor Raymond that the Forest Stewardship Plan (FSP) relates to the City-owned portion of the watershed.

In responses to Councilor Raymond's comments about water quality as a priority, Mr. Rogers responded that the FSP includes water quality as a number one priority. The City-owned portion of the forest in the watershed produces a minimal amount of the Corvallis water supply. The Oregon Department of Forestry property above the City-owned portion produces most of Corvallis' water supply. The FSP helps maintain downstream water quality, but the activities in the plan do not impact the City's water supply.

In response to Councilor Raymond's inquiry about thinning activities and carbon footprints, Mr. Fehrenbacher said the recent Oregon State University (OSU) research is related to reducing risks of emissions caused by wildfire compared to removal of the site's biomass intended to reduce the wildfire risk. In any forest management plan, resources and resource values must be weighed and compared to determine a balanced forest. The intent of the City's plan is to provide more complex structural habitat to benefit species, animals, and plants. He noted that the intent of the plan might be different if carbon stocks were the primary objective.

Councilor Raymond encouraged staff to be attentive to the carbon footprint. Mr. Fehrenbacher responded that long-term considerations in forest management include the impacts of activities over the life of the forest.

Councilor Brauner said, although the City's focus on thinning is to improve habitat, it also helps reduce the risk of fire. He agreed the primary concern is protecting the water supply and noted that the biggest danger to the watershed would be the spreading of wildfire from the City-owned forest to the State-owned property that supplies the City's water supply.

Councilor Brauner added that the thinning program pays for itself with matching grants and without the benefit of property tax revenues.

Councilor Hervey said, as the Council WMAC liaison, it has been a pleasure working with the skilled team of volunteers and staff who serve on WMAC. The FSP consultant has been very supportive and involved.

Councilor Hirsch said he toured the watershed and was impressed with how carefully and responsibly the forest is managed.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Energy Strategy Ad Hoc Committee appointments

Mayor Tomlinson announced the appointments to the Corvallis Energy Strategy Ad-Hoc Committee:

Councilor Brauner	Jim Phelps
Councilor Daniels	Dave Dickson
Councilor Brown	Bill Byers

Councilors Hervey and Brown, moved and seconded to approve the appointments to the Corvallis Energy Strategy Ad-Hoc Committee as presented. The motion passed unanimously.

Mayor Tomlinson reported that Representative Schrader supports trade adjustment assistance on behalf of the reduction-in-force at Nypro and is working hard to help the dislocated workers as a result of this action.

Mayor Tomlinson invited the audience to a "Wheelchair With the Mayor" event to help promote Ability Awareness Day. The August 1 event is sponsored by the Parks and Recreation Department and Access Benton County.

B. Council Reports

Councilor Brown referred to the energy task force information documenting his ideas and assumptions for the operation of the task force. Specific topics are addressed on pages one and two, followed by a revised process on pages three and four, and an input/output chart on page five.

Councilor Hervey said staff will bring the strategy to fruition, need to be a part of the task force, and feel empowered during chartering. He suggested choosing a project manager during the first chartering meeting and is hopeful the task force can work toward resolution and agreement instead of utilizing the Mayor to break tie votes. Councilor Hervey requested an update from the task force following the chartering meeting.

Mayor Tomlinson confirmed that Council will receive an update after the initial charter meeting.

Councilor Raymond reported on the following:

- Several constituents contacted her regarding the wild turkey and speed hump issues.
- She attended the Business Enterprise Center (BEC) barbeque and thanked Executive Director Hutchinson for inviting Council to this event. Representative Gelser and Senator Morse attended. The BEC is currently providing training and mentoring for 21 entrepreneurs.
- She attended da Vinci Days and commended the citizens of Corvallis for supporting the festival.
- Aleita Haas-Holcomb contacted her about moving forward with homelessness initiatives.
- She will be attending, on Councilor Hamby's behalf, a meeting related to the 10-year plan to end homelessness.

Councilor Hirsch commended Ms. vanDevelder and the da Vinci Days crew for a spectacular event. He acknowledged the many bicyclists attending the celebration and the inspired bicycle valet crew from American Dream Pizza. He said Utilities Program Specialist Taratoot did a great job explaining water conservation in the Green Village.

Councilor Hirsch commented on the many activities the Parks and Recreation Department is involved in as noted in the City Manager's Report.

Councilor Hirsch said he received a letter from a constituent expressing concern about spraying herbicides in City parks. He noted that Parks staff are committed to sustainability and only use herbicides as a last resort.

Councilor Hervey said he found the annexation map displayed in the Committee for Citizen Involvement booth at da Vinci Days very interesting. He requested a copy of the map be included in *the City* newsletter.

VI. VISITORS' PROPOSITIONS

Wayne Gladwin said the prohibition of feeding wild turkeys ordinance submitted for adoption is the culmination of work and research completed during the last year by City staff, neighborhood associations, State Wildlife Biologist Taylor, and many citizens. Mr. Gladwin quoted highlights from his written statement (Attachment A).

In response to Councilor Raymond's inquiries, Mr. Gladwin confirmed that hazing techniques, such as dogs and water guns have been used to encourage the turkeys to leave the Skyline West area. The methods move the turkeys from one yard to the next without removing them from the neighborhood. Providing information to the homeowners association members about why wild turkeys should not be fed has helped, although some residents continue to feed the turkeys grain. The turkeys begin congregating around those homes at 6:30 am. Mr. Gladwin said he cleans up fallen acorns from his yard to discourage the turkeys.

In response to Councilor O'Brien's inquiry, Mr. Gladwin said he believes an ordinance prohibiting feeding wild turkeys is the first step in alleviating this problem. He expressed hope that the turkeys will migrate elsewhere, but suspects it will be to other parts of the City. He noted that the turkeys were introduced into the area after most of the homes in the neighborhood were constructed. Fencing against deer migration works; however, there is no way to fence property from turkeys.

Mr. Gladwin explained for Councilor Hervey that the homeowners association has not been very active in recent years.

Tom Picht said he previously submitted written testimony to the Urban Services Committee. The turkey problem in Ward 1 has worsened over the last few years. When the new poults emerge from their nests, there will be approximately 15-20 additional turkeys in the area. Mr. Picht has worked closely with Oregon Department of Fish and Wildlife (ODFW) Biologist Taylor, Councilor O'Brien, and Animal Control Officer Wendland to endorse a policy above and beyond requesting residents not to feed the turkeys. Some residents believe it is their right to feed the turkeys for their own amusement.

In response to Councilor Hervey's inquiry, Mr. Picht confirmed that his neighborhood does not have a homeowners association.

William Randall said it used to be wonderful to see turkeys strutting and fanning their wings. When dozens of turkeys migrate through residential property, they tear up lawns, leave droppings on driveways and decks, and damage roofs. The turkeys are congregating in groups of 15 to 20 and as many as 50 can be seen in the mornings as they make their way to the various homes providing feed. He opined that prohibiting feeding turkeys is the first step toward resolution. The next step requires culling the flocks.

Councilor Raymond noted that some residents in Ward 7 like to feed wildlife, including turkeys. She said the proposed ordinance only prevents feeding wild turkeys, not other wildlife. She said she does not understand how it will be determined that providing cracked corn is for wildlife other than turkeys.

In response to Councilor Raymond's inquiries, Mr. Randall said hazing only works for a few days and does not solve the issue. Culling would include killing turkeys either by ODFW or with authorized permits.

Thurston Doler said he does not feed the turkeys and does not enjoy them migrating through his yard and driveway. He wants the turkeys removed legally and in an acceptable manner. He inquired whether the City has an ordinance allowing the turkeys to be relocated or exterminated.

Lee Van Nice said he does not support feeding the turkeys. He has had more than 20 turkeys in his yard and counted 17 poults last year. Water hazing works to move the turkeys to the next yard, but does not remove them from the neighborhood without every neighbor hazing them every day. Most residents clean up dropped acorns daily to discourage the turkeys from residential property. They leave droppings on roofs and skylights and do not fit in an urban environment. Mr. Van Nice opined that the turkeys will remain in the neighborhoods until all residents quit feeding them. He noted that the turkeys do not have any natural enemies in the area.

Councilor O'Brien said it is inappropriate that anyone should have to deal with 20 turkeys in their yard.

Ardith Unwin described the damage wild turkeys have caused to her home. The turkeys used her shake roof as a launching pad to get into the trees until she finally had the roof replaced due to damage and now the turkeys use her deck railings to launch into the trees. Their droppings require scrubbing with a stiff brush, they dig holes in her lawn, and are very noisy. Recently, she was able to place her hands on a female roosting on her deck railing.

In response to Councilor Raymond's comments about seeing a smaller turkey population this year due to recent educational efforts, Ms. Unwin said she believes there are more turkeys this year and has five poults nesting under her deck. She added that the turkeys travel the same route every day.

Councilor Hirsch referred to Ms. Unwin's comments about grabbing a turkey roosting on her deck and noted that Council previously heard the turkeys are difficult to capture. Ms. Unwin responded that the turkey most likely only allowed the contact because it did not want to fly in the dark.

Nancy Taylor, ODFW Wildlife Biologist, has been dealing with the turkey populations in Corvallis and nearby communities for many years. There are plenty of natural foods for wildlife in and around Corvallis and they do not need supplemental food. Turkeys are predominate in oak landscapes and also feed on insects and berries. Turkey complaints have stopped in Philomath and Dallas since both cities adopted ordinances prohibiting feeding wild turkeys.

Ms. Taylor said the turkeys are traveling on a path through several properties on a daily basis to reach food provided by some homeowners. This exposes them to fewer predators and more time to cause damage since they are no longer in search of food.

Ms. Taylor confirmed that public education has been successful with a small number of feeders. When feeding ordinances are adopted, peer-to-peer education increases, further limiting feeders. The proposed ordinance responds to those individuals who have indicated they will not stop feeding the turkeys until they are forced to stop. Once feeding stops, the turkey population will begin to migrate across a larger landscape and experience a lower rate of poult survival, followed by a more stable population migrating in larger areas seeking food. Ms. Taylor noted that these measures will make the turkeys less problematic to homeowners.

Councilor Hirsch thanked Ms. Taylor for assisting the City through this issue.

In response to Councilor Brown's inquiry, Ms. Taylor said a land owner near Philomath requested 100 turkeys be placed on his property in the 1980s and 1990s. She believes the turkeys Corvallis is currently dealing with are descendants from that original flock that migrated to new areas once the original area was saturated through propagation.

In response to Councilor O'Brien's comments, Ms. Taylor said it is not a good idea to feed any wildlife. It causes them to congregate in larger than normal numbers making them more susceptible to injuries, predators, and disease.

Councilor Raymond noted that the proposed ordinance only addresses feeding wild turkeys. Ms. Taylor responded that some residents continue to feed wild turkeys in the City Limits and the ordinance will help deter that practice by providing enforcement measures. Ms. Taylor offered her services to help with the enforcement and education. She believes that once the food supplies are gone, the large groups of turkeys will disperse among the oak habitat.

In response to Councilor Raymond's inquiry, Ms. Taylor said she was involved in turkey trapping efforts in Marys River Estates and in Dallas, Oregon. After many unsuccessful efforts, trapping in Corvallis will not be attempted again by ODFW.

Ms. Taylor confirmed for Councilor Raymond that shooting firearms and hunting is not legal within Corvallis City Limits. The Albany City Council adopted an ordinance identifying specific wildlife that could be exterminated with shotguns and bows after experiencing multiple problems from nutria and deer. A focused ordinance allowing hunting of nuisance species might be helpful for Corvallis.

In response to Councilor Hirsch's inquiry, Ms. Taylor said the turkeys are crossing back and forth between the City Limits and Benton County in Wards 1 and 7.

Peter Sears thanked Council for their efforts to alleviate the wild turkey issue. He opined that the ordinance is sensible and will help the problem.

A. International Day of Peace presentation

Leah Bolger announced that the United Nations International Day of Peace is recognized on September 21. The Day of Peace was established by a United Nations resolution in 1982 and Peace Day has grown to include millions of people around the world who participate in many diverse events. For the past few years, "Pinwheels for Peace" has been locally organized in recognition of this holiday.

Ms. Bolger organized the “International Day of Peace Corvallis” committee to expand on a Peace Day event for children by creating a participatory event focusing on international peace. The proposed event has been approved by the International Day of Peace organizers and will be listed on their world map of events. This will be the first Oregon event to register. Additional information is available online at: internationaldayofpeace.org.

The proposed event includes a three-hour Peace Fair in Central Park to include games, crafts, music, dancing, a parade, and the creation of cards and video messages for Corvallis’ Sister Cities. The goal is to raise awareness for the International Day of Peace, create a fun and educational event for the community, celebrate international peace and friendship, encourage the growth of Sister City relationships, and initiate an annual event that will attract visitors to Corvallis.

The International Day of Peace Corvallis committee requests Mayor and Council sponsorship for the Peace Fair, permission to use the City’s logo as a sponsor, promote the Fair through *the City* newsletter and other resources, waive fees associated with the use of Central Park, and allow the committee to accept donations during the fair. All donations accepted in excess of costs will be deposited in the committee’s bank account to use toward future events. The committee also requests law enforcement assistance to block traffic for approximately 30 minutes along the parade route (Attachment F) and financial assistance in the amount of \$300 for the purchase of craft activities, publicity, and other associated costs.

Ms. Bolger added that the celebration of the International Day of Peace through a Peace Fair would be a positive community-building experience.

Councilor Raymond said she supports celebrating international diversity and proposes Council vote on this request today. She suggested Ms. Bolger speak with the Corvallis Sister City Association, the Commission for Martin Luther King, Jr., and the Diversity Initiative Steering Committee for additional support.

Councilors Hervey and Hirsch both agreed the Peace Fair should be pursued. Councilor Brauner requested further discussions under Other Related Matters.

John Nelson spoke in support of the Peace Fair. More than 3,500 world-wide cities seek a unilateral cease-fire for military troops, businesses, and medical personnel to offer a plan to restore and keep peace and safety for all communities. He urged Council to adopt the Peace Fair as an annual event in celebration of international peace. Mr. Nelson requested 500 chairs be setup in Central Park. In addition to local musicians, he hopes the celebration will include speakers from OSU and the City. He will ask a local bakery to donate a large cake.

Doug Henry read from his written statement (Attachment D). He confirmed that the Circle Boulevard speed humps were approved by the Planning Commission and Council via the Urban Services Committee recommendation.

In response to Councilor Raymond’s inquiries, Mr. Henry said speed hump project funds were raised through private donations. There was mixed reaction from residents east toward 29th Street; some donated funds and some supported the project without donating funds.

In response to Councilor Brown's inquiry, Mr. Henry opined that speeders originate on Witham Hill Drive and continue onto Circle Boulevard.

Mr. Henry clarified for Councilor Hirsch that emergency vehicles travel between 30 and 35 miles per hour on Circle so there would be minimal slowing over the speed humps. He was told that Police Chief Boldizar was not concerned with the installation of the speed humps.

Bill Ayers read from his written statement that included a map related to the balloting area for the Circle Boulevard speed humps (Attachment G).

Shawn Graham said speed humps are inconvenient; however, if the City is unable to enforce speed limits, a traffic calming device is appropriate. With an increase in population, Circle Boulevard has become a collector street and drivers frequently speed. Mr. Graham has never seen a fire engine on Circle Boulevard with lights and sirens operating. Occasionally, he has seen police cars operating at a high rate of speed. He expressed concern for the safety of his two-year old playing outside due to the vehicle speeds on Circle Boulevard.

Mr. Graham read a written statement authored by Carly Davis (Attachment H).

Steve Anderson has lived on NW Circle Boulevard for the last ten years. Patrol on Circle Boulevard near the Arbol Place intersection has significantly decreased during the last eight months and speeding incidents have increased. The issue has worsened since the neighborhood initially approached the City about traffic calming measures.

Mr. Anderson said there is public record about the proposal as it was reviewed by the Urban Services Committee, Planning Commission, and Council. The process and policy was followed throughout and there was never any question or protest raised about the policy process under the guidance of Mr. Rogers.

The record includes Council discussions with input from emergency services that indicated there was no objection to the speed hump installation. Mr. Anderson agreed that emergency vehicles utilizing Circle Boulevard do so at a reduced speed.

Mr. Anderson said the radar gun traffic survey revealed almost as much traffic speeding west on Circle Boulevard as those vehicles traveling from Witham Hill Drive. He frequently witnesses citizens attempting to use the clearly marked crosswalk at Lantana and Circle, only to be forced to return to the curb due to speeding vehicles ignoring the crosswalk.

Mr. Anderson said it will take additional time for those drivers wanting to avoid the speed humps on Circle Boulevard to take side streets (Dogwood, Norwood, and Lantana) because of the slower speed limits and longer distances.

Mr. Anderson concluded by stating the funding issue was solved through private contributions and people are willing to provide more, if needed. The traffic calming policy was followed, the safety concern has increased, there is no evidence that peripheral neighborhoods will be inconvenienced, and emergency response is not a concern. Irresponsible behaviors are endangering this stretch of the community. Council can spend more time discussing inconvenience or move forward with a project that has already been approved.

Stewart Wershow, Community Policing Forum Chair, said four additional police officers were requested and two were granted during the last Budget Commission meeting. If the City wants to avoid future requests for speed humps, the Police Department needs additional patrol officers. He encouraged Council to consider this during the next budget process and support future staffing requests from the Police Department.

C. Staff Reports

2. Council Request Follow-up Report – July 16, 2009

Sustainability – Mr. Nelson said the sustainability issues will return to Council under Unfinished Business in the near future. The Energy Committee will report on a preferred process and staff will provide information on developing a community-wide program and the impact of moving the sustainability program into the City Manager's Office.

Speed Humps – Mr. Nelson said allegations that the Circle Boulevard speed hump project did not follow the neighborhood calming process included a lack of pre-marking and incomplete balloting. Staff acknowledges that pre-marking has not been utilized for several years. Staff also acknowledges and apologizes for not including some properties in the balloting. Council can direct staff to re-ballot the project or proceed with the speed hump installation followed by a six-month review.

In response to Councilor Hirsch's inquiries, Mr. Nelson said the speed humps would be removed if, after the six-month review, Council directed their removal. This occurred on 29th Street a few years ago and the City paid for the removal. The six-month review would determine whether the traffic calming measures were successful. This would come forward to Council as a recommendation from the Urban Services Committee and is based on whether the speed humps should be permanent. In almost every previous project, the recommendation has been for permanent speed humps.

Councilor O'Brien opined that the most prudent option is to re-ballot the area. This would avoid the expense of installing speed humps that may need to be removed after six-months.

In response to Councilor Brown's inquiry, Mr. Rogers said prior to 2000, City staff performed traffic counts before and after traffic calming projects. In 2000, traffic count funding was removed from the budget and the guidelines were rewritten to require the neighborhood to conduct traffic counts before the project is approved. The City conducts traffic counts after a project is completed. Traffic counting devices (tubes) are placed across roadways for vehicle counts and speed measurements.

Mr. Rogers clarified for Councilor Brown that re-balloting would involve a larger area and include two properties on Lantana, two on Dogwood, eight on Circle east of Dogwood, and Norwood. Norwood is more than one block parallel from Circle and may not need to be included.

In response to Councilor Raymond's inquiry, Mr. Rogers confirmed that the neighborhood did everything they were told to do. The City conducts the balloting and only shares the results with the neighborhood, not the actual ballots.

Mr. Rogers confirmed for Councilor Brauner that 27 or 28 ballots were sent and approximately 23 were returned.

In response to Mayor Tomlinson's inquiry, Mr. Rogers said a re-ballot would not necessarily include adjacent streets that might experience diverted traffic.

Mr. Rogers said the City has experience with 15 or 16 traffic calming projects. Typically, the diversion of traffic equals approximately 10 percent. For Norwood, this would mean an increase of 50 vehicles per day.

In response to Councilor Hervey's inquiry, Mr. Nelson said City staff acknowledges that a traffic calming guideline was not followed and the points noted during Visitors' Propositions about additional ballots not changing the outcome are accurate. Directing staff to proceed with speed hump installation followed by a six-month review would require Council to acknowledge an exception to the guidelines. Alternatively, Council can direct staff to re-ballot a revised area.

In response to Councilor Hervey's inquiry, Mr. Rogers said the project would most likely be delayed until the next construction season due to posting requirements, re-balloting, and reporting back to Council via the Urban Services Committee.

In response to Councilor Hirsch's inquiries, Mr. Rogers said the testimony about increasing the balloting area not changing the results is correct assuming the approximately 18 properties on Norwood are technically not within one block of Circle. Studies indicate a speed hump slows emergency vehicles by 10 seconds; therefore, this project would delay emergency vehicles by 30 seconds.

Mr. Nelson added that policy discussions have occurred about traffic diversions each time the policy has been reviewed through Committee and Council. In each review, Council has balanced the diversion against the impact of public safety and changing driving habits.

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

Councilor Brauner said the issue is whether there was a significant violation of the traffic calming guidelines to warrant a re-ballot of a broader neighborhood. If all new properties included in a re-ballot voted in opposition, the majority of votes would remain in favor of the project. He opined that Council should direct staff to proceed with the project since there would be no purpose to a re-ballot. Councilor Brauner noted that the project was first initiated based on a land use hearing and was a condition of approval for the land use application that resulted in an annexation. These issues outweigh a small technicality that would not change the results.

Councilors Brauner and Hervey, respectively, moved and seconded to proceed with the speed humps on Circle Boulevard as proposed.

Councilor Raymond noted that constituents from both sides of this issue have been heard. The proponents have worked diligently for two years to make the roadway safe and proceeded correctly.

The motion passed unanimously.

Newsletter Notices – Mr. Nelson said consistently moving dates for hearings relative to rate increases does not match well with the five week requirement for *the City* newsletter article submissions. Council and the public are notified through many avenues, and it is not feasible to include all of these dates in the newsletter.

Mr. Nelson announced that Community Outreach, Inc. offered to work with the City on a homeless records safekeeping initiative.

1. City Manager's Report – June 2009

Mr. Nelson requested Council contact him if they have questions about the report.

3. Park facilities ADA assessment update

Mr. Nelson referred to the executive summary provided by Parks and Recreation Director Emery to make accessibility improvements within the Parks operational budget or through Capital Improvements. Questions can be directed to Ms. Emery.

2. Council Request Follow-up Report – continued

Newsletter Notices – Councilor Hirsch suggested inserts be included in *the City* newsletter for notifications that cannot be formatted by the required five-week deadline and/or that a notice be included in the newsletter referring citizens to a Web site with up-to-the-minute scheduling.

Councilor Brauner noted that the City's Web site includes a calendar of scheduled meetings. He agreed that the calendar could be mentioned in the newsletter.

Mr. Nelson said staff would review both suggestions.

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

A. Human Services Committee – None.

B. Administrative Services Committee – July 8, 2009

1. Economic Development Allocations Third Quarter Reports

Councilor Hirsch announced that the Corvallis-Benton Chamber Coalition will present their third quarter report at the next Committee meeting.

Councilors Hirsch and Brauner, respectively, moved and seconded to accept the Economic Development Allocations third quarter reports for Fiscal Year 2008-2009, with the exception of the Corvallis-Benton Chamber Coalition. The motion passed unanimously.

2. Wild Turkey Enforcement Ordinance

Councilor Hirsch said the Administrative Services Committee believes it is important to pass an ordinance to prohibit feeding wild turkeys. The ordinance language was agreed upon by Committee members and specifically prohibits feeding turkeys intentionally, knowingly, or recklessly by using food or other attractants.

City Attorney Fewel read an ordinance prohibiting the feeding of wild turkeys, amending Corvallis Municipal Code Chapter 5.03, "Offenses," as amended.

In response to Councilor Raymond's inquiries, Councilor Brauner said the enforcement will be dealt with on a complaint basis, the same as other nuisance ordinances. Animal Control Officer Wendland will be the primary responder to complaints. A violation is classified as a Class A infraction, the same penalty as other nuisance infractions.

Councilor Brauner added that testimony received from citizens, Officer Wendland, and Ms. Taylor convinced the Committee that an ordinance will provide the tool necessary to stop those who refuse to comply after educational efforts. The words "intentionally, knowingly, recklessly" would be used by officers enforcing the ordinance as their test and including the actual words in the ordinance provides education for citizens.

Mr. Fewel said the State authorizes a distinction between minor criminal conduct and violations. An "infraction" is not a crime or misdemeanor, it is a violation. The difference is that none of the protections of the constitution apply as they do in criminal conduct. The City has the burden of proof that is based on the preponderance of the evidence. After Officer Wendland investigates a complaint, he may issue a citation that is marked "infraction." The penalty can be paid or the defendant can enter a plea and request a hearing in front of the Municipal Court Judge. The judge's decision is subject to appeal. Infraction level A is a fine.

Mr. Nelson said the language in the ordinance refers to "knowingly" doing something that could attract wild turkeys. For those who spread grain and/or corn on the ground and claim they are not intentionally feeding wild turkeys, staff will explain the effect of spreading grain and/or corn and request the citizen(s) to stop.

Continuing the practice and claiming to be feeding something other than wild turkeys will not protect them from receiving a citation.

Councilor Hirsch added that because the ordinance is complaint driven, claiming to not intentionally feed wild turkeys could work on the first complaint, but not if it happens again.

Councilor O'Brien said the language includes "knowingly and recklessly." If you warn someone and they continue, it is "knowingly." In Ward 1 and 7 there are problems with wild turkeys. It is evident that it is not good to feed wild turkeys. Currently, it is legal to do so and Council has heard expert testimony that this ordinance will help abate the problem. It is reasonable that, as a first step, Council adopt the ordinance.

Councilor Hervey said South Corvallis frequently refers to itself as a community within the Corvallis community and it saddens him that the neighbors have not been able to work out a solution that meets all needs. The turkeys are now an invasive species and may have come from Texas. He said firearms are used in Texas to combat invasive species.

Councilor Raymond said she is opposed to anyone feeding wild animals and will support the ordinance. She noted that it is illegal to use firearms within City limits.

ORDINANCE 2009-11 passed unanimously.

3. Enterprise Zone Application – T. Gerding Construction

Councilor Hirsch said this application is for a five-year Enterprise Zone. T. Gerding and Associates meets the qualifications plus additional sustainability requirements.

Mr. Fewel read a resolution relating to the Benton Corvallis Enterprise Zone, and approving an extended property tax abatement agreement between the City of Corvallis and T. Gerding Construction, LLC.

Councilors Hirsch and O'Brien, respectively, moved and seconded to approve the resolution.

Councilor Hervey spoke in support of the resolution. T. Gerding is a strong community supporter and will be utilizing space at the Airport.

RESOLUTION 2009-27 passed unanimously.

C. Urban Services Committee – July 9, 2009

1. Watershed Harvest Sales Method

Councilor Hervey said the Committee was asked to recommend approving the sale of the Corvallis Forest as sustainable lumber. Traditionally, logs were harvested

and sold; however, the green market is more stable and viable. The Watershed Management Action Plan provides for and qualifies the Corvallis Forest as a sustainable forest. The lumber is tracked from falling through the mill to the lumber broker for sales. Last year, part of sale was through sustainable forest methods. The City can make a greater profit selling sustainable lumber.

Councilors Hervey and Brauner, respectively, moved and seconded to approve selling timber from the Corvallis Forest for Fiscal Year 2009-2010 in the form of Forest Stewardship Council marketed lumber.

In response to Councilor Raymond's inquiry, Mr. Nelson explained that staff recommends this type of sale this year only. Presumably another harvest will occur in Fiscal Year 2010-2011 and the success of this year's sale will help decide how the next harvest will be handled. The discussion about how this sale worked will be reflected in the WMAC minutes. If Council wants to make the harvesting decision next year, a motion should be made.

Councilor Raymond offered a friendly amendment to refer the Fiscal Year 2010-2011 harvest method to Council for consideration. Councilor Hervey declined.

Councilor Raymond moved to amend the motion to include Council approval of the Fiscal Year 2010-2011 harvest method. The motion died for lack of a second.

The main motion passed five to one with Councilor Raymond in opposition.

D. Other Related Matters

1. Mr. Fewel read a resolution accepting an Oregon Department of Transportation grant in the amount of \$328,040 for the Job Access and Reverse Commute Program, and authorizing the City Manager to sign grant documents.

Councilors Hirsch and Brown, respectively, moved and seconded to approve the resolution.

RESOLUTION 2009-28 passed unanimously.

2. International Day of Peace presentation – continued

Councilor Brauner said there was not enough time to send the requests for support of this item through Committee. He opined that the Peace Fair is good for awareness in Corvallis. He itemized the requests made by Ms. Bolger:

- City sponsorship
- Waiving fees
- Assisting with the parade
- Allocating a \$300 grant

Councilor Brauner noted that if the City sponsors the event, the fees are automatically waived. He recommended support for one year only. If the event is successful and grows into an annual Fair, sponsorship can be decided through the

economic development allocations process. Councilor Brauner suggested providing a \$300 loan to be repaid prior to depositing any funds collected during the Fair.

Councilors Brauner and Hirsch, respectively, moved and seconded to sponsor the Peace Fair, including waiving fees, providing support for parade permits and route, and allocating a \$300 loan.

In response to Councilor O'Brien's inquiry, Mr. Nelson said sponsorship will include identifying the City of Corvallis as a sponsor of the event and waiving all fees associated with the Parks and Recreation Department. If the event becomes annual, a contract will be initiated by the Parks and Recreation Department, similar to da Vinci Days and Fall Festival.

Parks and Recreation Director Emery added that placing City sponsorship into a formal written agreement captures the expectations of both parties and requires fiscal accountability if funds are involved. The contract provides permissions to use the City logo in written materials. Council Policy requires staff to waive fees with a written agreement. She does not believe a written agreement will be a barrier for the Peace Fair.

Mr. Emery said there may be policy about the number of festivals allowed in Central Park and will investigate this further. She expressed concern that if the Peace Fair grows into a larger event each year, location should be considered due to turf wear and tear by holding two large events in Central Park in the same month (Fall Festival).

In response to Councilor Hervey's inquiry, Ms. Emery said organization can take donations in the parks if they pay for a concession fee permit. If the City sponsors the event, the concession fee is waived.

Councilor Raymond suggested the organizers of the Peace Fair seek support from the commissions and committees she previously identified.

The motion passed unanimously.

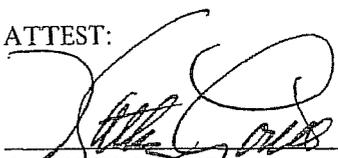
XI. ADJOURNMENT

The meeting adjourned at 2:47 pm.

APPROVED:


MAYOR

ATTEST:


CITY RECORDER

Attachment A

ORDINANCE 2009-_____

AN ORDINANCE PROHIBITING THE FEEDING OF WILD TURKEYS, AMENDING MUNICIPAL CODE CHAPTER 5.03, "OFFENSES," AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.03.050.040 is hereby amended by adding a new subsection as follows:

Section 5.03.050.040.11 Wild Turkeys.

- 1) No person shall intentionally, knowingly, recklessly or with criminal negligence, place or allow to be placed in any manner food or other attractants attracting or feeding wild turkeys.
- 2) A violation of this Section is a Class A infraction.

(Ord. 2009-* §1, 07/20/2009; Ord. 82-77 §§ 104.01, 104.05.01, 104.06.01, 1982)

PASSED by the City Council this _____ day of _____, 2009.

APPROVED by the Mayor this _____ day of _____, 2009.

EFFECTIVE this _____ day of _____, 2009.

Mayor

ATTEST:

City Recorder

ATTACHMENT B

To: Corvallis City Council
From: Tom Picht
Date: July 21, 2010

Attachment 1

Subject: Prohibit Feeding of Wild Turkeys Ordinance

Dear City Council:

Last year I testified in favor of the current city ordinance that prohibits the feeding of the wild turkeys within the city of Corvallis. Unfortunately I won't be able to attend Wednesday's (7-21-2010) City Council meeting that is scheduled to review the current Municipal Code, but I would like to take this opportunity to voice my opinion on the subject matter.

As a residence of SW Corvallis, the neighborhood that I live in continues to deal with the turkeys. As such, I will continue to support anything and everything that comes to the table in regards to the deterrence of these disturbing non native birds in the area, up to and including the harvesting of the turkeys.

In regards to the effectiveness of the ordinance banning the feeding of the wild turkey population, I'm sure it has helped to some degree. However, the fact that the turkeys remain in the neighborhood indicates that they still are finding a food source from certain neighbor's yards. Consequently, I still have to deal with all the high nuisance factors that come with having turkeys in the neighborhood.

Please note that over the past several months a variety of species of birds and wild life have been seen in the neighborhood, none of which present the issues that the turkeys do. In all cases (with the exception of the turkeys), one has to hide to enjoy their beauty and uniqueness (otherwise they are easily spooked). Conversely, with the turkey population you have to literally chase them off your property if you want to minimize the damage that they do to your property. And even that doesn't deter them from returning.

As stated earlier, I support anything that will deter the wild turkey population in Corvallis. At a minimum I support the continuation of the ordinance as it exists today. However, I truly believe that the only way to extract these non native birds from the area is through a controlled harvesting program, which I would support 100%.

Sincerely,

Tom Picht

Corvallis, OR

To: Administrative Services Committee

Attachment 2

From: Wayne Gladwin

Corvallis, OR

Subject: Municipal Code Review; Chapter 5.03 Prohibit Feeding of Wild Turkeys

Issue: One year anniversary review of the above ordinance.

Staff recommendation: Continue education efforts and complaint driven enforcement.

Skyline West neighborhood response:

1. The turkey infestation has increased this past year to unacceptable levels. In other words, the above ordinance is not meeting the needs of specific Corvallis residents.
2. The City of Corvallis must get serious about thinning/reducing the flock of turkeys in the Skyline West and Witham Hill neighborhoods.
3. The City of Philomath established a plan to reduce the turkey population within their City limits.
4. The Skyline residents propose the Corvallis City Council instruct Staff to meet with select residents of Skyline West, the State of Oregon and the City of Philomath Administrative Staff to propose a solution for reducing the number of turkeys. A yearly goal of turkey population should be established with the goal of continually reducing the City wide turkey population to an acceptable level for neighborhood coexistence agreeable to various neighborhood residents. One suggestion might be to reduce the overall turkey population by 20% per year within the City limits. Another suggestion is to work with the Oregon State Wildlife Department to request funding and expertise to accomplish this goal since the State of Oregon introduced the turkeys (in the 1980s) long after the original Skyline residents moved into the neighborhood.

July 18th, 2010

Attachment 3

From Patricia M. Wallace

Corvallis Oregon

To Corvallis City Councilors

It is important that you are informed about the turkey problem in the Skyline West neighborhood of Corvallis. The turkeys continue to multiply, and consequently they are becoming a greater and greater problem. Their foul excrement litters our lawns and driveways, needing frequent clearing away and cleaning, Their feces are strong-smelling and as big as my dog's poop, which I never allow to lie around. As well as smelling and looking disgusting, their excrement could also likely be a health hazzard for small children. Clearing this foul mess from my yard is a daily, time-consuming task. Also extremely aggravating is their raucous cackling at dawn, their crash-landings on our rooftops, and their clumsy smashing through the branches of the fir trees just feet from our deck as they try to settle for the night. Maybe six or eight or more choose to roost nightly there, dropping feathers and poop, and gobbling loudly. There were as many as thirty or forty in our small neighborhood on my last count, and that was before this year's chicks appear. There is in addition the problem of one turkey pecking loudly for minutes on end at a lower window of our house. Another turkey roosted on a deck rail for a few nights when I was away from home. Beneath his perch was a pile of slimy poop, pyramid-shaped, with a base of at least four inches square. The problem obviously will not go away, and in fact I have noticed turkeys at the roadside in a growing number of Corvallis neighborhoods. I hope that the problem will be addressed.

P Wallace

Coos Bay

9.20.020 Discharge of weapons.

(1) Except at firing ranges approved by the chief of police and the council, no person other than an authorized peace officer or animal control officer shall fire or discharge a gun or other weapon, including a spring or air actuated pellet gun, air gun or BB gun, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

(2) The provisions of this section shall not apply to:

(a) The discharging of shotguns for the purpose of waterfowl hunting by licensed hunters during waterfowl hunting season in the area of the city bounded on the west by Isthmus Slough Channel, bounded on the south by what would be the natural extension of "A" Street, bounded on the east by the dike, and bounded on the north by the city limits.

(b) The discharging of a weapon by any person in the lawful defense or protection of his or her person, family or property. [Ord. 100 § 3, 1987].

Albany

7.16.030 Discharge of weapons.

(1) No person other than an authorized peace officer shall fire or discharge within the City any weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion or spring gun.

(2) No person other than an authorized peace officer shall discharge any air gun or crossbow or bow and arrow except with the permission of the affected property owner or other person lawfully in control of the property. No projectile so discharged may leave the property upon which permission to discharge was granted.

(3) The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon:

(a) By any person in the defense or protection of his/her property or family;

(b) At any shooting or target range maintained or provided by the City of Albany or any public or private school or at any other location designated by the Chief of Police upon

determination that the location is of suitable size, design and configuration to safely allow such use; and

(c) By a properly licensed waterfowl hunter, hunting on privately owned property of not less than 20 acres with the permission of the property owner, in full compliance with State and Federal hunting laws, regulations, and requirements, between January 13, 2000, through January 16, 2000, and between January 26, 2000, through February 27, 2000.* (Ord. 5430 § 1, 2000; Ord. 5026 § 1, 1993; Ord. 5011 § 1, 1992; Ord. 4694 § 1, 1985; Ord. 2823 § 13, 1958).

July 18, 2010

To: The City Council of Corvallis

From: Peter Sears, resident

Re: the ordinance prohibiting the feeding of turkeys

Attachment 5

Someone very helpful throughout this ordeal about the turkeys has been officer Wendlin, who, I understand, is retiring or has already retired. So it is only natural to be concerned about his replacement and what instructions his replacement will receive. If his replacement is limited to the extent officer Wendlin was, we residents cannot expect to make any headway with this ongoing problem.

Attachment 6

Statement before Corvallis City Council July 20, 2010

Seeing a wild turkey flex his wings and fan his tail feathers is a delightful sight. However, when 15 or 20 of them scratch in your flower beds, roost on your roof, leave droppings all over your driveway and deck the pleasure has changed to downright annoyance. The number of wild turkeys that live in and around Skyline West has far passed the pleasure stage. They destroy flower beds and lawns, pick at the shingles on the roof, leave filthy sticky droppings wherever they walk and roost.

With each female producing several young each year the number of birds continues to increase. Walking through the neighborhood in the morning and seeing the different groups of birds I would not be surprised that there are 50 or 60 birds the general area.

Regulations against feeding was a positive step. However, it is time to start culling the flock.

William Randall

**URBAN SERVICES COMMITTEE
MINUTES
July 22, 2010**

Present

Richard Hervey, Chair
Patricia Daniels
David Hamby

Staff

Jon Nelson, City Manager
Karen Emery, Parks and Recreation
Director
Steve Rogers, Public Works Director
Emely Day, City Manager's Office

Visitors

Gary Chapman, Corvallis-to-the-Sea Trail
Partnership
Laura Duncan Allen
Brad Upton, Bicycle and Pedestrian
Advisory Commission
Stewart Wershow

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Corvallis-to-the-Sea Trail Designations			Designate as part of the Corvallis-to-the-Sea Trail the City's portion of the Corvallis-Philomath multi-modal path extending from the Willamette River to SW 53rd Street, with the stipulation that the designation would not include use by horses and that any requested signage would be installed by the City and reimbursed by the Corvallis-to-the-Sea Trail Partnership
II. Ninth Street Bicycle Lanes			No recommendation
III. Airport Lease – HTSI			Approve the two-year extension of the current Helicopter Transport Service, Inc., lease and authorize the City Manager to sign the lease extension agreement
IV. Other Business			

CONTENT OF DISCUSSION

Councilor Hervey called the meeting to order at 4:00 pm.

I. Corvallis-to-the-Sea Trail Designations (Attachment)

Public Works Director Rogers explained that the Corvallis-to-the-Sea Trail (Trail) Partnership asked the City to consider designating portions of the Corvallis-Philomath multi-modal path from the Willamette River to SW 53rd Street as parts of the Trail. The designation would lead to the United States Forest Service (USFS) conducting an environmental impact study of the portion of the Trail that would cross USFS land. The designation would solidify the City's portion of the Trail. Staff identified three issues with the designation request:

- a. A portion of the multi-modal path is within the Oregon Department of Transportation (ODOT) right-of-way, although, the City maintains that portion of the path. The City would not be able to designate ODOT's portion of the path as a part of the Trail.
- b. The Trail would primarily be used by hikers, pedestrians, and horseback riders. The Corvallis Municipal Code prohibits horses in parks except on designated bridle trails. The multi-modal path was not designed for horse traffic. Horseback riders usually do not like to travel on asphalt, depending upon how their horses are shod. Staff would like to designate the City's multi-modal path as part of the Trail but prohibit access for horses.
- c. Signage should be installed by City staff, like other signage in the City's right-of-way, at the Partnership's expense.

Gary Chapman, Trail Partnership President, said the Partnership did not object to the limitations Mr. Rogers outlined. The Partnership believes horses will be limited on many portions of the Trail for various reasons. The Partnership has been working with Benton and Lincoln Counties, City of Philomath, and ODOT, all of which have given tentative approval for the proposed Trail route. USFS Siuslaw National Forest will include the environmental impact study in its work plan for the next fiscal year; however, progress may be slowed by a lack of resources. It may be a few years before signage design and placement are determined.

In response to City Manager Nelson's inquiry, Mr. Chapman said the Partnership has been working on the Trail project since March 2003.

Based upon a motion moved and seconded by Councilors Daniels and Hamby, respectively, the Committee unanimously recommends that Council designate as part of the Corvallis-to-the-Sea Trail the City's portion of the Corvallis-Philomath multi-modal path extending from the Willamette River to SW 53rd Street, with the stipulation that the designation would not include use by horses and that any requested signage would be installed by the City and reimbursed by the Corvallis-to-the-Sea Trail Partnership.

II. Ninth Street Bicycle Lanes (Attachment)

Mr Rogers explained that a citizen suggested to the Bicycle and Pedestrian Advisory Commission (BPAC) alternatives for adding bicycle lanes on the portion of NW Ninth Street (Ninth) between NW Polk Avenue (Polk) and NW Monroe Avenue (Monroe). The citizen

seemed concerned about bicycle lanes being added by means of widening Ninth, which would cause removal of most of the trees along that portion of the street.

The street right-of-way is 75 feet, including sidewalks, park strips, and street surface. The standard arterial street configuration (four vehicle travel lanes, two bicycle lanes, and two 12-foot-wide park strips) requires 85 feet of right-of-way. A modified arterial street configuration (four 10-foot-wide travel lanes [the minimum allowed], two six-foot-wide bicycle lanes, and two six-foot-wide park strips) would require 65 feet of right-of-way and removal of most of the existing trees, which range in size from six inches to 48 inches in diameter.

Staff presented to the BPAC five street re-configuration alternatives. Two options included widening the street and removing the trees; the BPAC did not discuss those options. The BPAC, with staff's support, recommended one of the remaining three options. The preferred option would consist of three vehicle travel lanes, with the center lane serving left-turning traffic at NW VanBuren Avenue (VanBuren) and NW Harrison Boulevard (Harrison). The other two options had three vehicle travel lanes but restricted left-hand turns at VanBuren or Harrison. The left-hand turn at VanBuren is the highest-volume movement at the intersection. These two options would not accommodate the traffic volume, even though the configuration would be appropriate from a traffic-congestion perspective.

Mr. Rogers noted an error in the staff report – under Option 1, the center lane would serve through and left-turning vehicle traffic at VanBuren and Harrison, as the north- and southbound left-hand lanes do now.

Staff prepared a computer model of traffic loading now and projected to 2030. The current volume-to-capacity ratio is 69 percent or Level of Service C, with the critical intersection being Ninth and VanBuren. The City's Transportation System Plan (TSP) contains data from 1991 to date; in 1991, the intersection of Ninth and VanBuren was at Level of Service B with a volume-to-capacity ratio of 50 percent. Under Option 1, the volume-to-capacity ratio is projected to be 88 percent, or Level of Service D, now (acceptable under the TSP) and 110 percent by 2030. Based upon historical trends and traffic growth, the intersection of Ninth and VanBuren would fail from a volume-to-capacity perspective.

Staff projected the volume-to-capacity ratio for the current configuration at 2030 to be 81 percent. It is not known when the intersection of Ninth and VanBuren will fail. Vehicle volume must decrease considerably to maintain the current Level of Service.

Staff identified two potential mitigations if the intersection of Ninth and VanBuren fails from a volume-to-capacity perspective: return to the current street configuration or widen the street and remove trees.

Brad Upton is Chair of the BPAC. He said the BPAC asked staff to investigate options for adding bicycle lanes to Ninth between Polk and Monroe, based upon citizen input, a

challenge from Mayor Tomlinson to review sections of City streets without bicycle facilities and areas with safety hazards, and the TSP's requirement of bicycle lanes on the subject portion of Ninth. The BPAC looked at the subject portion of Ninth for several years but was not sure how to resolve the problem without removing trees. Staff studied the traffic situation and identified some re-configuration options, including reducing vehicle travel lanes to three. Option 1 would maintain an acceptable Level of Service at today's traffic volume, even during the worst time period of evening commuting.

Mr. Upton commented that the traffic study was based upon a premise of past trends of continually increasing vehicle use and vehicle size. Based upon the premise, the intersections of Ninth with Van Buren, Harrison, and NW Tyler Avenue (Tyler) will likely experience gridlock within the next 20 years. The BPAC discussed this premise and questioned whether current motor vehicle use trends would continue, since gasoline prices are increasing, along with interests in and availability of other modes of transportation.

Mr. Upton opined that accommodating bicycle travel of Ninth by means of bicycle lanes could slow or reverse some of the vehicle trends on Ninth. Many vehicle drivers use Ninth, and many bicyclists avoid Ninth because of the subject portion of the street. Yet, Ninth is used by many bicyclists, even though quieter streets are nearby. For southbound bicyclists on Ninth, the bicycle lanes end at Polk, leaving them using the same lanes as vehicles.

Councilor Hervey commented that NW Fifth, NW Eighth, NW Tenth, and NW 11th Streets are nice alternatives to bicycling on Ninth. He questioned what segment of the population would be served by re-configuring Ninth, since bicycle lanes are not on Ninth south of Polk. He asked about a traffic demand analysis from a bicycle perspective. He would like more information regarding public demand for bicycle lanes. He would not ride his bicycle on Ninth.

Mr. Upton responded that he can only relay comments made by people speaking to the BPAC. He tries to avoid bicycling on Ninth, preferring to use NW Tenth Street (Tenth). He noted that the BPAC spoke to the Committee a few years ago regarding concern about the width of bicycle lanes on Tenth. There are other issues regarding NW 11th Street. He observed that Ninth is a popular commercial area, and the street is used by vehicle drivers and bicyclists. It would be nice to not have to take an out-of-direction route to avoid the subject portion of Ninth, but he does not consider the issue critical. Citizens spoke to the BPAC regarding inexpensive options to add bicycle lanes to Ninth that would not significantly impact vehicle traffic. He does not have data regarding a bicycle traffic study.

Stewart Wershow cited two concerns about the proposed re-configuration of Ninth:

- a. A bottleneck is created by reducing traffic by one lane. The speed limit in the subject portion of Ninth is 35 miles per hour, where drivers would be asked to merge from two lanes to one lane. He believes this is an unsafe situation.
- b. The TSP states that, when an intersection or part of an arterial street does not function well, vehicle drivers tend to use alternate routes, creating seepage into

adjacent neighborhoods. He expects this will happen under the proposal, resulting in more traffic on Tenth and NW 11th Street.

Mr. Wershow questioned the potential impact on NW Fifth Street (Fifth) and NW Buchanan Avenue (Buchanan) from the proposed re-configuration, as people seek alternate routes around the bottleneck likely caused by the new traffic pattern on Ninth. This would result in impacts to the intersection of Ninth and Buchanan and the intersections of Fifth with Harrison and VanBuren. He also asked whether outreach was conducted to neighbors of the subject portion of Ninth, specifically the Job's Addition Neighborhood Association.

Mr. Wershow speculated that, when the portion of Ninth between Harrison and VanBuren fails to function satisfactorily, the street configuration would be restored, or trees would be removed to allow widening the street. He suggested removing the trees to improve commuting safety, noting that new trees can be planted. He values safety over trees.

Laura Duncan Allen frequently rides her bicycle and believes it is essential to have bicycle lanes on Ninth. She does not want to use nearby streets for errands she does by bicycle because those streets have uncontrolled intersections at Harrison, VanBuren, and Monroe and do not provide through routes. She would like to have through access on Ninth by vehicle and by bicycle. As Mr. Upton indicated, when bicycling southbound on Ninth and crossing Polk, she is left with a rough gutter area on which to ride and is crowded by vehicles.

In response to Councilor Hamby's inquiry, Mr. Rogers stated that outreach on the proposed re-configuration was not done, primarily because the change would not impact parking or driveway access, and most people driving on Ninth do not live along the arterial street. No public forum meetings were conducted beyond the BPAC meetings. Councilor Hamby commented that the proposed re-configuration would impact him as a frequent traveler on Ninth.

Mr. Rogers confirmed for Councilor Hamby that traffic volume increased 19 percent over the past 20 years at the intersection of Ninth and VanBuren and is projected to increase another 12 percent over the next 20 years. The traffic study model is based upon a mathematical formula accounting for a 1.5-percent increase in traffic volume each year, as specified in the TSP. The projected increase may not match the actual increase; however, the intersection is expected to fail by 2030.

In response to Councilor Hamby's further inquiries, Mr. Rogers said the southbound bicycle lanes on Tenth end at Harrison. He estimated that traffic volume on Ninth is probably ten times greater than traffic volume on Tenth. The traffic study focused on the intersections of Ninth with VanBuren and Harrison to gather data for the traffic projections.

In response to Councilor Daniels' inquiries, Mr. Rogers said staff did not project the possible impact on Fifth and Buchanan from re-configuring Ninth. Referencing the speed limit where vehicle drivers would merge to one lane, he said a similar situation exists at

NW Walnut Boulevard and NW Glenridge Drive. At that location, traffic often exceeds the 35-mile-per-hour speed limit but successfully merges. He believes people get accustomed to merging to fewer lanes. Merging zone lengths are based upon traffic speed – higher speeds have longer merging zones. He noted that speed limit signs for northbound and southbound vehicle traffic on Ninth are in different locations; he will review ODOT files for speed limit designations, as ODOT determines speed limits on arterial streets.

In response to Councilor Daniels' further inquiries, Mr. Rogers said Option 1 would cost approximately \$5,000 to \$7,000 to implement. It can be expensive to remove paint from street surfaces, but there are no bicycle lane lines on the subject portion of Ninth. The button lane lines are easy and inexpensive to remove and replace. The exiting center line would be ground off (approximately four hours' work), and lane lines would be painted. The City previously re-painted traffic lane lines twice annually but reduced the frequency to once annually to reduce costs.

Councilor Daniels noted that the intersection of Ninth and Tyler could be blocked because of traffic waiting to move through the intersection of Ninth and VanBuren. She asked about mitigation options for intersection blockage caused by traffic congestion elsewhere on Ninth.

Mr. Rogers responded that it is illegal to block intersections, but this often happens. He believes little traffic would be blocked, and drivers generally allow other drivers to enter the traffic flow. If intersection blockage became a problem, Police would be asked to monitor the situation and enforce the law.

In response to Councilor Hervey's inquiry, Mr. Rogers said, under Option 1, vehicle lanes would be ten feet wide, and bicycle lanes would be five feet wide. Ninth is 40 feet wide from curb to curb; vehicle traffic lanes cannot be narrower than ten feet. The bicycle lanes on Tenth are slightly wider than four feet. A recent corridor study of NW Kings Boulevard (Kings) determined that ten-foot-wide vehicle lanes and five-foot-wide bicycle lanes were acceptable for the traffic circumstances of the area, including extensive bus traffic. Based upon the success of the traffic configuration on Kings, staff believes Option 1 would be acceptable, although not desired, on Ninth.

Mr. Rogers said the proposed re-configuration of Ninth would not alleviate the situation of the off-set intersection at Ninth and Polk.

Councilor Hervey observed that, under Option 1, the intersections of Ninth with VanBuren and Harrison would have one shared left-turn lane. He speculated that the through lanes would continually be full because of waiting traffic in the turn lane.

Mr. Rogers explained that staff conducted a volume-to-capacity study and a queuing analysis, determining how long people might wait for signals at VanBuren and Harrison under Option 1. Staff believes enough lane length would be provided to accommodate the left-turn queues. Option 1 would allow one-half block of left-turn lane length for each

intersection, whereas northbound and southbound traffic each currently have one block of potential left-turn lane length. A driver wanting to proceed straight through the intersections should use the right-hand lane to avoid being behind a driver waiting to turn left. He confirmed for Councilor Hervey that it is acceptable to have left-turn lanes one-half their current length. The required queue length is 348 feet, and 455 feet are available; so there is enough queue length between the intersections to accommodate stopped traffic. At 88 percent of traffic capacity, drivers might need to wait through two traffic signal cycles before turning at the intersections. Re-configuring traffic on Ninth would reduce the Level of Service of the intersections from Level C to Level D during the peak hour (evening commuting).

Mr. Rogers clarified for Councilor Hervey that the BPAC recommended Option 1, and staff supported the recommendation. Re-configuring traffic on Ninth would maintain Level of Service D at the intersection of Ninth and VanBuren, which is acceptable under the TSP; however, the intersection's functionality will likely fail in the future.

Mr. Rogers clarified for Councilor Hamby that the north- and southbound left-hand lanes are currently used for through and left-turn traffic. This would be the same case for the center lane under Option 1.

In response to Councilor Daniels' inquiry, Mr. Rogers said he would prefer re-configuring traffic on Ninth and evaluating the situation after one year, rather than automatically reverting to the current configuration after one year.

Opining that the proposed re-configuration would create more danger for bicyclists, Councilor Hamby asked how staff could count bicycle traffic on Ninth. Mr. Rogers said the best method would be a visual count of bicyclists during peak time periods. Road tubes could be laid in the bicycle lanes, but they may not produce an accurate count.

Councilor Daniels moved to recommend that Council approve the traffic change to NW Ninth Street, described in the staff report as Option 1, to be reviewed in one year. The motion died for lack of a second.

The Committee did not take further action on this issue.

III. Airport Lease – HTSI (Attachment)

Mr. Rogers explained that Helicopter Transport Service, Inc. (HTSI) is leasing property at Corvallis Municipal Airport; the lease is expiring. The original lease included two five-year extension options. HTSI is arranging to move, does not want to commit to a five-year lease, and requested a two-year lease extension. The City Attorney's Office deemed the request reasonable, based upon the lease provisions. Staff would prefer a two-year lease extension over a month-to-month lease for an unknown length of time. Staff recommended approval of the two-year lease extension.

Based upon a motion moved and seconded by Councilors Hamby and Daniels, respectively, the Committee unanimously recommends that Council approve the two-year extension of the current Helicopter Transport Service, Inc., lease and authorize the City Manager to sign the lease extension agreement.

IV. Other Business

- A. The Urban Services Committee meeting scheduled for July 22, 2010, is canceled due to lack of agenda items ready for review.
- A. The next regular Urban Services Committee meeting is scheduled for August 5, 2010, at 4:00 pm, in the Madison Avenue Meeting Room.

Councilor Hervey adjourned the meeting at 4:54 pm.

Respectfully submitted,

Richard Hervey, Chair

MEMORANDUM

June 22, 2010

To: Urban Services Committee

From: Steve Rogers, Public Works Director 
Karen Emery, Parks and Recreation Department Director 

Subject: Corvallis-to-the-Sea Trail (C2C Trail) Designations

Issue

The C2C Trail Partnership requested approval from the City to designate certain existing paths as part of the C2C Trail.

Background

The Partnership has been working for a number of years to put in place a continuous trail between Corvallis and the coast, intended for use by people on foot, on bikes, and on horses. They have been working with the Siuslaw National Forest and private landowners to acquire rights to access existing roads and trails to be used for the C2C Trail. Gary Chapman, Partnership President, last updated the City Council on the Trail status on March 15, 2010 (City Council minutes attached).

The Siuslaw National Forest has committed to beginning the scoping, public comment and environmental assessment process for the Trail in 2011. The Partnership believes that the Forest Service should have a complete trail to consider, which would include segments under the jurisdiction of the City. The Corvallis Forest Stewardship Plan, adopted in 2006, includes authorization for the portion of Old Peak Road through the Forest as a section of the C2C Trail. The Partnership is now seeking a similar designation for paths within the City limits (letter from Gary Chapman attached). Specifically, the segment requested in Corvallis begins at the Willamette River under the south bypass bridge and continues west to 53rd Street (map attached).

Discussion

Three potential issues have been identified from a review of the request.

1. Jurisdiction—Although the City has jurisdiction over a majority of the requested segment, the section of path between approximately 15th Street and approximately 35th Street is within the Oregon Department of Transportation right-of-way.
2. Horses—Portions of the path are located within City parks (Shawala Point, Pioneer, and Sunset). Municipal Code 5.03.050.080.01 prohibits horses in parks except on a roadway, parking area or designated bridle path. The subject path currently is not designated as a

bridle path nor is it designed for horse use. An example of a bridle path is on Bald Hill where, next to the asphalt path, there is a bark-surfaced path that is used for horse riding.

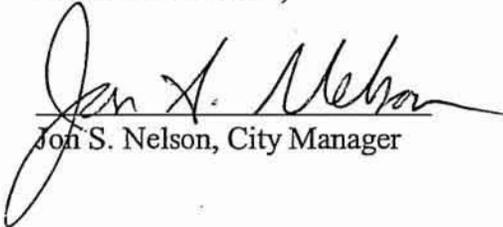
3. Signage—It is expected that the C2C Trail partnership will want to install signs. Any such signs should be installed by the City with the cost reimbursed by the Partnership.

It should be anticipated that, when completed, the C2C Trail will increase tourism in Corvallis, and it also may increase local recreational use of the City's bike path system.

Recommendation

The Urban Services Committee recommend Corvallis-to-the-Sea-Trail designation of the City's portions of the Corvallis to Philomath multi-use path, with the stipulation that the designation would not include use by horses and that any requested signs would be installed by the City and the cost reimbursed by the Partnership.

Review and concur,



Jon S. Nelson, City Manager

Attachments

- C. Announcement of Appointment to Committee for Citizen Involvement (Pierson-Charlton)
- D. Confirmation of Appointment to Citizens Advisory Commission on Civic Beautification and Urban Forestry (Passmore)
- E. Schedule a public hearing for April 5, 2010 to consider an appeal of a Land Development Hearings Board decision (LDO09-00016 – Smith)
- F. Schedule a public hearing for April 19, 2010, to consider the Fiscal Year 2010-2011 CDBG/HOME Investment Partnerships Program action plan
- G. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Benton County Health Department for the Healthy Kids, Healthy Communities initiative
- H. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d)(h)(i) (status of labor negotiations; status of pending litigation or litigation likely to be filed; status of employment-related performance)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

X. NEW BUSINESS

- A. Corvallis-to-the-Sea Trail Partnership update (Gary Chapman)

Gary Chapman, President of Corvallis-to-the-Sea Trail Partnership (C2CTP), noted that he introduced the Partnership to the Council four and one-half years ago. He briefed the Council of the background of the C2CTP project and recent project activities:

- March 2003 – C2CTP was established by citizens of Corvallis, Philomath, Newport, and Waldport to pursue previous Siuslaw National Forest (SNF) and Bureau of Land Management efforts to develop a non-motorized trail from Corvallis to the Pacific Coast. Previous efforts were impeded by difficulties obtaining agreements to cross privately owned lands to access Federally owned lands.
- Volunteers invested 15,000 hours in the project, including more than 100 expeditions seeking routes through the Coast Mountain Range, 80 monthly meetings, more than 100 presentations, and informational meetings with property owners and interest groups.
- Four and one-half years ago – Mr. Chapman requested using Old Peak Road through the Corvallis Watershed.
- December 2006 – The Council approved the Corvallis Forest Stewardship Plan, which authorized C2CTP to use Old Peak Road.
- October 2007 – C2CTP received the last approval from private property owners along Old Peak Road to use the Road as a segment of the trail.
- May 2009 – C2CTP received 501(c)(3) status as a non-profit organization.
- July 2009 – C2CTP received approval from a private property owner at the Coast, allowing the organization to leave the last remaining segments of SNF land and reach

C2C

public right-of-way land. Two large timber companies denied access to their land, so the trail will end at Ona Beach, rather than South Beach.

- October 2009 – SNF committed to including the environmental assessment in its Fiscal Year 2011 work plan. C2CTP will submit its final plan to SNF by June 30, 2010; and SNF will conduct the assessment.
- C2CTP is awaiting land access approval from Oregon State University (OSU) College of Forestry; OSU is awaiting completion of the environmental assessment of the project.
- C2CTP requested from the Cities of Corvallis and Philomath, Benton and Lincoln Counties, and Oregon Department of Transportation (ODOT) tentative approval to use public rights-of-way and designate them as portions of the C2CTP route. This would include the Corvallis-to-Philomath bicycle path and sidewalks and bicycle paths from Benton County Fairgrounds to the aforementioned bicycle path. The C2CTP would also utilize County roads. One of the most difficult trail segments includes two, albeit less-desirable, options through downtown Philomath to Old Peak Road.
- Spring 2010 – C2CTP is finalizing approximately 20 miles of trail segments on National Forest Service land, including discontinued, overgrown logging roads.
- If the environmental assessment does not prompt any concerns, C2CTP will seek grant funding and assistance to develop the trail, install signage, and print maps and materials.

Mr. Chapman noted the C2CTP Web site (www.c2ctrail.org).

In response to Councilor Hervey's inquiry, Mr. Chapman said camping is only allowed on SNF land, which encompasses 23 to 24 miles of the 60-mile trail. The C2CTP recognized a need for camping accommodations with water availability at 10- to 14-mile intervals along the trail route and located four camping areas.

Councilor Daniels thanked Mr. Chapman for his work on the C2CTP project.

IV. UNFINISHED BUSINESS

A. Planning Division work program review

Community Development Director Gibb said the staff report summarizes discussions of the February 22 joint work session of the Council and the Planning Commission, based upon the Commission's earlier recommendations. The report outlines proposed direction, including nine work items that would be addressed during the next few months, if staffing time allows. He acknowledged that not all work program tasks can be completed during the next year or so, but the report provides some guidance in planning work efforts.

Mr. Gibb said the staff report also cites Council directions staff would like confirmed, including that work on the Buildable Lands Inventory would be postponed and that staff would present to the Council information regarding the concept, potential scope of work, and process for the suggested infill development task force. Issues related to the task force include the amount of work that can be accomplished without staff support, the amount of staff support that would be needed, the scope of work, and the capacity of the task force in relation to the City's efforts. Staff will meet this week with interested parties who proposed the task force and will provide additional information to the Council. Work tasks with

1/4/10 Steve Rogers
Please advise

December 31, 2009

Mr. Jon Nelson
City Manager
P.O. Box 1083
Corvallis, Oregon 97339-1083

PUBLIC WORKS
Received
JAN 04 2010

RECEIVED
JAN 04 2010
CITY MANAGERS
OFFICE

Dear Mr. Nelson,

I have enclosed a list of public roads, streets, and paths that we wish to designate as the Segments of the Corvallis-to-the-Sea (C2C) Trail route in Benton County, including the cities of Philomath and Corvallis. We request that the appropriate governing bodies review our current route proposal and provide us with tentative approval or issues which we need to address prior to obtaining such approval. At this time it remains our intent to serve three non-motorized groups on the Trail route, i.e., hikers, bicyclists, and equestrians.

The Siuslaw National Forest has committed to beginning the scoping, public comment, and environmental assessment process for the Corvallis-to-the-Sea (C2C) Trail in FY2011. They have asked the C2C Trail Partnership to submit a detailed single-route plan by late June of 2010. In addition to laying out in detail the trail on Forest Service lands, we also need to provide them with a list of all the route segments not on Forest Service land. To this end we feel it incumbent upon us to obtain at least tentative approval from the appropriate governing body to designate certain public rights of way as segments of the Trail route. We stand ready to assist in this process as well as respond to issues that might arise during the future public comment period.

Sincerely,



Gary Chapman
President, C2C Trail Partnership

Enclosure: 1

CC w/enclosure: Steve Rogers, Karen Emery



Proposed Public Right Away Route Segments for the Corvallis-to-the-Sea Trail in Benton County

Corvallis to Philomath:

Trail-head no. 1 and campsite – Benton County Fairgrounds and Benton Oaks Campground facility

53rd Avenue from the Benton County Fairgrounds south to County Club Way bike-path.

Trail-head no. 2 – River Front Park near the confluence of the Marys and Willamette Rivers

Bike-path from River Front Park to the intersection of Country Club Way and 53rd Avenue.

Common Route from the intersection of Country Club Way and 53rd Avenue would use the existing bike path to the west end of the bike path in Philomath.

Philomath:

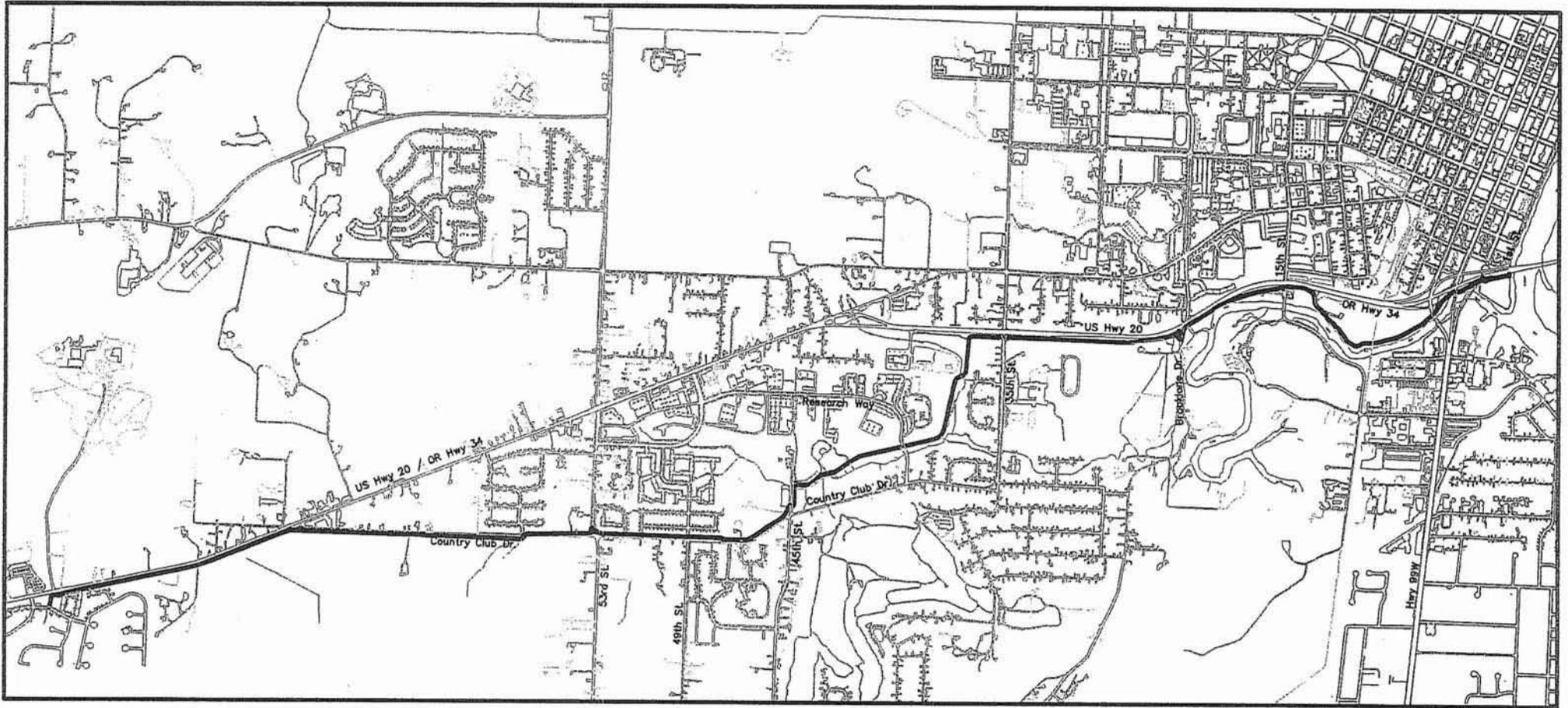
We have no “best” alternative to pass through Philomath, but current streets and roads are limited to routes that lead to either 13th and Grange Hall Road or the highway 34/20 intersection at the west end of town. From the former the route would proceed west on Grange Hall Road to highway 34 across from Old Peak Road. From the latter the route would follow highway 34 to Old Peak Road. We hope to eventually work with the City of Philomath to develop a community trail that avoids streets as much as possible.

Philomath to Lincoln County:

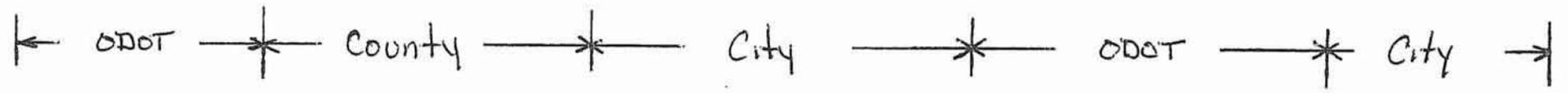
Old Peak Road from the intersection with highway 34 to its junction with Woods Creek Road. Use of the vacated section of this road is subject to agreements and approvals in place (City of Corvallis, Starker Forests, and Dan Farmer) or pending (OSU College of Forestry). From this point an existing Siuslaw National Forest Trail and/or Woods Creek Road would be used to reach the parking area for the North Ridge Trail on Marys Peak. Thence:

Woods Creek Road (Benton County Road 26440, Siuslaw National Forest Road 12012) west to the Lincoln County Line and there linking to the Shotpouch Road in Lincoln County.

C2C TRAIL



T. 12 S., R. 5 W., W.M.



MEMORANDUM

June 23, 2010

To: Urban Services Committee

From: Steve Rogers, Public Works Director 

Subject: Bike Lanes on NW 9th Street

Issue

The Bicycle and Pedestrian Advisory Commission (BPAC) is recommending the addition of bike lanes to NW 9th Street between NW Polk Avenue and NW Monroe Avenue.

Background

The City's Transportation System Plan calls for bike lanes on NW 9th Street, south of NW Polk Avenue.

Mayor Tomlinson challenged BPAC to find ways to add bike lanes to the few arterial/collector streets in the community without them. A citizen, Frank Mauldin, requested that BPAC ask staff to develop alternative methods to add bike lanes on NW 9th Street. He suggested potential alternatives and indicated that ones that do not impact the park strip trees along this section of NW 9th Street would be the most viable.

Staff developed five options, including alternatives that widened the street and ones that reduced the car travel lanes, and analyzed the impact to trees and/or car mobility. These options were shared with BPAC at their January meeting (minutes attached).

Discussion

The attached drawings contain a description of the options, noting the impacts to traffic and street trees, and other related costs.

Two options (#4 and #5) were based on widening the street (all on one side or on both sides) to accommodate the bike lanes, while maintaining four lanes of vehicle traffic. Since these options would require removal of the existing, mature trees in the park strip, they were not considered further.

The remaining three options reduce the existing four vehicle travel lanes to three vehicle travel lanes and bike lanes. In all cases, the critical impacts to traffic flow from the lane reduction occurs at the intersections of 9th Street with Van Buren Boulevard and Harrison Boulevard. The descriptions below detail only the changes that would occur on the section of 9th Street between Van Buren and Harrison.

Option #1 (attached map page 2A):

Maintains one vehicle travel lane each for north- and south-bound traffic. The third lane is a dedicated left-turn lane at Harrison (for westbound vehicles) and at Van Buren (for eastbound vehicles).

The traffic analysis indicates that, with the current level of traffic, the service level at Harrison would deteriorate to a degree, but that the intersection would still function at under capacity during the afternoon peak hour, meeting the minimum level of service stipulated in

the Transportation System Plan. At Van Buren, the service level also would drop, but the intersection would function well under capacity.

Option #2 (attached map page 3A):

Maintains one vehicle travel lane each for north- and south-bound traffic. The third lane, for the entire length of the section between Harrison and Van Buren, is a dedicated left-turn lane for traffic wanting to travel westbound at Harrison. For traffic traveling southbound on 9th, left turns at Van Buren are not allowed.

Because of the restricted left turn movement at Van Buren, this alternative was dropped from further consideration.

Option #3 (attached map page 4A):

Maintains one vehicle travel lane each for north- and south-bound traffic. The third lane, for the entire length of the section between Harrison and Van Buren, is a dedicated left-turn lane for traffic wanting to travel eastbound at Van Buren. For traffic traveling northbound on 9th, left turns at Harrison are not allowed.

Because of the restricted left turn movement at Harrison, this alternative was dropped from further consideration.

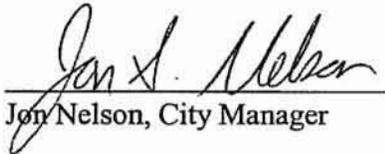
Option #1 is estimated to cost \$5,000 to \$7,000 and could be accomplished with resources contained in the FY 10-11 budget. For this option, the traffic analysis projects that the intersection of 9th Street and Tyler could be blocked by the southbound traffic that would queue up when the traffic signal on 9th is red. This is judged by staff to be a minor issue. It also should be noted that the analysis projected traffic volumes will cause the 9th Street/Harrison intersection to be overcapacity by 2030, but could not predict what year the overcapacity will occur. When it does occur, mitigation options include returning 9th Street to four vehicle travel lanes for both north- and south-bound traffic without bike lanes or returning to this configuration and widening the street for bike lanes.

BPAC concluded at their February 2010 meeting that although Option #1 may fail in the future, it would work for the near-term and is relatively low cost. They recommended that the City Council authorize the change (minutes attached).

Recommendation

The Urban Services Committee recommends the City Council approve the traffic change described by Option #1.

Review and concur,


Jon Nelson, City Manager

Attachment #1 - BPAC January minutes
Attachment #2 - Street configuration option drawings
Attachment #3 - BPAC February minutes

II. Review of Minutes

Commissioner Herford moved to approve the December 4, 2009 minutes. Commissioner Toy seconded the motion. The minutes were approved unanimously.

III. Visitor Comments

Visitor Dean Codo reported that he and Laura Duncan Allen were walking on 1st Street about three weeks ago and noticed that one of the bollards located at the Riverfront Park had been hit by a motorist and removed, but three bolts had been left sticking out of the ground causing a tripping hazard. They were able to remove two of the three bolts, but could not budge the third. This was on a Sunday, and Ms. Duncan Allen called Public Works to report it on Monday. Mr. Codo stated that the bolt was still there that Thursday night, so the Fire Department came with a saw and cut the bolt off at ground level. Mr. Codo urged the City to treat safety issues such as this with greater urgency.

Visitor Laura Duncan Allen asked for an update on the sidewalk café discussion. Mr. Rogers reported that the Urban Services Committee (USC) met January 7 and considered a staff proposal for review of the sidewalk café ordinance. The Committee agreed with staff's recommendation to advertise this month and hold a meeting with the USC on February 4 to take input on proposed revisions. Deliberations and a recommendation from USC will occur on either that same day or at the following USC meeting on February 18.

IV. Old Business

9th Street Bike Lane Proposals

Mr. Rogers reported that Engineering staff performed a traffic study of 9th Street, evaluating five different options for the worst case condition, evening peak traffic. It was determined that there is one viable option for putting bike lanes on this section without causing the street network to fail (gridlock). He detailed that strategy and what the implications for automobile traffic would be. Adding bike lanes and removing one through lane by changing the striping would cause more traffic queuing, but the intersections would function adequately with no changes to signal timing. He stressed that although this option will work today, it would cause the intersections of Tyler, Harrison, and Van Buren to fail at some point in the future if past trends in increased motor vehicle use and vehicle size continue. If that were to occur, possible options would include:

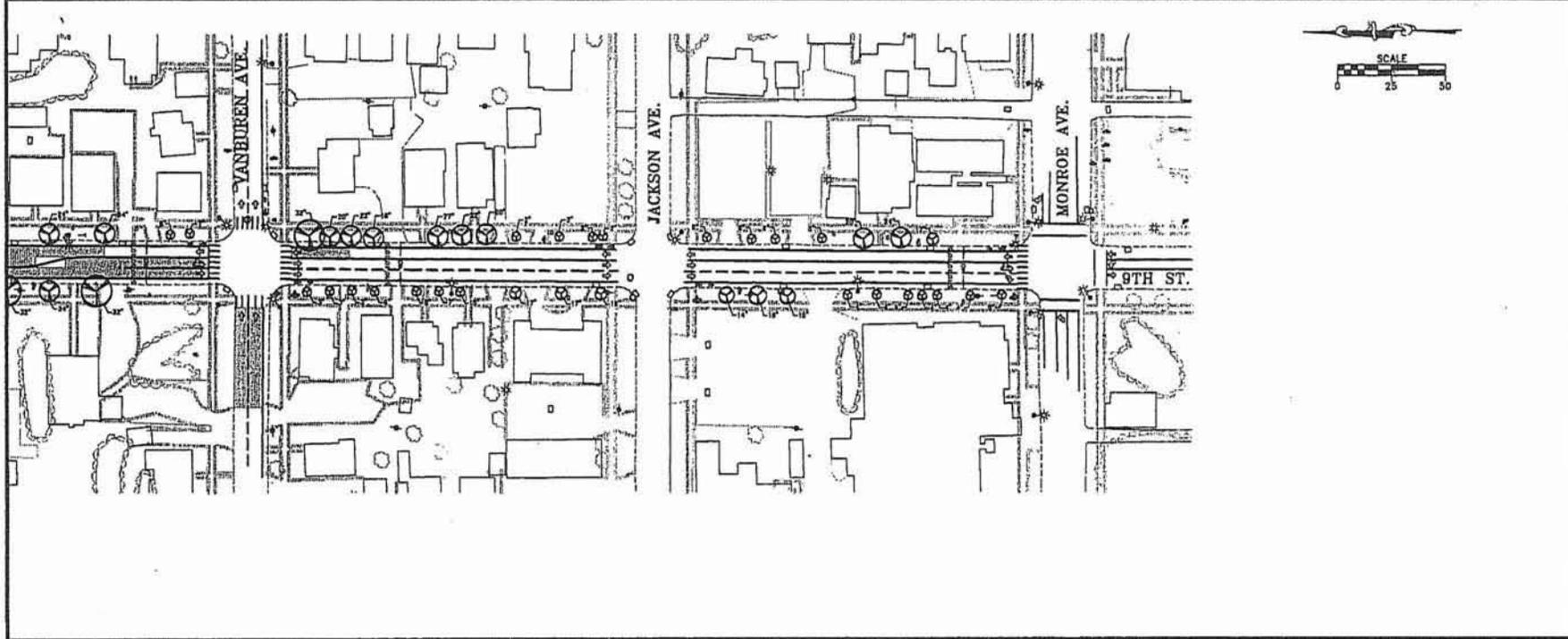
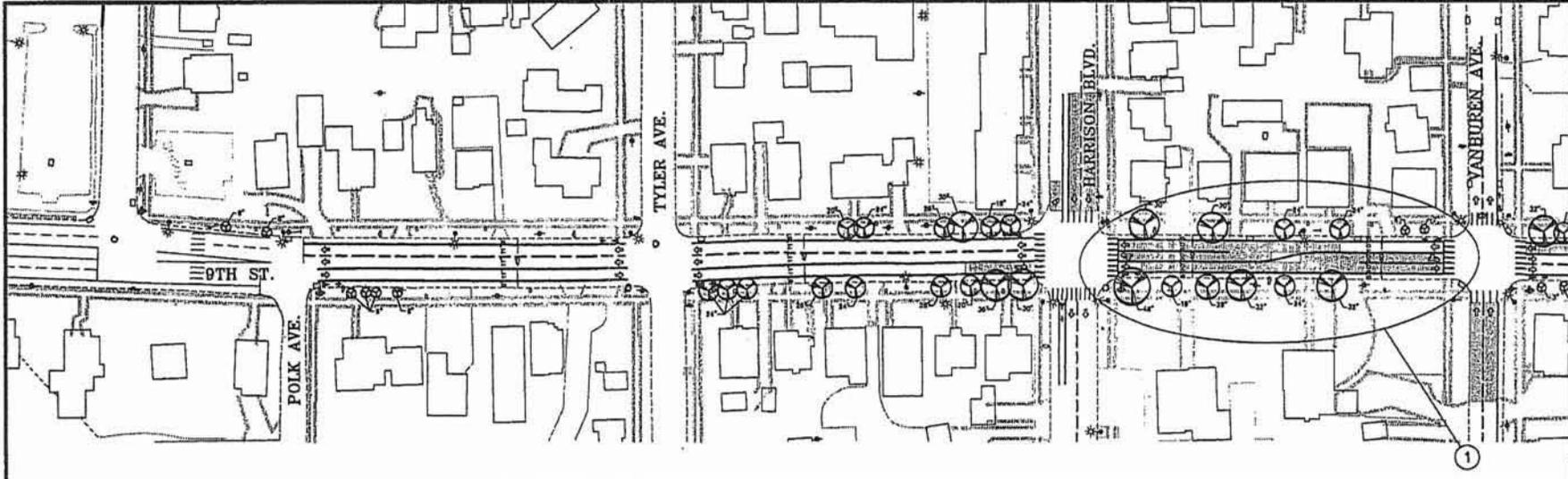
1. Eliminating the bike lanes and returning to the current lane configurations
2. Widening the street to accommodate an additional travel lane—this option would require significant tree removal
3. Accepting grid loc in this section, including the likely migration of traffic to nearby local streets—this may also require a modification of the Transportation System Plan.

The Committee will discuss this issue further at the February meeting.

V. New Business

Highway 34 Corridor Proposals

Jerry Wolcott of the Oregon Department of Transportation (ODOT) presented ODOT's draft bicycle/pedestrian strategy for the Corvallis Crossing. He discussed a number of options with the Commission to improve safety for bicycle and pedestrian traffic crossing the Willamette River and bicycle/pedestrian connectivity on Highway 34 east of the river. Options discussed for the



CITY OF CORVALLIS
Public Works Department

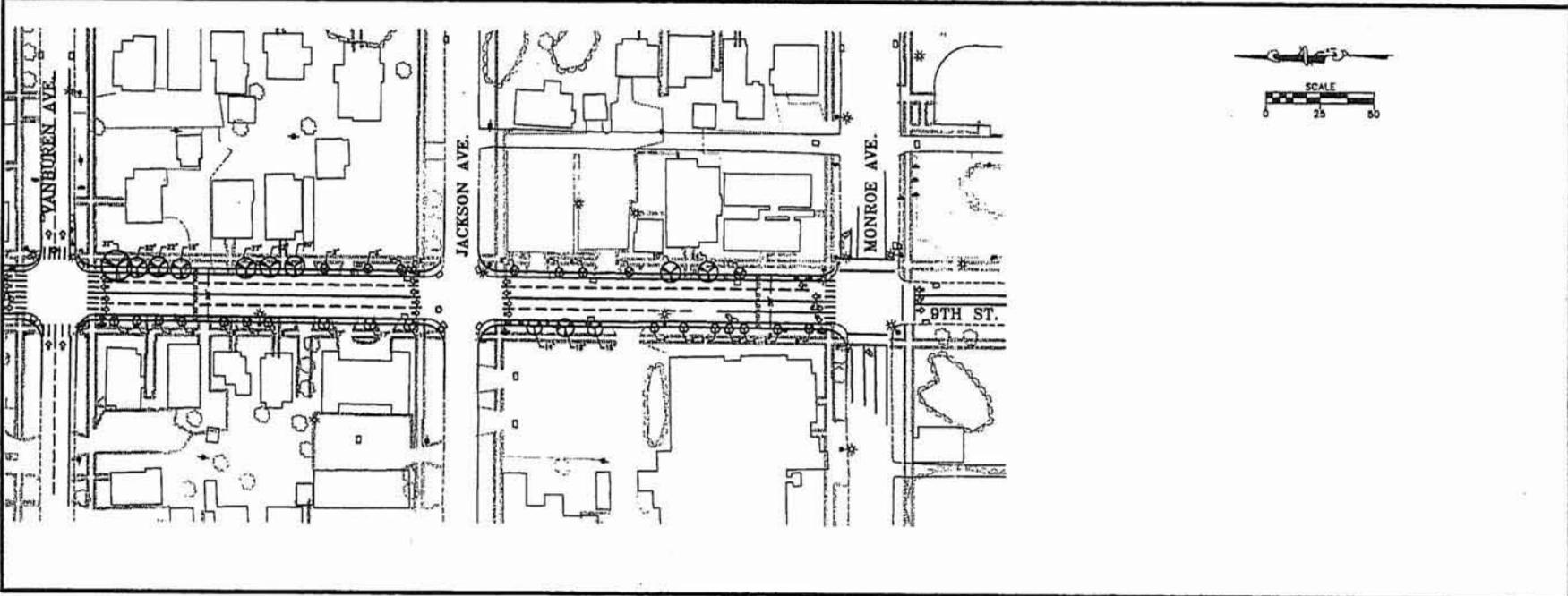
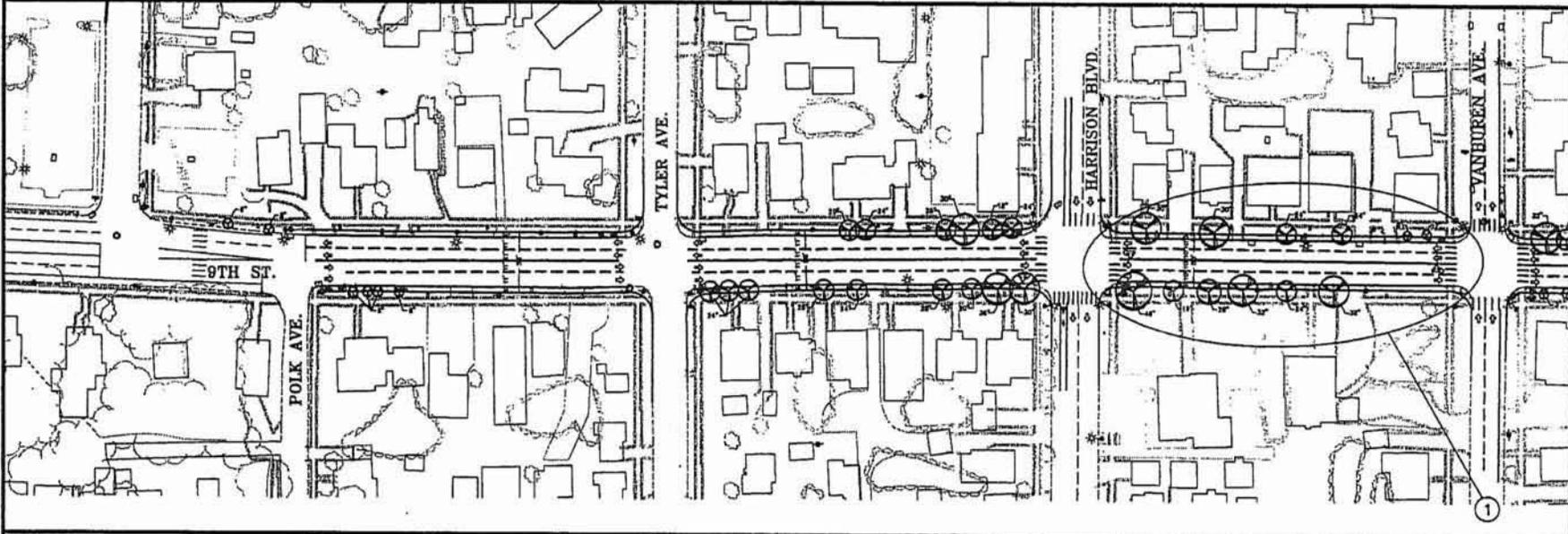
8th Street Capacity Study

Option 1

DATE	10/15/10
BY	J. HARRIS
CHECKED BY	J. HARRIS
APPROVED BY	J. HARRIS
SCALE	AS SHOWN
SHEET NO.	2A

NO.	1
DATE	10/15/10
BY	J. HARRIS
CHECKED BY	J. HARRIS
APPROVED BY	J. HARRIS
SCALE	AS SHOWN
SHEET NO.	2A

2A



CITY OF CORVALLIS
Public Works Department

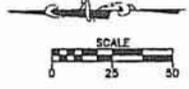
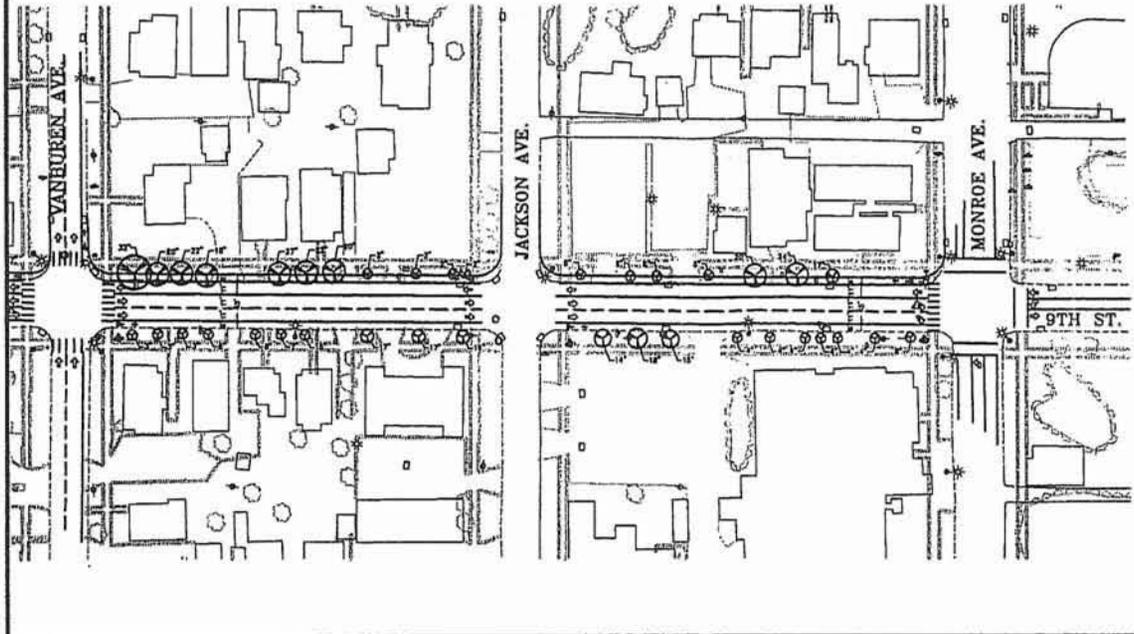
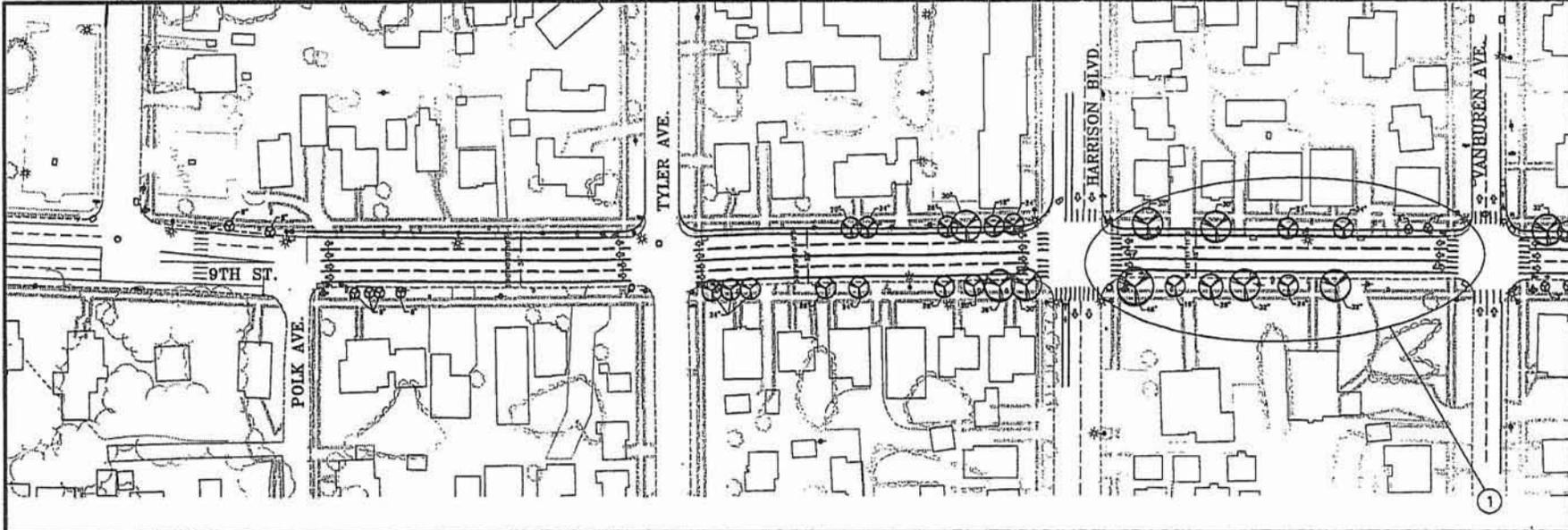
9th Street Capacity Study

Option 4

DATE: 11/15/11
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
APPROVED BY: J. HARRIS
SCALE: AS SHOWN
SHEET NO.: 5A

NO.	DESCRIPTION	DATE	BY
1	DESIGN	11/15/11	J. HARRIS
2	CHECK	11/15/11	J. HARRIS
3	APPROVE	11/15/11	J. HARRIS

5A



CITY OF CORVALLIS
Public Works Department

9th Street Capacity Study

Option 5



DATE: 11/11/11
DRAWN BY: [illegible]
CHECKED BY: [illegible]
APPROVED BY: [illegible]
SCALE: AS SHOWN
SHEET NO. 6A

NO.	REVISIONS
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6A

CAMPO Report on 9th Street Plans

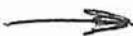
Corvallis Area Metropolitan Planning Organization (CAMPO) Director Ali Bonakdar presented a plan for bike and pedestrian improvements on 9th Street. The details can be found online at <http://www.corvallisareampo.org/gpage9.html>. Improvements include:

- Five-foot sidewalks,
- Five mid-block pedestrian crossings (Circle to Walnut is uncertain though),
- A study of the Polk crossing,
- Widen bike lanes to six feet,
- More bus shelters,
- Landscaping improvements, and
- Manage access by limiting driveways and installing structures that only allow a right turn per the current Land Development Code

The next steps will be a Corvallis Planning Commission review on February 17, followed by a recommendation to the City Council.

Mr. Rogers reported that 24,000 cars use 9th Street daily at Buchanan.

IV. Old Business



9th Street Bike Lanes

BPAC briefly discussed the 9th Street Bike Lane proposal. BPAC heard a presentation about the details at their January meeting. Chair Upton asked all visitors their opinion of the proposal. The Commission and all visitors are supportive of the change. **The Commission directed staff to recommend, via staff report to the Urban Services Committee, that bike lanes be provided on 9th Street between Monroe and Polk Streets, as proposed by City engineers (stripe removal and re-stripping). Commission Rea motioned and Rosy seconded, with unanimous support.**

V. New Business

Bike Boulevard Presentation

Chair Upton reported that the Bike Boulevard presentation will be moved to the March meeting.

Busking Ordinance

Chair Upton opined that BPAC's interests are served if existing language that maintains pedestrian access to sidewalks is preserved. Councilor Beilstein will convey BPAC's message on February 17th at the Human Services Committee meeting, noting that for BPAC pedestrian access should be the same as that maintained for sidewalk cafés, i.e. 48 inches. The existing requirement is 36 inches.

VI. Information Sharing

CBUF Exchange Invitation

Ms. Morgan provided background information about the Civic Beautification and Urban Forestry's (CBUF) invitation to BPAC to attend each other's meetings to introduce themselves and provide general background information. CBUF's intent is to build understanding and support between the two groups. Mr. Rogers explained that there are times when the missions of the two groups may be in conflict, such as when trees must be removed to widen a street for bike lanes. Mr. Rogers also noted that 75% of damage to sidewalks is by tree roots. BPAC directed staff to invite CBUF to a future meeting. BPAC will then decide who might attend a future CBUF meeting.

Memorandum

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: June 24, 2010

SUBJECT: HTSI Fuel Site Lease Extension

ISSUE

Helicopter Transport Service, Incorporated (HTSI), the heavy-lift helicopter company at the Corvallis Municipal Airport, has requested permission to extend their existing lease of the former United Chrome site for a two-year period.

BACKGROUND

HTSI arrived at the Corvallis Municipal Airport in 2000 with one large helicopter. Their Corvallis operations have since grown to more than twenty heavy-lift helicopters.

In 2008, HTSI signed a land lease (attached) with the City for approximately two acres to park some of their support vehicles. The lease is for two years with options for up to two, five-year extensions. HTSI has purchased land outside of the Aurora State Airport and plans to build a new facility and move their operations to that site within the next two years. They have requested a two-year extension of their existing lease.

DISCUSSION

The City Attorney's Office has determined that a two year extension is allowable under the current lease if mutually agreeable to both parties. Other alternatives include:

- Allow the lease to lapse and provide HTSI use of the site on a month-to-month basis, with the terms of the existing lease,
- Require a five year extension, or
- Enter into a new two-year lease.

The Airport Commission met on June 8, 2010 and unanimously recommended approval of a two-year extension to the existing lease. This proposed lease extension will provide revenue to the Airport Fund in the amount of \$8,222.61 for the first year, adjusted by CPI in the second year.

REQUESTED ACTION

Staff requests that the Urban Services Committee recommend that the City Council approve a two-year extension to the current lease and authorize the City Manager to sign the lease extension agreement.

Review and concur:


Jon S. Nelson, City Manager

Attachments: HTSI Land Lease Extension
HTSI Land Lease Agreement (Recorded)

LEASE EXTENSION

In accordance with Section 2 of the original Land Lease Agreement dated May 7, 2008 between the City of Corvallis and Helicopter Transport Services, Incorporated (HTSI), an extension is hereby granted for a period of two years from the end date of the primary term of the original lease, June 30, 2010. This extension is for the period July 1, 2010 through June 30, 2012.

DATED this _____ day of _____, 2010.

CITY OF CORVALLIS

By: _____
Jon S. Nelson, City Manager

Helicopter Transport Services, Inc.

By: _____

Printed Name: _____

Title: _____

Approved as to Form:

City Attorney



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



LAND LEASE AGREEMENT CORVALLIS MUNICIPAL AIRPORT

PUBLIC WORKS
Received

THIS LEASE, made this 7 day of May 2008 is by and between the City of Corvallis, an Oregon Municipal Corporation, hereinafter referred to as the City, and Helicopter Transport Services, Incorporated (HTSI) hereinafter referred to as the Lessee.

1. PREMISES

The Corvallis Municipal Airport is owned and managed by the City of Corvallis and is operated as an Enterprise Fund, in that all fees, land leases and rent revenues are retained by the City for the exclusive operation of the Airport. The City, in consideration of the terms, covenants, and agreements herein contained on the part of the Lessee to be kept and performed, does hereby lease the following property, located at the Corvallis Municipal Airport:

See Attached Exhibit "A", legal description; and Exhibit "B", site plan.

2. TERM

The Lessee shall have the right to the possession, use, and enjoyment of the leased property for a period of 2 years, beginning on June 1, 2008 and ending June 30, 2010. Thereafter, the term of this lease may be extended by mutual agreement by both parties, for up to two, five year periods. Lessee shall notify the City at least sixty (60) days prior to the termination date of this lease of its intent to exercise this option. The City shall not withhold its approval for the extension unreasonably. Good reasons for the City to withhold its approval would include but not be limited to; failure of Lessee to provide insurance; failure of Lessee to make timely payment of rent; or City's determination of a better use of the property. At the end of the second, five year extension period, City and Lessee shall negotiate a new lease agreement.

3. RENT

A. Rental Rate. Lessee shall pay in advance, a monthly rent payment by the first day of each month beginning June 1, 2008, and continue on the first day of each month thereafter during the term of this lease. The yearly rate for the above-described land shall be \$0.088 per square foot. The monthly rental rate for the first year will be: $\$ 0.088 \times 90,628 = \$7,975.26/12 = \$664.60$. Rental payments are made payable to the City of Corvallis and are to be delivered in person or mailed to the City at the address given in Section 21 of this lease.

B. Rental Rate Adjustment. The rental rate shall be adjusted annually utilizing the January through December U.S. City Average Consumer Price Index, with adjustments made

FOR COUNTY RECORDING ONLY

After recording return to:
City of Corvallis-Engineering
Development Review
Linda Ackeret

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July 1 following the publication of the annual index, commencing July 2009. The City shall give written notice to Lessee at least thirty (30) days in advance of the annual adjustment date.

C. Land Rental Rate Adjustment. Notwithstanding 3B above, every fifth year beginning in 2010, the land lease rate will be adjusted based on 10% of the appraisal market value of the parcel.

D. Extended Term. If this lease is extended as provided in Section 2 of this lease, the rate shall be adjusted on the basis described in Sections 3-B and 3-C above.

4. USE OF THE PROPERTY

A. Permitted Use. The property shall only be used for legal purposes permitted by applicable zoning laws, regulations and restrictions. Lessee may use the leased premises for the storage of aviation fuel as well as storage of fuel tanker vehicles and equipment as long as appropriate spill containment structures/equipment are in place at all times when fuel is being stored on site.

B. Conformance with Laws. Lessee shall conform to all applicable laws and regulations, municipal, state, and federal, affecting the premises and the use thereof. Lessee also agrees to comply with all City and Airport Master Plans as applicable and adopted by the Corvallis City Council.

C. Nuisance. Lessee shall not use or permit the use or occupancy of the property for illegal purposes (as defined by City of Corvallis Municipal Code Chapter 5), or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance, or that interferes with the safe operation of aircraft using the Corvallis Municipal Airport.

D. Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law and the City's Sewer Regulations, Municipal Code Chapter 4.03 as amended, except upon prior written notification to the City and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this lease. Any violation of this section may, at the City's option, cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

Prior to beginning operations, Lessee shall allow the City to inspect the premises and approve its processes for storing and handling Hazardous Materials. Lessee shall at all times operate in accordance with City approved procedures, and shall maintain strict compliance with all federal, state, and local laws, ordinances, rules, and regulations regarding Hazardous Materials. Any violation of this section shall be grounds for termination of this lease as provided in Section 18, unless within ten (10) days of notification Lessee cures the violation or, if the violation is of such a nature that it cannot be remedied within ten (10) days, Lessee provides to City within (10) days satisfactory assurances, including financial assurances, that Lessee can and will correct the violation, and thereafter Lessee proceeds with reasonable diligence to do so. If the violation is caused by a discharge of a hazardous or toxic material or substance, the City shall have the right, at its option, to immediately take any action reasonably necessary to halt or remedy the discharge, at Lessee's sole expense.

E. Roads. Lessee shall be entitled to reasonable use for its purposes of the roads now existing and serving the leased property. The City may locate and relocate roads as desirable to improve the Corvallis Municipal Airport so long as reasonable and adjacent access is provided to Lessee on a continuous basis. Lessee will agree to install a half-street improvement along the leased frontage of the leased premises to City standards as detailed in the Transportation Plan at such time as the City determines to make the improvements. The half-street improvement may include: paving, curb, gutter, drainage, park strip, landscaping and sidewalks.

F. Infrastructure Improvements. Lessee hereby irrevocably agrees to financially participate in the future improvements for public water, sanitary sewer, storm drainage and transportation consistent with the City's facility master plans, the South Corvallis Area Refinement Plan and Airport and Industrial Park Master Plans. It is understood by Lessee that:

1. The cost of the improvements shall be born by the benefitted Lessee based on a formula developed by the City in accordance with state law, the Charter of the City of Corvallis and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements required, or may join all or part of Lessee's property with other property when creating a local improvement district.
3. Lessee and Lessee's heirs, assigns and successors in interest in the property shall be bound by this document which will run with the property and will be recorded by the City in the deed records of Benton County.
4. Lessee declares that the public improvements herein sought will directly benefit the described property.
5. Lessee shall not challenge the formation of a local improvement district and assessment of Lessee's leased property by City and in any proceedings therein will acknowledge this declaration if requested to do so by City.
6. In construing this section of the agreement singular words include the plural.

5. **WATER, SANITARY SEWER, AND DRAINAGE SYSTEMS**

A. Water, Drainage, and Domestic Waste. The City agrees to provide the use and benefits of the public water, sanitary sewer, and drainage systems as they now exist or may be later modified. Conditions for the use of these systems shall be the same as the conditions and regulations applying within the corporate limits of the City of Corvallis, including any assessments or charges for any expansion or intensification of Lessee's use of the property.

B. Utility Bills. Water, sanitary sewer, and drainage charges shall be paid by the Lessee in addition to the basic monthly rental and at the same rates applicable within the corporate limits of the City of Corvallis. The Lessee shall promptly pay all water, sewer, and drainage charges, and all other utility charges, for the premises as they come due.

C. Prohibited Discharges. Discharge of industrial waste, as that term is defined in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations (as presently constituted or as amended hereafter), into the sanitary sewer system, drainage system, surface ponds or ditches, or elsewhere is specifically prohibited, except as permitted by a valid Industrial Wastewater Discharge Permit in strict accordance with the Sewer Use Ordinance and applicable state and federal laws. Violation of any provision contained in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations (as presently constituted or as amended hereafter), may cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

D. Sewer Discharge Form. As a condition of entering into this lease, the Lessee shall submit to the City a completed, signed Sewer Discharge Form, in accordance with the City of Corvallis Pretreatment Program Implementation Manual, Chapter 1, Section J. 4 & 5. This document is incorporated by reference in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations, Section 4.03.030.010 (2). The Sewer Discharge Form shall be submitted to the City at the time that this lease is signed.

E. Discharge Response Procedures. In the event of any discharge or spill of noxious or hazardous material into the environment, sewer system, or drainage system, Lessee shall immediately notify the Oregon Department of Environmental Quality and the City. The City and any appropriate state or federal agency shall have the right to inspect the premises immediately to determine if the discharge or spill constitutes a violation of any local, state, or federal laws, rules, or regulations. If a violation exists, the City shall notify the Lessee of the specific violations and Lessee shall immediately cease all activities and use of the property until the violations are remedied, all at the Lessee's sole cost and expense and without expense whatsoever to the City.

F. South Corvallis Drainage Master Plan. Lessee hereby agrees to comply with the requirements of the "South Corvallis Drainage Master Plan", approved by the City Council during February 1997. Future improvements within the Industrial Park in compliance with the approved drainage plan may include parcel assessments or charges. Conditions and regulations for any assessment or charges shall be similar to those conditions or regulations applying within the corporate limits of the City of Corvallis.

6. DEVELOPMENT STANDARDS

This agreement is made subject to the terms and conditions as referenced in the Airport Master Plan and in Chapter XIV Development and Building Standards of the Airport Handbook. In addition, compliance with all Corvallis development regulations is required relative to the City's Land Development Code (LDC). Where not otherwise specified by the Airport Handbook, the County's zoning provisions shall apply. Enforcement of development provisions is the responsibility of the City's Development Services Department and, where specified by the Corvallis Airport Master Plan, the Airport Industrial Park Master Plan, the Airport Design Review Committee.

7. ALTERATIONS AND IMPROVEMENTS

A. Right to Construct. The Lessee, at its own expense, may construct structural improvements on the leased property, subject to Lessee's compliance with all applicable City, county, and state laws and regulations and issuance of necessary building permits. (Note: This site was an Environmental Protection Agency site and may have additional restrictions to

subsurface construction activity. This site also has small areas within adjoining leases which have been designated for no building per the Corvallis Fire Department. See Exhibit C.)

B. Ownership of Improvements. Any buildings constructed by the Lessee on the leased property during the term of this lease shall belong to the Lessee and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the thirty-day period following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after thirty days after termination of the lease, any of said property remains on the premises, the City may retain the property, or, at its option, remove the property at the Lessee's expense. The half-street improvements along the property frontage including paving, curb, gutter, drainage, park strip, landscaping and sidewalks will belong to City upon acceptance by the City. The perimeter fence, gates and modular office building are City property but will be maintained by the Lessee for Lessee's use, in a good state of repair.

8. ENTRY ON PROPERTY

A. Right to Inspect. The City shall have the right to enter the property at any reasonable time or times to examine the condition of the premises or Lessee's compliance with the terms of this lease.

B. Access. The City retains the right to enter the leased premises at any reasonable time or times to repair or modify City buildings and/or utilities located upon the property or to conduct repairs or other work on the property, provided such repairs or modifications shall be scheduled with Lessee to minimize any disruption to Lessee business operations.

9. ASSIGNMENT AND SUBLETTING

The Lessee shall not assign or sublease this lease without the prior written consent of the City; provided, however, that the City shall not unreasonably withhold such consent. Lessee shall have the right to sublet space within any building it may construct on the leased premises to others, subject to the following conditions:

1) No sublease shall relieve Lessee from primary liability for any of its obligations under this lease, and Lessee shall continue to remain primarily liable for payment of rent and for performance and observance of its other obligations and agreements under this lease.

2) Every sublease shall require the sublessee to comply with and observe all obligations of the Lessee under this lease, with the exception of the obligation to pay rent to the City.

The sale of any building(s) constructed on the leased premises during the term of this agreement will require a new land lease agreement between the City and the purchaser upon the same terms, rent schedule and conditions in this agreement. This policy is intended to maintain and continue the City's interest assigning responsibility for environmental protection and cleanup within the Airport Industrial Park.

10. LIENS

The Lessee shall promptly pay for any material and labor used to improve the leased property and shall keep the leased property free of any liens or encumbrances.

11. TAXES

The Lessee shall promptly pay all personal property taxes levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien to be placed on the leased property.

12. INSURANCE

A. Coverage Requirements. The Lessee shall purchase and maintain Commercial general liability insurance coverage. The limit of liability shall be no less than \$500,000 for any claims arising from a single accident or occurrence. In addition, if the insurance policy contains an annual aggregate limit, the aggregate shall not be less than \$1,000,000. The policy shall name the City of Corvallis, its officers, agents, and employees as an additional insured.

B. Certificate of Insurance. At the time that this lease is signed, the Lessee shall provide to the City a certificate of insurance complying with the requirements of this section and indicating that insurer will provide the City with 30 days notice prior to cancellation. A current certificate shall be maintained at all times during the term of this lease.

13. HOLD HARMLESS

A. General. The Lessee shall at all times indemnify, protect, defend, and hold the City of Corvallis, its officers, agents, invitees and employees harmless from any claims, demands, losses, actions, or expenses, including attorney's fees, to which the City may be subject by reason of any property damage or personal injury arising or alleged to arise from the acts or omissions of the Lessee, its agents, or its employees, or in connection with the use, occupancy, or condition of the property. Likewise, the City shall at all times indemnify, protect, defend and hold Lessee, its officers, agents, assignees, invitees and employees harmless from any claims, demands, actions or expenses, including attorney fees, to which Lessee may be subject by reason of any property damage or personal injury arising or alleged to arise from the actions or omissions of, or entry onto the leased premises by, the City, its officers, agents, invitees or employees, or in connection with the repair, maintenance modification or other work the City may undertake that in any way relates to or affects the leased premises, including without limitation, the work, repair and modification provided for under Section 8B of this lease.

B. Environmental Protection. The Lessee shall be liable for and shall hold the City harmless from, all costs, fines, assessments, and other liabilities arising from Lessee use of the premises during this lease for this site resulting in the need for environmental cleanup under state or federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, as presently constituted or hereafter amended.

City shall defend and hold the Lessee harmless from all costs, expenses, fines, assessments, attorney or other fees and other liabilities arising from the use of the premises by any persons or entities prior to the execution of this lease, except for any contamination caused by the Lessee during the initial term of this lease or any prior leases as a result of the Lessee's activities resulting in the need for environmental clean-up under City, State, Federal

environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post clean-up monitoring including but not limited to liability arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9674, as presently constituted or hereafter amended.

14. **NONDISCRIMINATION**

The Lessee agrees that no person shall be excluded from the use of the premises based on age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of Corvallis and menaces the institutions and foundation of our community.

15. **CONDITIONS ON PROPERTY BY THE UNITED STATES OF AMERICA**

This agreement is made subject to the terms and conditions and restrictions of transfer recorded in Book 121, Page 40 and Book 125, Page 239, deed records of Benton County, Oregon, as modified by the Instrument of Release recorded in Book 182, Page 238 of said deed records.

16. **WAIVER OF BREACH**

A waiver by the City of a breach of any term, covenant, or condition of this lease by the Lessee shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the lease.

17. **DEFAULT**

A. Declaration of Default. Except as otherwise provided in this lease, the City shall have the right to declare this lease terminated and to enter the property and take possession upon either of the following events:

1. Rent and Other Payments. If the monthly rent or any other payment obligation provided hereunder to the City, including but not limited to property taxes and utility bills, remains unpaid for a period of sixty (60) days after it is due, un-protsted and payable, if not corrected after ten (10) days written notice by the City to Lessee; or

2. Other Obligations. If any other default is made in this lease and is not corrected after thirty (30) days written notice to the Lessee. Where the default is of such nature that it cannot reasonably be remedied within the thirty (30) day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

B. Court Action. It is understood that either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of this lease. Proceedings may be initiated against the violating party for a restraining injunction or for damages or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

18. **TERMINATION**

A. Immediate Termination. Where a specific violation of this lease gives the City the option to terminate this lease immediately, this lease shall be terminated upon written notification to the Lessee.

B. Termination Upon 30 Days Default. In the event of any other default under Section 17 of this lease, the lease may be terminated at the option of the City upon written notification to the Lessee as provided herein.

C. Surrender Upon Termination. Upon termination or the expiration of the term of the lease, the Lessee will quit and surrender the property to the City in as good order and condition as it was at the time the Lessee first entered and took possession of the property under this or a prior lease, usual wear and damage by the elements excepted.

D. Restoration of Property. Upon termination or expiration of this lease or Lessee's vacating the premises for any reason, the Lessee shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the leased property or beneath its surface and did not pre-exist the commencement of this lease. Lessee shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Lessee fails to comply or does not fully comply with this requirement, the Lessee agrees that the City may cause the waste products and facilities to be removed and properly disposed of, and further Lessee agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.

E. Holding Over. No holding over upon expiration of this lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this lease or any extension thereof shall be as a tenant from month to month only and not otherwise, and the exercise of rights provided under Section 7B shall not be deemed a holding over.

19. **RECORDING FEES**

The lease will be recorded with the Benton County Assessor's Office and the Lessee shall be responsible for paying all associated fees.

20. **ATTORNEY FEES**

If any suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover, in addition to damages and costs, such sum as the trial court or appellate court, as the case may be, may adjudge reasonable as attorney fees.

21. NOTICE

When any notice or anything in writing is required or permitted to be given under this lease, the notice shall be deemed given when actually delivered or 48 hours after deposited in United States mail, with proper postage affixed, directed to the following address:

City
City of Corvallis
Public Works Department
Attention: Airport Manager
P.O. Box 1083
1245 NE 3rd St.
Corvallis, Oregon 97339-1083

Lessee
Helicopter Transport Services, Inc.
Attn: Walter Palubiski
5805 SW Plumley Street
Corvallis, OR 97333
541-754-2400

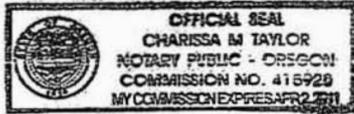
IN WITNESS WHEREOF, the parties hereto have executed this lease the date and year first written below.

DATED this 7 day of May, 2008.

HELICOPTER TRANSPORT SERVICES, INC.

STATE OF OREGON)
) ss.
COUNTY OF BENTON)

Personally appeared the above-named WALTER PAUBISKI, who acknowledged he is the OWNER and he accepted the foregoing instrument on behalf of HELICOPTER TRANSPORT SERVICES, INC. Before me this 7 day of MAY, 2008.



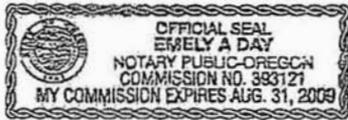
My Commission Expires Apr. 2, 2011

ACCEPTED BY:
CITY OF CORVALLIS, OREGON

STATE OF OREGON)
) ss.
County of Benton)

By:
JON S. NELSON, CITY MANAGER

Personally appeared the above-named JON S. NELSON, who acknowledged he is the City Manager of CORVALLIS and he accepted the foregoing instrument on behalf of the City of CORVALLIS by authority of its City Council. Before me this 8th day of May, 2008.


NOTARY PUBLIC FOR OREGON
My Commission Expires 08-31-09

Approved as to form:

City Attorney Date 5/8/08

EXHIBIT "A"
Lease Description

Beginning at the southeast corner of the Alfred Rhinehart Donation Land Claim No. 73 in Section 27 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the south line of said D.L.C. S 89°58'W, 336.27 feet; thence N 0°02'W, 10.76 feet; thence S 89°50'56" W 122.35 feet to a point on the south line of an existing lease from the City of Corvallis to CoEnergy LLC, the TRUE POINT OF BEGINNING; thence S 00°39'44"E, 340.94 feet; thence S 88°52'20"W, 230.69 feet; thence N 01°08'48"W 307.47 feet; thence N 01°42'04"E, 79.13 feet; thence N 44°40'24"E, 18.51 feet; thence N 88°56'02"E, 162.11 feet to a point on a coterminus line with an existing lease from the City of Corvallis to CoEnergy LLC; thence along said line S 00°37'48" W 4.63 feet; thence N 89°50'56" E 25.38 feet; thence S 00°48'20" W 52.74 feet; thence N 89°50'56" E 30.83 feet to the TRUE POINT OF BEGINNING.

Said tract containing 90,628 square feet, more or less.

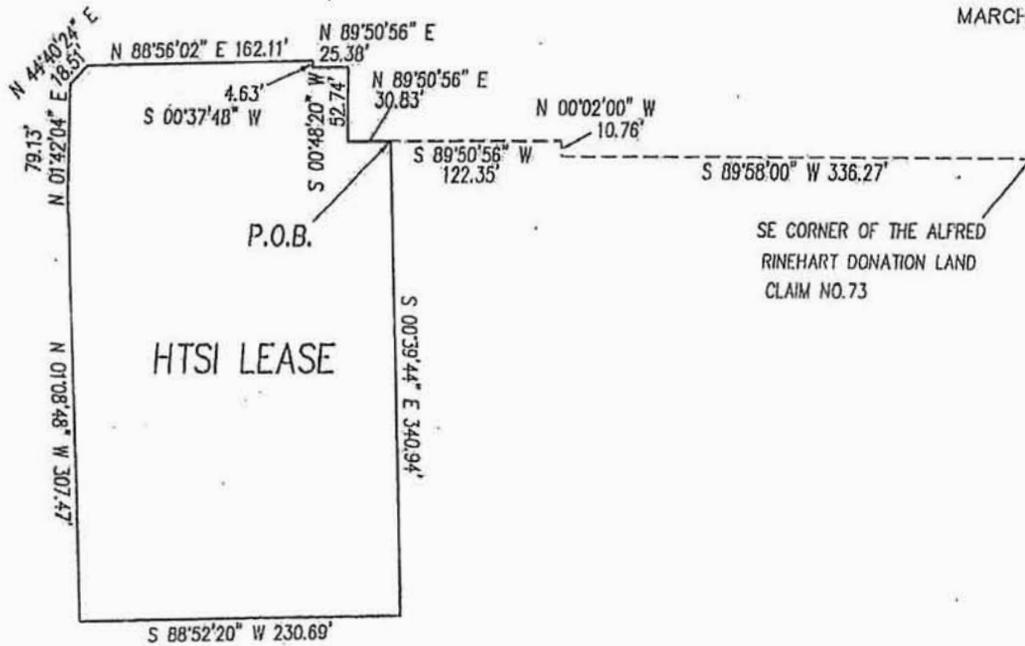
X:\Divisions\Engineering\Capital Planning&Projects\Surveys\AIRPORTLEASE\HTSI\Fuel
truck lease\HTSI FUEL TRUCK desc.wpd

EXHIBIT "B"

SITUATE IN THE NW 1/4 OF SECTION 27, TOWNSHIP 12 SOUTH RANGE
5 WEST, WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON



1"=100 FT
MARCH, 2008



HTSI LEASE

P.O.B.

SE CORNER OF THE ALFRED
RINEHART DONATION LAND
CLAIM NO.73

EXHIBIT "C"

50 FT NO-BUILD
BUFFER ZONE

COENERGY LLC
LEASE

(N.T.S.)

MARCH, 2008

HTSI LEASE 2008

50 FT NO-BUILD
BUFFER ZONE

50 FT NO-BUILD
BUFFER ZONE

FERRELL GAS
LEASE

REACH
Air
Option

REACH
Air
Ambulance

FBO 1D 2008

50 FT NO-BUILD
BUFFER ZONE



MEMORANDUM

July 6, 2010

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director 

SUBJECT: CoHo Cohousing Development - SE Crystal Lake Drive Street and Storm Drain, and SE Alexander Avenue Sewer Zone of Benefit Resolution

PURPOSE

Attached is a resolution establishing a zone of benefit for public street and storm drainage improvements to SE Crystal Lake Drive north of SE Alexander Avenue and a sewer line extension in SE Alexander Avenue east of SE Crystal Lake Drive.

BACKGROUND

The City of Corvallis requires developers to construct and install utility and transportation facilities necessary to serve proposed developments and address impacts to surrounding properties. Often these public facilities, especially those constructed off-site, provide a benefit to other properties. Per Land Development Code Chapter 4.0, Improvements Required With Development, the CoHo Cohousing development was required to improve approximately 500 feet of SE Crystal Lake Drive including storm drainage to City neighborhood collector street standards and improve SE Alexander Avenue to City local street standards, including installation of City utilities. A map of the general area identifying the location of these improvements is attached for reference (*Attachment 'A'*). Currently all of the lots subject to the zone of benefit are located in the County.

Chapter 2.16 of the Corvallis Municipal Code (CMC) provides a mechanism by which developers are able to recover a portion of the cost of improvements from properties located within a zone of benefit established by the City Council. An owner of property located within a zone of benefit is required to pay the zone of benefit recovery charge when one of the following occurs:

1. A permit for connection to, or actual connection to, a particular utility or street improvement for which a recovery charge has been established;
2. Initiation of any development activity for which the Land Development Code would require connection to or construction of utility and/or transportation facilities for which the zone of benefit has been established;
3. When the zone of benefit includes transportation improvement costs, a permit for any alteration in the use of real property which increases the number of parking spaces required under the Corvallis Land Development Code.

The initial application for the zone of benefit expires after ten years from City Council approval, but can be extended at the developer's request in five-year increments. The CMC does not limit the number of extensions that can be made. The CMC provides for inflationary cost adjustments at the time payments are made.

DISCUSSION

The total cost of the public improvements associated with the CoHo Cohousing was \$492,719.27. The zone of benefit application submitted by Willamette Neighborhood Housing Service (aka Corvallis Cohousing Development, LLC) only requested reimbursement for the street and storm drainage improvements to SE Crystal Lake Drive and sewer improvements in SE Alexander Avenue. Additional improvements that were eligible were not requested by the applicant, nor did the applicant request reimbursement from tax lot 400 map 12-5-11-A. Based on the cost information submitted with the zone of benefit application and City staff review, the costs determined eligible for apportionment as requested by the applicant to properties within a zone of benefit amount to \$74,917.18. It should be noted that although SE Crystal Lake Drive is a neighborhood collector street with extra capacity features, the apportioned costs were based on a local street equivalent. The developer was previously reimbursed by the City for SDC-eligible extra-capacity improvements (beyond a local street) to SE Crystal Lake Drive in the amount of \$22,694.04

It is staff's determination that the zone of benefit identified in *Attachment 'A'* is an accurate representation of those properties benefitting from construction of the street and storm drainage improvements to SE Crystal Lake Drive and sewer improvements in SE Alexander Avenue. Costs apportioned to each property were developed from actual construction invoices, as-built drawings, and other documentation provided by the applicant.

Distribution of costs to individual properties within the zone of benefit is based on the "special benefit" each property would receive upon development. CMC Chapter 2.16 defines "special benefit" as:

Value associated with a capital improvement which relates to a particular parcel of land to the extent such parcel is, or may be, partially relieved of a cost or expense associated with development, and which is different in degree from the value or benefit received by the general public.

Using this definition, staff determined that it was appropriate to apportion costs for a particular facility to benefitted property on a frontage basis. This is consistent with Land Development Code criteria that requires: "where development sites abut an existing public street not improved to City standards, the street will be improved to City standards along the full frontage of the property concurrent with development" and "public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies)." Based on the criteria, staff propose a cost apportionment as shown below.

CoHo Cohousing
SE Crystal Lake Drive Street and Storm Drainage, and SE Alexander Sewer Line
ZONE OF BENEFIT COST APPORTIONMENT

PARCEL/TAX LOT	SEWER TOTAL	STORM TOTAL	STREET TOTAL	TOTAL
12-5-11AB/2100	-	\$ 34,971.24	\$ 18,503.24	\$ 53,474.48
12-5-11AC/100	\$ 6,793.62	-	-	\$ 6,793.62
12-5-11AC/200	\$ 8,760.43	-	-	\$ 8,760.43
12-5-11AC/201	\$ 5,888.65	-	-	\$ 5,888.65
Grand Total				\$ 74,917.18

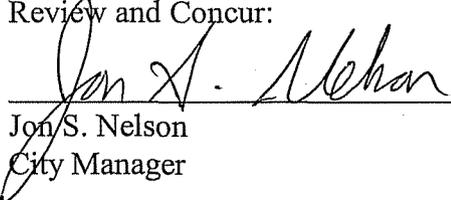
*At payment, the costs identified above will be adjusted for inflation based on the Engineering News Record Construction Cost Index (CCI Seattle May 2010 = 8677.21)

Notification to property owners pursuant to CMC Chapter 2.16 has been made including a letter detailing each property's apportionment of the total costs and the process for appealing the City Engineer's recommendation for formation of a zone of benefit. No appeals were received as a result of the notification.

REQUESTED ACTION

Staff requests that City Council adopt a resolution for establishment of a zone of benefit as included in *Attachment 'B'*.

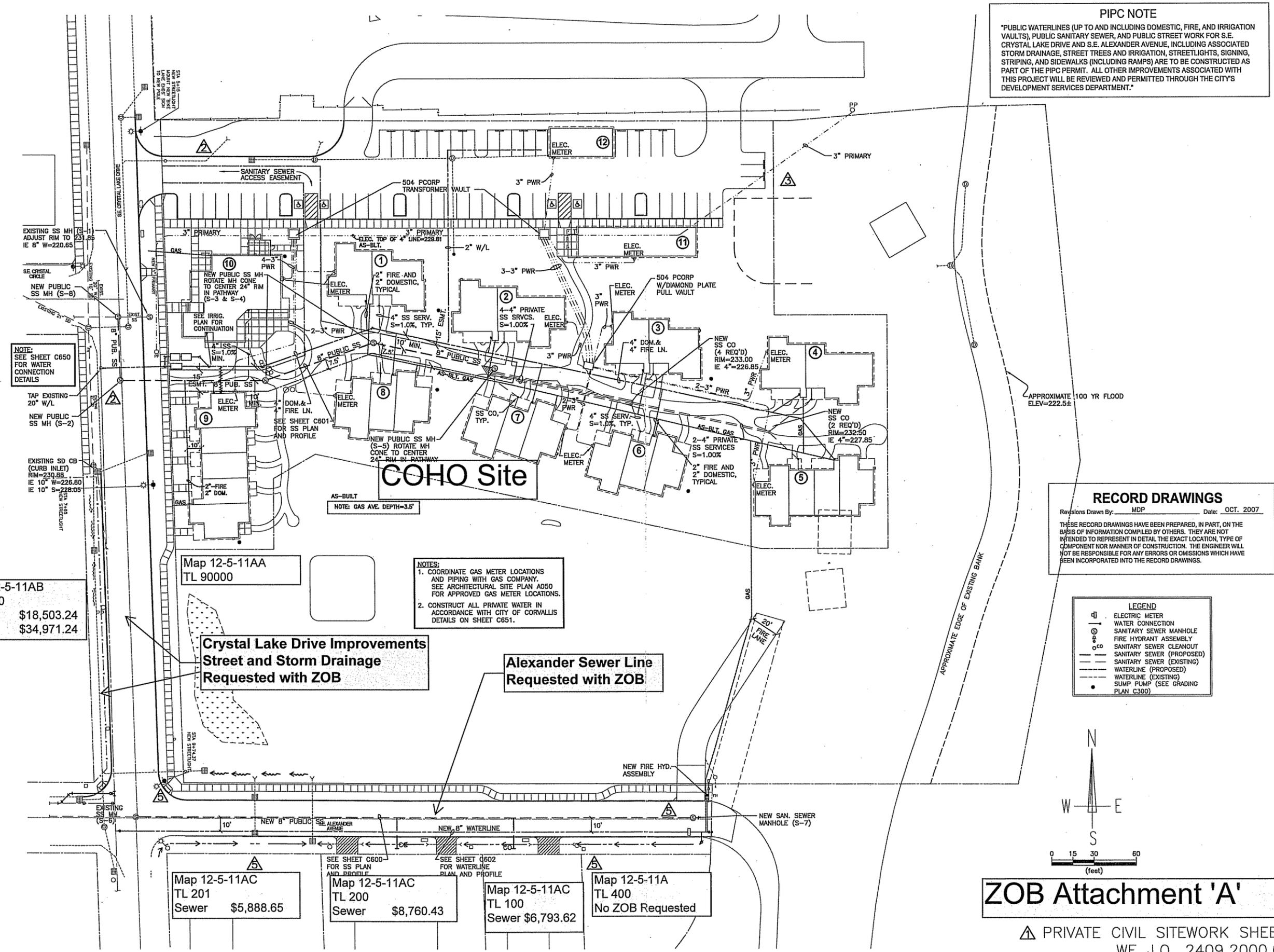
Review and Concur:

 7/9/10
 Jon S. Nelson Date
 City Manager

Attachments

X:\Divisions\Engineering\Development Review\Projects - Development\COHO\SDC & ZOB\CC_memo_CoHo_ZOB.wpd

SERA ARCHITECTS COPYRIGHT 2004
 REPRODUCTION OF ANY PART OF THIS MATERIAL, WITHOUT THE EXPRESS WRITTEN CONSENT OF SERA ARCHITECTS IS PROHIBITED.
 SERA ARCHITECTS INC. 338 NW 5TH AVE. PORTLAND, OR 97209
 TEL: 503.445.7372 FAX: 503.446.7395 EMAIL: sera@serapdx.com
 WE J.O. 2409.2000.0
 PIP06-1439



PIPC NOTE
 PUBLIC WATERLINES (UP TO AND INCLUDING DOMESTIC, FIRE, AND IRRIGATION VAULTS), PUBLIC SANITARY SEWER, AND PUBLIC STREET WORK FOR S.E. CRYSTAL LAKE DRIVE AND S.E. ALEXANDER AVENUE, INCLUDING ASSOCIATED STORM DRAINAGE, STREET TREES AND IRRIGATION, STREETLIGHTS, SIGNING, STRIPING, AND SIDEWALKS (INCLUDING RAMPS) ARE TO BE CONSTRUCTED AS PART OF THE PIPC PERMIT. ALL OTHER IMPROVEMENTS ASSOCIATED WITH THIS PROJECT WILL BE REVIEWED AND PERMITTED THROUGH THE CITY'S DEVELOPMENT SERVICES DEPARTMENT.

DRAWN BY: LEG, LWB
 CHECKED BY: SAW
SERA
 SERA ARCHITECTS INC.
 338 NW 5TH AVE.
 PORTLAND, OR 97209
 TEL: 503.445.7372
 FAX: 503.446.7395
 EMAIL: sera@serapdx.com

WE
 WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 1000 NE Oregon Street, Suite 200, Portland, OR 97232
 Phone: 503.255.1100 Fax: 503.255.1101
 WWW.WESTECH-ENG.COM



Map 12-5-11AB
 TL 2100
 Street \$18,503.24
 Storm \$34,971.24

Map 12-5-11AA
 TL 9000

**Crystal Lake Drive Improvements
 Street and Storm Drainage
 Requested with ZOB**

**Alexander Sewer Line
 Requested with ZOB**

Map 12-5-11AC
 TL 201
 Sewer \$5,888.65

Map 12-5-11AC
 TL 200
 Sewer \$8,760.43

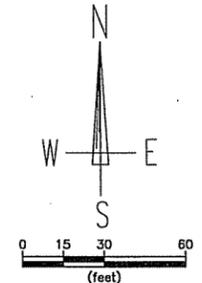
Map 12-5-11AC
 TL 100
 Sewer \$6,793.62

Map 12-5-11A
 TL 400
 No ZOB Requested

RECORD DRAWINGS
 Revisions Drawn By: MDP Date: OCT. 2007
 THESE RECORD DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED BY OTHERS. THEY ARE NOT INTENDED TO REPRESENT IN DETAIL THE EXACT LOCATION, TYPE OF COMPONENT NOR MANNER OF CONSTRUCTION. THE ENGINEER WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THE RECORD DRAWINGS.

LEGEND

⊕	ELECTRIC METER
—	WATER CONNECTION
⊕	SANITARY SEWER MANHOLE
⊕	FIRE HYDRANT ASSEMBLY
⊕	SANITARY SEWER CLEANOUT
---	SANITARY SEWER (PROPOSED)
---	SANITARY SEWER (EXISTING)
---	WATERLINE (PROPOSED)
---	WATERLINE (EXISTING)
•	SUMP PUMP (SEE GRADING PLAN C300)



ZOB Attachment 'A'

PRIVATE CIVIL SITEWORK SHEET
 WE J.O. 2409.2000.0
 PIPC Permit: PIP06-1439

CORVALLIS COHOUSING
 DEVELOPER: CORVALLIS NEIGHBORHOOD HOUSING SERVICES
 CLIENT: COHO

REVISIONS

Δ	REVISED PER CITY REVIEW	1-29-07	LWB
Δ	ADDED SUPP. TREE PROT.	9-18-06	LWB
Δ	REVISED PER CITY REVIEW	8-30-06	SAW
Δ	REVISED PER CITY REQUIREMENTS	8-21-06	SAW
Δ	REVISED PER CITY REVIEW	6-12-06	SSM

OVERALL UTILITIES PLAN
 ISSUE DATE: 25 APRIL 2006
 PROJECT NO.: 032024
 SHEET
C400

PIPC / CIVIL PERMIT SET

RESOLUTION 2010-___

Minutes of the _____, 2010, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the methodology for establishing a zone of benefit reimbursement fee is established in Municipal Code Chapter 2.16;

WHEREAS, Municipal Code Chapter 2.16 requires the zone of benefit reimbursement fee to be established by resolution of the Council;

WHEREAS, Willamette Neighborhood Housing Services (a.k.a. Corvallis Cohousing Development, LLC), developer of the CoHo Cohousing Development, has completed construction of public improvements in SE Crystal Lake Drive and SE Alexander Avenue to the satisfaction of the City;

WHEREAS, Willamette Neighborhood Housing Services has provided documentation of costs for public improvements, in the total amount of \$492,719.27 of which \$74,917.18 has been apportioned to properties within a defined zone of benefit based on the proportionate benefit to each property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the zone of benefit reimbursement fee shall be apportioned to benefitted properties and become due and payable upon connection to SE Crystal Lake Drive, storm drainage, and/or sewer or initiation of development activity that would otherwise require street, public storm drainage, and/or sewer improvements per the Land Development Code, excepting substantial improvements involving the expansion of existing rural or farm uses. The zone of benefit will remain in effect until such time as all reimbursement fees have been collected by the City of Corvallis or the zone of benefit expires, said reimbursement fees being apportioned to each property within the zone of benefit as follows:

CoHo Cohousing SE Crystal Lake Drive Street and Storm Drainage, and SE Alexander Sewer Line ZONE OF BENEFIT COST APPORTIONMENT				
PARCEL/TAX LOT	SEWER TOTAL	STORM TOTAL	STREET TOTAL	TOTAL
12-5-11AB/2100	-	\$ 34,971.24	\$ 18,503.24	\$ 53,474.48
12-5-11AC/100	\$ 6,793.62	-	-	\$ 6,793.62
12-5-11AC/200	\$ 8,760.43	-	-	\$ 8,760.43
12-5-11AC/201	\$ 5,888.65	-	-	\$ 5,888.65
Grand Total				\$ 74,917.18

*At payment, the costs identified above will be adjusted for inflation based on the Engineering News Record Construction Cost Index (CCI Seattle May 2010 = 8677.21)

THE CITY COUNCIL OF THE CITY OF CORVALLIS FURTHER RESOLVES that the City Manager is hereby directed to collect these fees in accordance with Municipal Code Chapter 2.16.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

MEMORANDUM

July 28, 2010

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director 

SUBJECT: **Resolution Authorizing a Bank Loan**

I. Issue

The City Council must adopt a resolution authorizing staff to complete a bank loan to fund various capital projects.

II. Background

The Capital Improvement Program (CIP) includes several capital projects that are associated with public safety. These projects, including the Majestic Theatre and City Hall Seismic upgrades, the Law Enforcement storage compound, demolition of the Moose building and replacement with a parking lot and public restroom, and construction of a replacement Fire Drill Tower, have all been in the planning stage for a number of years. All of these projects include property tax monies as a significant revenue source to fund the project. As the City's financial outlook was discussed through the fall of 2009, and it became apparent that budget cuts would be required to achieve a balanced budget, the City Council began to discuss borrowing monies to complete these projects that are tied to public safety. The Adopted FY 10-11 Budget anticipates a \$2.1 million bank loan to meet that objective.

III. Discussion

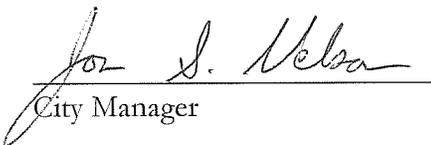
Staff has completed a bid process, sending a term sheet to five banks soliciting pricing for a bank loan. Four alternatives were sought – a tax-exempt loan with and without a call option in 2017, or taxable with and without the same call option. Two banks submitted bids, and staff has awarded the bid to Bank of America which offered a rate of 2.96% for a tax-exempt, callable ten year loan.

The attached resolution is the final piece of the bank loan process required prior to closing. This resolution authorizes the City Manager or Finance Director to sign all of the documents associated with the loan and sets the terms of the loan. Loan closing is scheduled for August 5, 2010. For FY 10-11, there will only be one interest payment (February 1, 2011) which is within the appropriations identified in the Adopted Budget.

IV. Requested Action

Approve the attached resolution to be read by the City Attorney.

Review & Concur:



City Manager

RESOLUTION NO. 2010 –

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A FULL FAITH AND CREDIT FINANCING AGREEMENT TO FINANCE THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS CAPITAL PROJECTS AND RELATED MATTERS.

Minutes of the Meeting of August 2, 2010 continued.

A resolution submitted by Councilor _____.

WHEREAS, the City Council of the City of Corvallis, Oregon (the “City”) finds:

A. The City is authorized pursuant to the Constitution and laws of the State of Oregon, specifically Oregon Revised Statutes Section 271.390 and 287A.315 (collectively, the “Act”) to enter into a financing agreement to finance the cost of real and personal property and pledge its full faith and credit; and

B. The Charter of the City does not (1) prohibit the City from entering into a financing agreement and pledging its full faith and credit as security for the financing agreement, nor (2) require a non-appropriation clause to be included in the financing agreement; and

C. It is in the best interest of the City to authorize and enter into a financing agreement to finance various capital improvements, including constructing a law enforcement fenced/paved compound; completing the Majestic Theatre Seismic upgrade; demolishing the Moose Building and constructing a parking lot and public restroom; constructing the City Hall Seismic upgrade and replacing the windows in the west wing; constructing a Fire Drill Tower and Facility; and other capital improvements to the facilities of the City (collectively, the “Projects”) and to pay all costs incidental thereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS, OREGON RESOLVES as follows:

1. Authorization. The Council hereby authorizes the execution and delivery of a financing agreement (the “Agreement”) to finance the Projects. The aggregate principal amount of the Agreement shall not exceed \$2,100,000 and the term shall not exceed ten (10) years. The rate of interest on the Agreement shall not exceed two and ninety-six hundredths percent (2.96%) per annum and the origination fee paid to the purchaser shall not exceed four thousand two hundred dollars (\$4,200.00).
2. Payments. Payments due under the Agreement shall be full faith and credit obligations of the City payable from lawfully available, non-restricted funds of the City and shall not be subject to annual appropriation. The City shall use all taxing power available to it under current law to generate funds sufficient to permit the City to make the payments within the limits of Article XI, sections 11 and 11b.

3. Designation of Authorized Representative. Pursuant to ORS 287A.300(4), the City hereby authorizes the City Manager or the Finance Director (the “Authorized Representative”) to act on behalf of the City and determine the remaining terms of the Agreement as specified in Section 4.

4. Delegation of Final Terms of the Agreement and Additional Documents. The Authorized Representative is hereby authorized, on behalf of the City, to:
 - a. establish the dated date, interest payment dates, interest rates (not to exceed the interest rate stated in Section 1 of this Resolution), the principal maturities and final principal amount, not to exceed \$2,100,000; and to establish prepayment provisions for the payments;
 - b. prepare an Agreement which the Authorized Representative determines to be in the best interest of the City, and to execute and deliver the Agreement; and
 - c. enter into any other agreements and to execute any other certificates or documents, and take any actions, which are necessary to finance the Projects in accordance with this Resolution.

5. Maintenance of Tax-Exempt Status. The City hereby covenants for the benefit of the lender to use the Agreement proceeds, and to otherwise comply with all provisions of the Internal Revenue Code of 1986, as amended (the “Code”) which are required for the interest component of the payments payable under the Agreement to be excluded from gross income for federal income tax purposes, as provided in the Agreement. The City makes the following specific covenants with respect to the Code:
 - i. The City will not take any action or omit any action if it would cause the Agreement to become an arbitrage bond under Section 148 of the Code.
 - ii. The City shall operate the facilities financed with the Agreement so that the Agreement does not become a private activity bond within the meaning of Section 141 of the Code.
 - iii. The City shall comply with appropriate reporting requirements.
 - iv. The City shall pay, when due, all rebates and penalties with respect to the Agreement which are required by Section 148(f) of the Code.

The covenants contained in this Section 5 and any covenants in the closing documents for the Agreement shall constitute contracts with the lender, and shall be enforceable by them. The Authorized Representative may enter into covenants on behalf of the City to protect the tax-exempt status of the Agreement.

6. Bank Designation. For purposes of paragraph (3) of Section 265(b) of the Code, the Agreement is hereby designated as a “qualified tax-exempt obligation”. The Agreement does not constitute a private activity bond as defined in Section 141 of the Code and not more than \$30,000,000 aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes (excluding, however, private activity bonds other than qualified 501(c)(3) bonds) including the Agreement, have been

or shall be issued by the City, including all subordinate entities of the City, if any, during the current calendar year in which the Agreement is entered into.

7. Appointment of Special Counsel. The City hereby appoints Mersereau Shannon LLP as special counsel for the execution of the Agreement.

This resolution shall take effect immediately upon its adoption by the Council.

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

Attest:

City Recorder

To: Corvallis City Council
From: Dan Brown, Ward 4

August 2, 2010

Subject: The reasons have not changed since 2006

The exemption of Historic Preservation Permit fees was thoroughly considered during the revision of Chapter 2.9 of the *Land Development Code* just four years ago. Through a public process that took many months, the City staff, the City Council, and the public agreed to the exemption. The issues at the time were not budgetary in nature, and they still are not:

1. Historic preservation provides public benefits;
2. Fees for historic preservation permits will harm historic preservation in Corvallis;
3. Creating historic preservation permit fees will violate the public trust.

1. Historic preservation provides public benefits;

Chapter 10 of the Council policy manual discusses fees for City services:

*A fee shall be charged for any service that **benefits limited interests** within the community... 10.03.040.020*

This statement also distinguishes between private benefit and public benefit. Some services clearly provide private benefit for "limited interests" (i.e. individuals and small groups). Examples of City services requiring fees include:

photocopies;
land use applications;
ads on transit busses;
permits for selling stuff in parks

Public benefit is associated with no fees. Examples of fee-less City services include:

library
parks
public access television
police protection

In simple terms, the public should pay for public benefits and those who benefit should pay for private benefits. Benefits of repair, rehabilitation and restoration of the community's historic and cultural heritage accrue to the entire community, like police protection.

Homeowners can tell you that they realize few, if any tangible benefits from going through the historic preservation process. Owners of homes in historic districts already bear substantial real costs to benefit the public good, in terms of:

- significant restrictions on property rights enjoyed by owners of equivalent properties, both historic and non-historic, who live outside historic districts;
- construction delays because of the historic preservation process;
- costs of assembling historic preservation applications;
- expensive repairs, materials and methods are required by historic preservation requirements to maintain old buildings; and
- if an owner is planning a project which requires a building permit or a land use application, those fees would be in addition to the historic preservation permit fee.

2. Fees for historic preservation permits will harm historic preservation in Corvallis

In a memo included with the packet for today's meeting, I tried to explain some relevant local history and relay some opinions I have heard expressed at Historic Resources Commission meetings by people from the historic preservation community. These reasons for not imposing historic preservation fees have not changed since 2006.

- Whereas it benefits the community to have homeowners go through the process, fees will induce homeowners to avoid historic review, completing changes to their old homes without guidance. Over decades (or centuries), uninformed changes to historic properties can damage the character of Corvallis' historic resources.

There is no reliable method for enforcing the requirements of Chapter 2.9, and already there is a very high rate of noncompliance, especially for small projects or for planned series of small projects which do not require building permits.

- Whereas it benefits the community to induce homeowners to maintain their historic properties, fees will discourage homeowners from maintaining their old homes as they become worn out, less energy efficient, incompatible with safety codes, and otherwise inappropriate for modern living. Over decades (or centuries) this trend will lead to deterioration and eventual loss of the very historic resources the regulations were designed to protect. Further, it will harm to the town's appearance and cultural benefit to the community.
- Whereas it benefits the community to preserve historic districts, fees will discourage homeowners from allowing the creation of any additional historic districts in Corvallis. As the demise of the North College Hill Historic District proposal demonstrates, accepting the terms and conditions of historic preservation is a hard sell. Fees will further discourage homeowner cooperation.

3. Imposing historic preservation permit fees will violate the public trust.

Early in this decade, the City of Corvallis initiated and promoted the idea of creating a historic district to constituents in Ward 4 through meetings at Harding school and a number of mailings. The proposed College Hill West Historic District was designed by the City, and research and application fees were paid for by the City. "Opting out" requires the property owner to send a certified letter saying "NO."

Through written and spoken words the City created the impression in the minds of ordinary citizens, who are not lawyers, that there would be NO HISTORIC PERMIT FEES - ever. As a result, hundreds of homeowners declined to go to the effort to "opt out" of the federal nomination process for the College Hill West Historic District.

The College Hill West Historic District was and is still controversial, and it could easily have been declined by homeowners. And remember, that even with the fee exemption, the North College Hill Historic District, proposed just a few blocks away from West College Hill was shouted down a couple years later. Will we find that North College Hill property owners were justifiably less gullible?

It is well within the power of the City Council to impose a historic preservation fee after the fact. However, doing so will affect the public trust!

I recommend that the Administrative Services Committee, in its annual review of Historic Preservation Permit fees, decide not to hold a public hearing because nothing has changed regarding the reasons to have an exemption since 2006. If we do have a public hearing to discuss historic preservation fees in the \$3,000 to \$4,000 range, I expect that this signal will generate a great deal of ill will and turn into a public relations nightmare for the City.

But if the Council decides have a hearing, I believe that as part of public outreach, we need to direct staff to notify every owner of property within a historic district in Corvallis by mail as soon as possible. The letter should clearly explain the magnitude of the proposed fees and the other implications of the change.



Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780
e-mail: mayor@council.ci.corvallis.or.us

PROCLAMATION

Corvallis Firefighters Appreciation Week

August 1 - 7, 2010

WHEREAS, Fighting fires is one of the most hazardous of all professions, requiring extensive training, physical strength, heroic courage, and an unselfish dedication to the welfare of our citizens; and

WHEREAS, In addition to their daily service to communities, firefighters in Corvallis, throughout Oregon, and across the nation, have joined the Muscular Dystrophy Association (MDA) for the past several years in the fight against neuromuscular diseases; and

WHEREAS, The City of Corvallis and the Muscular Dystrophy Association are extremely grateful to the firefighters of Corvallis whose "Fill the Boot" campaign will assist MDA in providing medical services at local clinics, summer camp, research grants, support groups, and public education seminars, at no cost to local children and families; and

WHEREAS, It is appropriate for all Corvallis citizens to join the Muscular Dystrophy Association in this tribute to our Firefighters.

NOW, THEREFORE, I, Charles C. Tomlinson, Mayor of the City of Corvallis, Oregon, do hereby proclaim **August 1 through August 7, 2010**, as "**Corvallis Firefighters Appreciation Week**" in Corvallis, Oregon, and commend the firefighters of Corvallis for their efforts on behalf of the Muscular Dystrophy Association.

Charles C. Tomlinson, Mayor

Date

1078



Office of the Mayor
501 SW Madison Avenue
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Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780

e-mail: mayor@council.ci.corvallis.or.us

July 29, 2010

The Honorable Ron Wyden
United States Senate
223 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Jeff Merkley
United States Senate
107 Russell Senate Building
Washington, D.C. 20510

Re: S. 3442, The Electric Vehicle Deployment Act

Dear Senators Wyden and Merkley:

On behalf of the City of Corvallis, I am writing in strong support of efforts to advance the wide-scale deployment of electric vehicles and to develop the infrastructure needed to support them.

Earlier this year, Senators Byron Dorgan (D-ND), Lamar Alexander (R-TN), and Jeff Merkley (D-OR) introduced S. 3442, The Electric Vehicle Deployment Act. This legislation allows geographic areas to compete and be selected as electrification "deployment communities" (specific geographic areas in which targeted, temporary financial incentives are employed in support of electric vehicles and infrastructure). Representatives Ed Markey (D-MA), Judy Biggert (R-IL), Anna Eshoo (D-CA), and Jerry McNerney (D-CA) introduced similar legislation in the House.

This approach, to deploy all of the elements of an electrified transportation system simultaneously at scale in select geographic areas, is designed to represent a path forward that is fiscally responsible while still minimizing the risk of electric cars being relegated to a niche market for enthusiasts.

On July 21, an overwhelming majority from both parties supported electrification legislation in the Senate Committee on Energy and Natural Resources. Shortly thereafter, Majority Leader Harry Reid included electrification in his oil spill response package. We applaud these efforts as we believe any oil spill or energy bill must include the electrification of our transportation system, which represents the only way to fundamentally affect our oil consumption.



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Americans look toward the Gulf and see an entire way of life potentially destroyed. They look to the Middle East and see our economy and our national security being held hostage by nations that wish us harm. The American people understand the danger. They want to be able to drive cars powered by cleaner, domestic fuels. American industry can provide those cars and the infrastructure needed to support them. We are one short step away from widespread deployment of a major new American born-and-bred technology. Electrification will open the floodgates, and the result will be a cleaner, safer, stronger nation.

The City of Corvallis is making headway with the EV Project funded through the American Recovery and Reinvestment Act. We appreciate your support of electrification legislation, thus enabling our community to continue moving toward a more sustainable and secure transportation future.

Sincerely,

Charles C. Tomlinson
Mayor, City of Corvallis

0077

cc: The Honorable Harry Reid
The Honorable Mitch McConnell
The Honorable Max Baucus
The Honorable Charles Grassley
The Honorable Jeff Bingaman
The Honorable Lisa Murkowski

Testimony for the City Council of Corvallis
August 2, 2010
Proposed Historic Preservation Permit Fees

The Administrative Services Committee's suggested Historic Preservation Permit fees would have a totally chilling effect on preservation in Corvallis. This change is not only unjust, it is inconsistent with Council's sustainability and jobs growth goals.

Preservation permit applicants also pay for building permits, consequently this approach would penalize stewards of our collective heritage by assessing fees TWICE for the same activity. Further, the research and documentation for a well-submitted Historic Preservation Permit is a service applicants provide to the community. Some applicants are overwhelmed by the task, and hire consultants to complete the forms for them. In that situation, a historic property owner would be paying THREE times for the same activity.

Historic Preservation is all about sustainability and economic development. Every time a historic resource is conserved and continues to be used, we reduce construction impact on the environment. According to the EPA, 48 % of US greenhouse gases are composed of construction and building operation. Reusing adaptable existing structures is a practical strategy to reduce our carbon and energy footprints, and you don't need a new city-wide referendum to pay for it.

Importantly, historic preservation is about jobs, because it is a labor-intensive activity, not a materials-intensive one. Rehab activities employ skilled professionals and trades persons in local work that cannot be out-sourced. Those preservation dollars rollover in the community and are re-spent and re-invested in Corvallis. In Oregon, every \$1 million dollars spent for historic rehabilitation creates 22 more jobs than cutting \$1 million dollars of timber. It makes no sense whatsoever to adopt a punitive fee schedule that would have a chilling effect on job creation.

Preservation isn't new.

In 1858, a changing market for agricultural products and general hard times, left a family without funds to care for their home and its property. Commercial developers proposed leveling the deteriorating building for new housing, capitalizing on its knoll location with river views. The property was Mount Vernon, and is today second only to the White House as the most visited home in the country.

Not all historic places are national shrines like Mount Vernon. In 1924, Rena Green and Emily Edwards were appalled, when their Chamber of Commerce and City Commission proposed a diversion channel to carry storm water away from a horseshoe river bend. Rather than divert the river and fill the bend with concrete, they focused on the bend's natural beauty and demonstrated economic development opportunities along the riverside. The horseshoe bend they championed is today's celebrated Riverwalk in San Antonio, and the Society they founded saved most of the income-generating historic features that make San Antonio one of the nation's top tourist destinations.

In 1931, Charleston, SC created the first historic preservation ordinance in the country in response to construction of a gas station amidst stately, historic commercial structures.

In 1966, Congress passed the National Historic Preservation Act that – among other things – created the

Certified Local Government Program. Funding from that program substantially pays for Corvallis' historic preservation services. It may be that charging fees for review of preservation projects could jeopardize city funding already in place.

In 1982, – 28 years ago – Corvallis adopted a historic preservation ordinance. And while that ordinance continues to evolve, it is neither new, nor onerous by national standards.

It is unconscionable that an activity that provides so much value to and investment in the community should continue to be treated with such disrespect and misunderstanding.

Respectfully submitted,

BA Beierle

Comments on Charging for Historic Preservation Permit Review in Corvallis

08/02/2010

Kirk A. Bailey

Corvallis, OR 97339

RECEIVED

AUG 02 2010

CITY MANAGERS
OFFICE

Dear Mayor and City Council:

I am writing in reference to the recent proposal to charge for Historic Preservation Permits in Corvallis. I have had a chance to review the Staff notes and the letter from Councilor Brown and I have the following comments:

- 1) During the effort to create the first Historic District in Corvallis (Avery-Helm), I had the opportunity to talk to nearly all the property owners in the proposed district, either individually, or during group presentations. I can confirm that what Councilor Brown reports for College Hill West would also have held for Avery-Helm: There would have been overwhelming opposition to creating such a district had additional fees been involved.
- 2) Although it might seem surprising, the reason for the opposition would not have been purely financial! Historic districts are a "pain" for the residents/property owners. On a purely individual basis there is presently very little benefit to owning property in a district with which to counter-balance the month(s) of extra project review time, as well as the often-significant expense associated with creating the required additional application material for historic review. Note, that as Councilor Brown pointed out, in many cases projects that are too small to even require a building permit still require going through a historic review process!
- 3) Given 2), why the heck did the required >50% of the folks in the existing residential districts agree to be included?

A question with many answers. The main ones include:

- A) Some folks love historic houses/buildings and saw the creation of a district as a good way to encourage people to better preserve them.
- B) Some folks hoped the creation of a district would create a rallying-point/source of pride for a neighborhood, or even the community as a whole.

Most folks see the benefits of a district as a combination of these and other reasons. It's important to note that these are neighborhood and community-wide benefits that people have decided outweigh the extra personal costs associated with actually living in a district. The desire to "do the right thing" by the property owners is why charging a fee for historic review is such a slap in the face: When you sacrifice your personal interests for the good of the community as a whole, having the community turn around and charge you for the privilege is not a good strategy to encourage "do the right thing" behavior in the future!

4) It is also worth noting that the historic review process has changed substantially since the two residential districts were created. The changes have generally had the effect of increasing the time and expense associated with going through the historic review process. I'll go into some of the reasons for this in a bit, but for now suffice it to say that I strongly suspect that had the current process been in place when the districts were proposed, neither would have achieved the required >50% buy-in. In a very real sense the community has already increased the personal costs associated with living in a district to the point where people would probably decide the neighborhood/community-wide benefits are not adequate to balance the scales. The evidence backs me up on this point given the lack of recent success in creating any additional districts.

5) Why do we care about Historic Preservation anyway? I'm mostly going to leave this issue for others to comment on, but I did want to mention a couple of points:

A) The Corvallis Vision 2020 document, the Corvallis Comprehensive Plan, and the Corvallis Land Development Code all stress the importance of Historic Preservation. If I included all the references in these comments they would probably double in size! Throughout the very public processes that created these documents, a huge number of Corvallis Citizens affirmed the importance they place on Historic Preservation.

B) At least at the Community-wide level, there appears to be a pretty strong economic benefit associated with Historic Preservation: You need look no farther than yesterdays Gazette-Times newspaper which had a big spread on the "Historic Homes Trolley Tour". This is an event sponsored by Corvallis Tourism (www.visitcorvallis.com). It's worth noting that in addition to the trolley tour series, they also showcase both silent and narrated "Historic Walking Tours" and at least 10 other activities with a "Historic" focus. They are the "pros" at encouraging folks to come spend money in Corvallis, and they clearly embrace Historic Preservation!

6) Despite my concerns about the consequences of charging for Historic Preservation Permits, I'm also sensitive to the very real burden they have become for the City to administer, particularly given the new OSU district. On the plus side, it's worth mentioning that the LDC Chapter 2.9 update process already underway by the HRC seems likely to result in a significant reduction in the number of required HRC/Staff reviews for issues with little or no adverse historic impact. This, by itself, should significantly reduce the future cost to the City associated with Historic Preservation activity.

7) I alluded earlier to issues with the changes in the Historic Preservation Permit review process over time, now I want to dig into this a bit:

As background, hopefully my previous comments make it clear that I feel both the folks that live in the residential districts, **and** the City, are presently unhappy with the expense and hassle of dealing with them. Short of some sort of "historic couples counseling", how can we make the process work better for both the residents and the City?

Well, once upon a time, the residents (and I suspect the City also), were much happier with the situation. Otherwise, both parties wouldn't have worked so hard to make the districts come into existence in the first place!

Some characteristics of those "golden" years:

A) Applications were much shorter and simpler to put together. Residents liked this!

B) Staff reports were much shorter and simpler to put together. The City liked this!

C) Hearings with the old HPAB were much more collaborative and less formal than HRC hearings. I even had the honor of observing one stellar example during which some of the professional designers that were on the board at the time helped an applicant long on enthusiasm, but short on preservation background, completely redesign his proposal on the spot! Residents **REALLY** liked this!

This is not to say that the current HRC isn't doing a great job. I had the opportunity to attend a recent meeting and was struck by how much of an effort they made to be welcoming and helpful to the applicants and other audience members. The problem definitely isn't the people, it's the chilling effect that the much more formal (and legal), process now has.

D) As much as the residents preferred the HPAB informality, it's my understanding that it put the Community Development Director in an awkward position: The "informal" HPAB could only make a recommendation, so the Director had to make the final decision. But what grounds other than the HPAB recommendation could the Director use to make that decision? The HPAB hearings I attended were not strong on making sure that clear "legal findings" were part of the record!

A) and B) above are long on "shorter and simpler" and short on data. In an attempt to quantify my feelings on this I dug out what I think are my personal oldest and newest new construction Historic Preservation Permit applications, one in the old days with HPAB, and a more recent proposal that went before the HRC. Both were for two story single family detached houses in the Avery-Helm Historic District. The houses were about a block apart, and although the more recent application was for a slightly larger house, they were pretty comparable overall. The results were startling:

HPP00-00004 (Hearing by HPAB and final decision by Director)

The non-application-form/non-house-plan part of the application was 2 whole pages long! (I eliminated the actual application form & house plans from my count to help equalize for the difference in house size). The Staff report, including **everything**, was 12 pages long.

HPP07-00016 (Hearing/decision by HRC)

The non-application-form/non-house-plan part of the application was 10 pages long. The Staff report, including everything, was 98 pages long!

In seven years the application text size increased by 5X, and the Staff report increased by 8X. If my results are at all typical it's no wonder that no one is happy with the present situation!

Conclusion

While I believe that the current application material and Staff reports are more thorough than those of years ago, I feel that **both** my applications got the level of review needed to ensure a good result for both the applicant and the community. I strongly suspect this is simply a case of “diminishing returns”, and the extra bulk has increased the cost to prepare and review the extra material with a considerably smaller increase in the value of the additional information. While I suspect Staff may feel that it would be inappropriate for them to unilaterally reduce the size of HRC Staff Reports and requested application material, it certainly is in the purview of the City Council to make such a decision, especially given the budgetary forecasts the City is facing.

This isn't even the first time that we have done this! For example, during a previous fiscal crunch (mid-1990's if I'm remembering the date correctly), Planning Commission Staff reports were greatly trimmed down to help save on Staff costs. PC members played a role in the reduction too: They were instructed that if they wanted more elaboration on a particular point in one of the new “lean and mean” Staff reports, they needed to contact Staff ahead of time so that additional material could be prepared on that specific point. In practice this rarely happened, and my understanding is that the “temporary weight loss program” significantly contributed to getting past that fiscal rough patch.

Dealing with the HPAB/HRC informal/formal issue is more complex, and unless someone else can come up with a way to address the problems that HPAB recommendations created for the Community Development Director, there may be no reasonable way to put that genie back in the bottle. However, it might be possible to re-create at least the “collaborative design” aspect of the HPAB process by seeing if an informal (volunteer), group of design professionals might be formed to help out with some free consulting for small residential jobs that otherwise can't afford professional help. Such a group would, of necessity, not include current HRC members, and might even be completely independent of the City. Of course, having the City make prospective applicants aware of the possibility of some free guidance would increase the chances for positive outcomes for both the applicant and the community!

Even without the design assistance, just reducing the size of the required application material, and the resulting Staff reports, should make both district residents and the City budget happier. In conjunction with the improvements to LDC Chapter 2.9 already being undertaken by the HRC I feel that in the end, Historic Preservation can successfully reclaim some of it's recently lost luster.

FREE FOOD | FREE ENTERTAINMENT | EVERYONE WELCOME

Race Unity Picnic

Come celebrate
Unity in our **Diversity**



Saturday, August 21, 2010
Avery Park Maple Grove
Noon—4:00 p.m.

FOOD and ENTERTAINMENT | 12:30—2:30 p.m.
Michelle Lovrich of Common Pulse | *Rhythm circle*
Alexander Contreras & Tito Amaya | *Latin folk music*
4-H Fiesta Mexicana Dance Group

GAMES for KIDS | 1:30—3:30 p.m.
Provided by the Boys & Girls Club of Corvallis

BRING A CHAIR or A BLANKET
FREE and OPEN TO THE PUBLIC

For more information, call Marna Claywoman
541-753-0647 or Jeannie Shyam 541-752-3727

Sponsors | Corvallis Bahá'í Community, NAACP Corvallis
Branch, Dr. Martin Luther King Jr. Commission for the
City of Corvallis

65th Anniversary

“Never Again”

**Hiroshima and Nagasaki
Remembrance
Event**

Monday, August 9, 7:30-9:00 p.m.

**Traditional Floating Lantern Ceremony
At Starker Arts Park**

Country Club Drive and 45th Street, Corvallis

7:30-8:00 p.m. Lantern Decorating & Crane Folding

8:00-8:30 Commemorative Program

8:30-9:00 p.m. Traditional Floating Lantern Ceremony

Families are welcome

(Materials for lanterns and candles and origami paper
will be provided. Bring lawn chairs or blankets.
Bring warm clothing)

Sponsor:

Just Peace Committee of the Corvallis United Church of Christ



BOARD OF COMMISSIONERS

408 SW Monroe Ave., Suite 111

P.O. Box 3020

Corvallis, OR 97339-3020

(541) 766-6800

FAX (541) 766-6893

Working together for a successful economic future!

It's about jobs!

What we need in Benton County and Corvallis are more quality jobs.

- Jobs paying desirable wages, across a range of occupations and endeavors, fostering economic diversity, so the well-being of our community is not so dependent on a few large employers.
- Jobs that afford our young people, and new graduates of OSU and LBCC the opportunity to stay here, build a life, raise a family, and enrich our community.
- Jobs that open a path out of poverty.
- Jobs that can unleash the productivity of our entire workforce.
- Jobs offering everyone the opportunity for self-sufficiency, economic security, and a sense of control over their lives.
- Jobs that promote a sustainable improvement in the standard of living, and the quality of life, for all of us.

It's about supporting local businesses.

We believe the best way to achieve more quality jobs in Benton County and Corvallis is to nurture the job-generating economic engine of commerce and industry here.

- We need to retain the businesses that are here.
- We need to help existing businesses expand here.
- We need to help create businesses here.

It's about collaboration with our neighbors.

Does this mean we don't want to recruit businesses to come here, or that we shouldn't take a regional approach to economic development in partnership with our neighboring counties and communities? Not at all. We need to be prepared to make the most of worthwhile opportunities that come our way—companies that see what we value as a community as right for them, and companies that the community perceives as right for us. We need to be responsive.

It's about a partnership.

Sound, well-executed economic development strategies will generate jobs and boost support for local government services necessary for community livability. We, as elected officials, should do what we can to solve these problems in what is the very foundation of the quality of life we so dearly cherish here.

We want to work with the City Council to put into action an accountable and responsible economic development plan that is outcomes-focused; a plan that can generate quality jobs throughout Benton County and Corvallis.

Thank you for the opportunity to speak today. My name is Tammy Stehr and I live at _____, in an historic 1927 home _____. I previously lived in the Bexell House, at 3009 NW Van Buren, which I placed on the National Register of Historic Places. ~~Historic Preservation is one of my avocations, and thus~~ I am here to speak today to the proposal to impose fees on Historic Preservation reviews.

I was very active in the College Hill Neighborhood at the time the College Hill West Historic District was contemplated and implemented BY THE CITY. I supported the formation of the District and spent countless hours at public meetings and speaking with residents, advocating for the District being imposed BY THE CITY, because I truly believed that creating the District would help to preserve our unique neighborhood, and that the existence of the District would not impose unduly on residents and owners in terms of cost and responsibility. I repeatedly assured folks that the intent was not to turn our neighborhood into an open air museum, and that in fact it was an honor to become stewards of a sort over the historic legacy embodied in the architecture and associated personages throughout the years that have made our neighborhood what it is.

Most residents had little or no experience or knowledge of historic preservation and were naturally suspicious of the designation and its consequences. At meetings and in mailings, City staff again and again assured residents that they were only doing what was required by State Planning goal no. 5, and that it was for the *greater good*. The City outlined the kind of review that would be required in front of a Historic Board for remodeling or rehabilitation, went to great pains to make it clear that that review would add to a project timeline by 30 or 45 days, and explained that the costs of a project could be higher than otherwise because of the material and design standards that would apply, but that is all. At least once it was stated in writing that there would be no review fees as such, and the impression was clearly given that such fees would not apply. I feel imposing them now is a clear case of "bait and switch." Residents agreed to the Historic designation, which the City was clearly hell-bent on pursuing, and thereby gave up some authority over what they could do with the exterior of their property, unlike residents living elsewhere, in neighborhoods and districts which do not fulfill statewide planning goal no. 5. To now, a decade later, impose fees which would only be borne by those living in Historic Districts and Historic properties, is to egregiously violate the public trust. ^{to my} City fathers and mothers seem to want residents and owners of historic properties to bear the onus of providing a public good for the benefit of all - and that just isn't right.

Tammy Stehr

I urge you to permanently table the proposal to impose historic preservation fees.

From: Barbara Ross <
Subject: **Quarterly report**
Date: July 15, 2010 3:33:39 PM PDT
To: Kent Weiss <kent.weiss@ci.corvallis.or.us>
Cc: Aleita Hass-Holcombe

To Kent Weiss
Corvallis Housing division

From Barbara Ross
Corvallis Daytime Drop-in Center

Re Quarterly Report
General Fund Allocation

During this last six months we used city general fund allocation dollars to employ a mental health outreach worker. We hired Barbara Thayer a former employee of Helping Hands in Albany. She has worked 18 hours a week at \$18 dollars an hour. She has extensive experience in working with the homeless and with mentally ill persons. She focused on getting clients qualified for the Oregon health plan, connecting them with health care providers, helping them with the process to apply for disability benefits, obtaining housing, and facilitating connections with the veterans services.

Working together with volunteers, and with our vista worker, the program has had a positive impact. Here are highlights of important accomplishments:

Three persons received a favorable determination of eligibility for SSI and now have a monthly income.

In three cases the applications and interviews have been completed and the determination is in process.

In six cases the application has been denied and an appeal is in process.

Nine persons who were homeless have been moved into housing.

Three have received housing vouchers and are looking for housing.

Three persons are now in residential drug and alcohol treatment.

One persons was admitted to a psychiatric hospital

Six persons are now qualified for the Oregon Health plan.

Seven other persons who were not using a primary care physician and were in need of medical care were connected with effective medical treatment either through the the County Health Clinic, or the Veterans Service Medical program

Five persons spent some time at COI as part of their progress toward personal improvement.

Four have received services from New Beginnings, the county out patient drug and alcohol treatment program.

Altogether Mrs. Thayer has had contact with 60 different homeless persons and has provided intensive case management to 11 persons. In many situations she helped individuals access services from our partner agencies. In other cases, she provided back up to volunteers by suggesting strategies that might work with a specific individual.

Project action provided free office space to the Veteran's representative from Eugene. This resulted in several Veterans receiving services that they were unaware that they were eligible for. Mrs. Thayer's preparation and follow up with these persons helped them make effective use of the services.

It is our conclusion that the city money spent on this position was well worth it.

In terms of future planning the supervision of Mrs. Thayer is being transferred from the CDDC to the Corvallis Homeless Shelter Coalition. She will continue much of her present work with an emphasis on preparing potential tenants to apply for housing at the Partner's Place, the proposed Housing First Facility. Her salary will be paid for by donations to the Corvallis Homeless Shelter Coalition.

The report from A&S accounting shows that \$8,758 was spent on her position and \$6,241 was spent on client services. Included in this amount was about \$400 spent on office supplies. a printer, paper and postage.

The rest of the client fund was used for medical needs, co-pays on prescriptions, access fees to the health clinic, cell phones, birth certificates and id, screening fees for housing applications, Loop tickets to Albany , and personal incidentals such as socks, razors, band-aids, soap and shampoo, monthly planners.

In Mrs. Thayer's opinion capacity to have a flexible fund to pay for small items that seemed like a stumbling block to the individual was key to her success. We will build this incidentals fund to future programs.

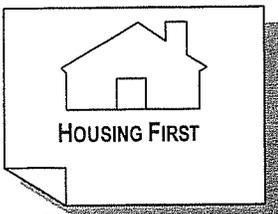
OTHER ACTIVITY AT PROJECT ACTION

We have used all of the other funds allocated from the general fund. The last of the rental assistance money went to a single mother who had 18 month old twins. She was living with a relative who was using drugs so the place had become unsafe for her. We helped her pay her deposit and rent in partnership with We Care.

Client assistance continues at a reduced level with donated funds. We give priority to homeless persons seeking work. Replacing lost or stolen Identification is an ongoing need. We continue to help homeless persons find yard work and other odd jobs.

We work hard to connect persons with appropriate services from other agencies.

During this quarter we have had a total of 609 visits to the office serving 183 different individuals.



Housing First Project
Corvallis Homeless Shelter Coalition
316 S Washington Ave. Corvallis, OR 97333 (541)752-3605

Dear Supporters,

We want to thank you again for your contribution to the Housing First Fund. We are so grateful that you stepped forward to help us financially. Because of your support and other individuals like you, the contractor is almost ready to begin building Partners Place, a Housing First facility. The project will provide permanent housing for some of Corvallis' most vulnerable homeless persons. We invite you to come help us celebrate.

Ground Breaking Ceremony, Partners Place

Sunday, August 15, 1:00 PM 1661 NW Harrison

We want to report the progress that has been made over the last few months:

FUNDING

- ◇ The City of Corvallis allocated \$250,000 in HOME dollars, provided we could raise the matching funds.
- ◇ The State Housing Council approved an acquisition grant of \$510,000 and \$182,000 for operations.
- ◇ An application for \$50,000 has been submitted to Spirit Mountain. This is pending but we are hopeful.
- ◇ A major fund-raiser was held at the Majestic Theater. We have raised \$59,000 of the \$85,000 in matching funds needed to receive the City grant.

PROPERTY ACQUISITION

- ◇ An earnest money agreement with the owner, Ed Epley, was completed setting the purchase price at \$780,000.
- ◇ Architect Cy Statsvold completed construction plans. Plans and other required materials were submitted to the City for a building permit.

STAFFING

- ◇ An outreach worker has been hired to identify and prepare potential tenants for the project.
- ◇ The Linn-Benton Housing Authority has agreed to be the property manager.

COMMUNITY SUPPORT

- ◇ The project is supported by the Ten Year Plan to Address Homelessness Committee, and the County Commissioners.
- ◇ Other significant partners include the Benton County Health Department, New Beginnings Drug and Alcohol Treatment Program, Furniture Share, and the Community Services Consortium.

The Board of the Corvallis Homeless Shelter Coalition wants to express their deep appreciation for all the volunteers and donors who have pitched in to help us in so many ways. Please use the enclosed envelope if you wish to add to your contribution. If not, pass it on to a friend who might be interested in supporting the Housing First concept.

We hope you will be able to come and celebrate the initiation of this program. If you have questions, call Barbara Ross, Project Coordinator at (541) 752-3605.

Sincerely,

Aleita Hass-Holcombe,
Chairperson Corvallis Homeless Shelter Coalition