CORVALLIS
CITY COUNCIL AGENDA

January 3, 2011
12:00 pm ONLY

Downtown Fire Station
400 NW Harrison Boulevard

COUNCIL ACTION

OATHS OF OFFICE

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 – December 20, 2010
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Commission for Martin Luther King, Jr. – December 16, 2010
      b. Historic Resources Commission – November 9 and 30, 2010
      c. Planning Commission – October 6 and 20, 2010

B. Acknowledgment of receipt of 2010 updated City Council policies

C. Acknowledgment of 2010 City Manager employment agreement

D. 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

1. Standing Committee Appointments and Appointments of Council Liaisons to Boards, Commissions, and Committees (to be distributed on Monday) [information]
2. Updated Boards, Commissions, and Committees directory (to be distributed on Monday) [information]
3. Election of Council President and Vice President for 2011-2012 Term of office [direction]

B. Council Reports

C. Staff Reports

1. Labor Relations 101[information]
2. Council Request Follow-up Report – December 30, 2010 [information]
3. 2011-2012 Ward meetings [direction]
4. 2011 Government Comment Corner [direction]

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]

VII. PUBLIC HEARINGS – None.

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

A. Human Services Committee – None.

B. Administrative Services Committee – None.

C. Urban Services Committee – None.

X. NEW BUSINESS

A. Initiation of a Land Development Code Text Amendment (LDT10-00001 - FEMA Update of LDC Floodplain Regulations) [direction]

XI. ADJOURNMENT

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

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

A Community That Honors Diversity

CITY OF CORVALLIS

ACTIVITY CALENDAR

JANUARY 3 - 15, 2011

MONDAY, JANUARY 3

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

TUESDAY, JANUARY 4

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

WEDNESDAY, JANUARY 5

- Administrative Services Committee - 3:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, JANUARY 6

- Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Committee for Citizen Involvement - 7:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, JANUARY 7

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

SATURDAY, JANUARY 8

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

MONDAY, JANUARY 10

- City Council - 3:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (orientation – media representatives, 3:30 - 4:15 pm; Boards and Commissions Chairs, 4:30 - 5:45 pm)

TUESDAY, JANUARY 11

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

WEDNESDAY, JANUARY 12

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

- Downtown Commission - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, JANUARY 13

- Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive

- Dr. Martin Luther King, Jr., Celebration Event - 7:00 pm - Majestic Theatre, 115 SW Second Street

SATURDAY, JANUARY 15

- No Government Comment Corner

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

December 20, 2010

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Page 644			
Unfinished Business 1. Creekside Center I and II – Findings of Fact and Order 2. Industrial Lands Wetlands Mitigation Task Force Report Pages 645-647	 Yes		• Adopted Formal Findings and Conclusions passed 5-1
Council Reports 1. Access Benton County (Beilstein) 2. TMDL Community Briefing (Hervey) 3. CH2M Hill Open House (Raymond) 4. City Budget (Raymond) 5. Martin Luther King, Jr., Celebration (Raymond) 6. Wood-Burning Stove Regulations (Hirsch) 7. Parks and Recreation District Feasibility Study (Hirsch) 8. Council Appreciation (Hirsch) 9. LDC Text Amendment Proposal – In-Fill Development 10. Council and Staff Appreciation (Daniels) Pages 647-648, 651	 Yes Yes Yes Yes Yes Yes Yes Yes		 • Directed staff to conduct study passed 6-3 • Referred to Community Development Department for review passed U
Visitors' Propositions 1. LDC Text Amendment Proposal – In-Fill Development (Bailey, Daniels, Weber, Stephens) 2. OSU Valley Library Advisory Council (Nutefall, Cook) 3. Park Access by Disabled Persons (Wershow) Pages 648-651	Yes Yes Yes		
Staff Reports 1. City Manager's Report – November 2010 2. Council Request Follow-Up Report – December 16, 2010 3. Council Appreciation and Highlights Page 652	Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Items of HSC Meeting of December 7, 2010 1. 2011-2012 Social Services Allocation Process and Calendar 2. Council Policy Review: CP 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs" 3. Benton County Adult Services Team MOU Pages 652-654			• Affirmed funding priorities, funding range, and timeline passed U • Amended Policy passed U • Authorized CM and Police Chief to sign MOU passed U
Items of ASC Meeting of December 8, 2010 1. Economic Development Application Process and Calendar 2. Economic Development Allocations First Quarter Reports 3. Comprehensive Annual Financial Report 4. First Quarter Operating Report Pages 654-655			• Approved suspending competitive allocation process for FY 11-12 passed U • Accepted reports passed U • Accepted report passed U • Accepted report passed U
Other Related Matters 1. Sidewalk Maintenance Fee 2. Transit Operations Fee 3. Urban Forest Management Fee 4. Parking Meters Page 656			• ORDINANCE 2010-30 passed 6-3 • ORDINANCE 2010-31 passed 5-4 • ORDINANCE 2010-32 passed 5-4 • ORDINANCE 2010-33 passed U
Mayor's Report 1. CH2M Hill Open House 2. Mario Pastega's Birthday Party 3. Recognition of 2009-2010 Councilors Page 657	 Yes Yes Yes		

Glossary of Terms

ASC	Administrative Services Committee
CM	City Manager
FY 11-12	Fiscal Year 2011-2012
HSC	Human Services Committee
LDC	Land Development Code
MOU	Memorandum of Understanding
OSU	Oregon State University
TMDL	Total Maximum Daily Load
U	Unanimous

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

December 20, 2010

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on December 20, 2010, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

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

II. CONSENT AGENDA

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

A. Reading of Minutes
   1. City Council Meeting – December 6, 2010
   2. City Council Work Session – December 8, 2010
   3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Capital Improvement Program Commission – October 27 and November 1 and 10, 2010
      b. Citizens Advisory Commission on Transit – October 13, 2010
      c. Committee for Citizen Involvement – November 4, 2010
      d. Corvallis-Benton County Public Library Board – November 3, 2010
      e. Downtown Commission – November 10, 2010
      f. Housing and Community Development Commission – November 17, 2010

B. Confirmation of Appointments to Boards, Commissions, and Committees (Bicycle and Pedestrian Advisory Commission - Sorce; Corvallis-Benton County Public Library Board - Mackey; Parks, Natural Areas and Recreation Board - Hays)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS

A. Adoption of Findings of Fact and Order relating to an appeal of a Planning Commission decision (PLD09-00004, CDP09-00003, SUB09-00002 – Creekside Center I & II)

Councilors Brown and Hamby, respectively, moved and seconded to adopt the draft Formal Findings and Conclusions from the December 15, 2010, memorandum from the Community Development Director in support of the City Council's decision to uphold the Planning Commission's decision to approve the Creekside Center I and II application, subject to conditions, as modified by the City Council.

Councilors Daniels, Hirsch, and Hervey each stated that they did not attend the Council's public hearing or participate in the Council's deliberations; therefore, they would not participate in today's Council vote.

Councilor Raymond expressed opposition to the motion, as she believed the application was contrary to the City's *"2020 Vision Statement"* regarding creeks, waterways, and building setbacks. She believed the application was not the appropriate way to achieve economic development in the community.

The motion passed five to one, with Councilor Raymond opposing.

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

B. Industrial Lands Wetlands Mitigation Task Force report

Community Development Director Gibb referenced the staff report and information provided by Cascades West Council of Governments (CWCOG) staff in response to the last Industrial Lands Wetlands Mitigation Task Force meeting.

The meeting involved elected officials and staff of the jurisdictions interested in mitigating industrial wetlands. The last meeting involved review of a preliminary business plan developed by CWCOG staff, following discussions of the previous meeting. The Task Force had directed formulation of a shorter- or intermediate-term strategy of reserving wetland mitigation credits for a period of time through some type of security instrument. This concept would allow formation and implementation of the regional consortium effort with minimal financial investment. A longer-term strategy would involve reviewing opportunities for a mitigation bank, possibly in partnership with another entity. The proposed business plan developed additional information related to the mitigation credit concept.

Mr. Gibb stated that his report was presented for information purposes only; no Council action was necessary. He said he, City Manager Nelson, and staff from the Cities of Albany and Lebanon discussed the concept. CWCOG suggested formation of a non-profit organization to pursue grant funds that might support implementation of the business plan

and mitigation credit concept. Albany and Lebanon staff indicated possible community interest in pursuing the business plan and would seek direction from their elected officials.

Mr. Gibb said City staff discussed options for presentation to the Council next month. One option involves additional review through the future Economic Development Commission, which was expected to be established in February. The Council may desire an associate membership in a regional consortium. Staff anticipated presenting preliminary action items to the Council next month.

Councilor Beilstein posed several questions, which Mr. Gibb answered:

- A wetland mitigation bank would allow a community to purchase mitigation credits to offset wetlands impacts.
- Mitigation could involve improving degraded wetlands or creating new wetlands. Credits would be determined by the types of activities undertaken. Improvement and creation may have different mitigation credit ratios.
- Staff investigated the option of donating City land for wetlands mitigation credits, primarily at Corvallis Municipal Airport, but did not identify options regarding a need to mitigate wetlands associated with the certified site at Airport Industrial Park. City participation at this time would require financial commitment, rather than land donation. The business plan short-term options included a security instrument to preserve credits for the regional entity, with a fairly minimal investment. The longer-term strategy would involve a bank with more initial funds through a financing strategy. The business proforma would be positive over the long term. These decisions would be made by the regional non-profit entity.

Councilor Hervey urged Council members to review the staff report and meeting notes, as the Council would soon be asked to make decisions regarding the regional consortium. The suggested non-profit entity would seek grant funding to support consortium activities. Decisions must be made soon because of grant funding cycles.

Councilor Hervey noted that voting allowances for each consortium member would be decided when the non-profit entity was established. Currently, the parties were seeking teamwork and problem resolution without voting.

Councilor Hervey added that he attended the recent temperature total maximum daily load (TMDL) briefing. Public Works Director Rogers was investigating options for TMDL mitigation, which might qualify for wetlands creation.

Councilor Brown opined that the wetland mitigation goals were positive, but he was skeptical about practical issues. He opined that the City would assume extensive risk under the suggested business plan. He questioned how the business plan would align with the economic development plan that would be created by the new Economic Development Commission. He expressed concern regarding the real total cost to the City in terms of administration and potential risk, which could be significant. He noted that the Council would likely decide next month whether to pursue the suggested consortium, and he urged Council members to get all available information before making a decision.

Councilor Raymond asked whether internal mitigation of wetlands was possible.

Mr. Gibb responded that Public Works staff discussed with Department of Environmental Quality the option of using TMDL mitigation credits toward wetland mitigation.

V. MAYOR, COUNCIL, AND STAFF REPORTS

B. Council Reports

Councilor Beilstein reported that he attended Access Benton County's annual holiday celebration and realized the City's efforts regarding accessibility by people with physical disabilities.

Councilor Hervey referenced the temperature TMDL community briefing, noting that one option under consideration resulted from citizen input. He appreciated staff listening to and incorporating citizens' ideas.

Councilor Raymond reported on several issues:

- She attended CH2M Hill's open house at its new facility on the Hewlett-Packard campus.
- She was receiving comments regarding the City's budget.
- The Commission for Martin Luther King, Jr., will host its annual celebration in honor of Dr. King January 13.

Councilor Hirsch reported that a constituent complained that a neighbor burned non-wood materials in a wood-burning stove. Such action could cause serious health problems for community members with respiratory conditions. He suggested that *"the City"* newsletter or the *Corvallis Gazette-Times* include mention of items that can and cannot be burned in wood-burning stoves.

Councilor Hirsch reported that the Parks, Natural Areas, and Recreation Board (PNARB) approved asking the Council to recommend a feasibility study for a parks and recreation district. The cost of a consultant examining and reporting whether a district was feasible could be $10,000, which would be paid from the Parks and Recreation Department budget. If Council approved, a request for proposals would be advertised immediately. Results from the investigation would be reported to the Council.

Councilors Hirsch and Daniels, respectively, moved and seconded to direct the Parks, Natural Areas, and Recreation Board to conduct a study of the feasibility of a parks and recreation district, to be paid from the Parks and Recreation Department budget.

Councilor Beilstein acknowledged that a district might be an appropriate means of guaranteeing funding for a specific activity, such as parks and recreation, library, or transportation. He opined that the City should undertake a general review of City finances as part of the annual budget process. While the feasibility study may be needed, he questioned whether it should be approved immediately or postponed until the next Council takes office.

Councilor Daniels noted that the possibility of taxing districts was discussed during the City's previous budget crisis but was not thoroughly investigated. She noted that several

Oregon communities have taxing districts. She opined that the time for considering a taxing district was past, as the City was facing several years of budget challenges. The motion would direct Parks and Recreation Department staff to have a study conducted. She further opined that the City should investigate all financial alternatives.

Councilor Brauner expressed skepticism regarding whether a parks and recreation taxing district was the appropriate answer to the City's budget problems but said he was willing to consider the option, believing it was time to make a decision. He opined that the feasibility study would be a good expenditure toward that decision. He said he would support the motion for a feasibility study.

Councilor Raymond said she asked citizens about the possibility of a taxing district. Some expressed opposition, suggesting that the City could ultimately have a taxing district for every purpose. Other people believed a parks and recreation taxing district might be appropriate, based upon actions of other communities. She did not know how other taxing districts were faring in the current economic situation.

In response to Councilor Hervey's inquiry, Councilor Daniels said the taxing district discussion would not directly correlate with the Council's discussion of the size of a possible operating levy. She explained that pursuing a taxing district would involve discussions with other taxing jurisdictions and voter approval; the issue would not be ready for voter consideration at a May 2011 election.

Councilor Raymond questioned using $10,000 for a feasibility study, when other services were being reduced.

Councilor Hirsch responded that the funds would come from the Parks and Recreation Department budget, rather than an allocation. He emphasized that approving the motion would only support investigating the possibility of a taxing district.

Councilor Brown said he would prefer a "big picture" discussion, rather than "piecemeal" discussions of taxing districts for multiple City services. He believed the Council should discuss taxing district options during the next two years.

The motion passed six to three on the following roll call vote:

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

VI. VISITORS' PROPOSITIONS

A. Kirk Bailey introduced citizens who worked with him reviewing the City's Land Development Code (LDC) provisions regarding in-fill development. He reviewed that the group proposed to the Council and the Planning Commission a citizen review of in-fill development issues. He acknowledged that the review was more extensive than was originally anticipated. The review began with the City's list of issues and was enhanced by citizens's concerns. The list of issues was reduced to those concerns the City was not currently addressing. The report to the Council included complete or partial solutions for

approximately one-third of the remaining issues. He said the citizen group would like the Council to direct the Planning Commission to undertake a formal review of the in-fill development provisions. The group developed possible solutions, presented their proposal to citizens and staff, and incorporated feedback.

Mr. Bailey explained that in-fill development was difficult and must adapt to the built environment. In-fill development had environmental and economic advantages. The citizen group sought flexibility in the development requirements to minimize in-fill development challenges. He cited three examples of in-fill development complexities:

- An arbor on a front walkway required a building permit and a planned development application. One of the group's proposals would address this situation and garden fence and structure issues.
- A new house might require a greater front set-back than adjacent houses to allow for a private utility easement, even if nearby properties were served by utilities in rear alleys. The group proposed allowing public or private alleys to be used as an option for utility access, as was the case in many areas of the community.
- A residence in a high-density zone could be converted to commercial use with a conditional development, provided the residential area was more than 4,000 square feet and was constructed before 2006. The group would like more options for mixed use on a smaller scale, as long as the commercial use met the location criteria for a neighborhood commercial center. The current procedure was a map amendment, which could create problems for subsequent property owners; a conditional development allowing a temporary use change was a more flexible approach.

The citizen group supported making the mixed-use concept more general but taking a conservative approach.

Mr. Bailey added that, per advice of the City Attorney's Office, the group conducted their meetings as public meetings, with meeting notifications in the *Corvallis Gazette-Times;* establishment of a Google Group for posting of meeting announcements, minutes, and documentation; and meetings in public locations.

Kent Daniels thanked everyone involved in the citizen review process, noting that the citizen group members collectively had more than 100 years of volunteer service on the Planning Commission or Council dealing with local land use issues. Other members had in-fill development experience.

Patricia Weber spent five years on the Planning Commission and worked as an engineer at Devco Engineering preparing land use applications, so she understood the intent and objectives of the LDC. She encountered unintended consequences of the LDC from a development perspective. She supported adopting in-fill development standards and asked the Council to forward the citizen group's proposal to the Planning Commission.

Ms. Weber advocated for the value of in-fill development. The United States Green Building Council (USGBC) issued a new rating system (Leadership in Energy and Environmental Design [LEED] for Neighborhood Development), allowing LEED certification for land development, rather than just individual buildings. The USGBC and other organizations believed in-fill development was so valuable to environmental

sustainability that they allowed in-fill development applicants to waive several pre-requisites that would normally be applied to greenfield development.

Ms. Weber noted that in-fill development often occurred in intercity areas with high residential densities, making it necessary to develop attached housing. However, the lot-to-width requirement for interior units of attached townhouses created difficulties. This issue could be addressed through the proposed in-fill development provisions proposal.

Lori Stephens said the LDC pedestrian-oriented design standards pertained more to large-scale developments and imposed restrictions for in-fill development. The citizen group's proposed LDC amendments would enable developers to design for established neighborhoods, which were not subject to the pedestrian-oriented design standards.

In response to Councilor Hervey's inquiry, Mr. Bailey said the citizen group would like their proposal referred to the Planning Commission for possible action as a text amendment. The group did as much work as it could with citizen input.

Councilor O'Brien noted that staff and the Planning Commission spent significant time prioritizing each year's work program. He did not want to prioritize one project over another for the Commission and suggested that the Council review the Commission's and staff's responses to the citizen group's proposal before proceeding with a recommendation.

Mr. Bailey responded that the citizen group's proposal included several, but not all, items on the Planning Division's current work program.

Councilor Beilstein said he would like staff's opinion before the Council acted on the citizen group's proposal. He believed that the suggested review process was reasonable, but it might be better to receive staff's review before approaching the Planning Commission. He thanked the group for their volunteer efforts.

Councilor Daniels suggested that the Council consider a motion to include the citizen group's recommendations in the list of actions the Council would prioritize for the Planning Division's work program for the next year.

Mr. Nelson commented that the Council needed more information before making a decision. The Council approved a Planning Division work program. The citizen group's review was valuable, but the Council needed to know from staff's perspective how the group's proposal aligned with the work program.

Mr. Bailey said the citizen group tried to minimize staff work on the proposal. The group received a preliminary review by staff and community members.

Councilor Raymond noted the many unresolved Planning Division priorities. She inquired about the issue of parking related to development.

Mr. Daniels said the citizen group considered the issue of parking but decided it was so extensive that the Council should consider it. The issue was greater than in-fill development on a piece of property.

Mr. Bailey said the citizen group discussed parking during its early meetings but found that opinions were very divergent. Some ideas could be presented, if appropriate; however, the issue of parking was greater than the group could address in less than one year's time. Most of the proposal recommendations were non-controversial.

Jennifer Nutefall of the Oregon State University (OSU) Valley Library recognized Mayor Tomlinson for his service and dedication to the Valley Library by serving on the Library Advisory Council from 2003 until 2010. She presented a letter of thanks from OSU President Ray and a framed copy of a recognition book plate placed in three books chosen in the subject area of astrobiology.

Kerrie Cook thanked Mayor Tomlinson for his service to the Library Advisory Council.

Stewart Wershow read a prepared statement (Attachment A), proposing that dogs be banned from City parks for one day each year to allow people with physical disabilities opportunity to access the parks without risk of dangers from the dogs.

V. MAYOR, COUNCIL, AND STAFF REPORTS – Continued

B. Council Reports – Continued

Councilor Hirsch noted that he was concluding his first term as a City Councilor and thanked veteran Councilors and Mayor Tomlinson for mentoring junior Councilors during the past two years. He noted that the next Council would not have Planning Commission experience. He noted the achievements of Councilors Hamby and Daniels during their service on the Council.

Councilors Hervey and Brauner, respectively, moved and seconded to refer to the Community Development Department the citizen group's in-fill development Land Development Code amendment proposal.

Councilor Brauner opined that it was appropriate for the Council to consider the in-fill development proposal with the Planning Division's work program, and a staff review of the proposal would be beneficial in that effort. He thanked the citizen group for its review and proposal.

The motion passed unanimously.

Councilor Daniels noted that she was concluding her third term on the Council, after nine years on the Planning Commission. When she began serving on the Council, she was very concerned with neighborhood livability. She acknowledged that staff addressed almost all of her concerns from six years ago. She thanked City staff for their responses to her and her constituents' concerns. She also commended City staff's compassion for vulnerable members of the community.

C. Staff Reports

1. City Manager's Report – November 2010

Mr. Nelson asked Council members to call him if they had questions regarding the Report.

2. Council Request Follow-up Report – December 16, 2010

Mr. Nelson reviewed issues addressed in the Report.

- Four sidewalk repairs since October totaled less than $10,000.
- A survey of City staff salaries, benefits, and staffing levels could be obtained through the Local Government Personnel Institute (LGPI), of which the City was a member.

Councilor Hervey said he requested information about a survey of City salaries, benefits, and staffing levels in an effort to obtain an outside assessment of the City's effectiveness and efficiency prior to a May 2011 levy election. Since the survey would not be completed in time for use in preparation for the election, voters' perceptions of the study were unclear, and the annual Citizen Attitude Survey indicated a positive view of local government, he did not want to pursue the proposed survey. He would prefer a planned scope of work for a study and advertise a request for proposals. He believed the study would indicate that City staff was appropriately paid in relation to comparator cities. He questioned how that information would benefit a potential levy and provide insight to future action. He also questioned whether the survey expenditure would be appropriate at this time.

Mr. Nelson responded that Assistant City Manager Volmert worked with LGPI regarding reducing the survey cost and process timeline. Staff looked at scenarios of testing 35 jobs, rather than 60 jobs, and the impacts on the cost and timeline. He expressed doubt that the survey information could be available for a May 2011 levy. A private sector audit of City services would be a greater undertaking.

Mr. Nelson thanked Councilors Daniels and Hamby and Mayor Tomlinson for their service to the City and highlighted Council actions during the past four years.

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

A. Human Services Committee – December 7, 2010

1. 2011-2012 Social Services Allocation Process and Calendar

Councilor Raymond reported that the social services allocation calendar was amended to accommodate the City's budget process. United Way of Benton and Lincoln Counties would be under contract with the City to develop a needs assessment. Human services available funding was reduced by approximately 34

percent from previous years because of the City's impending budget deficit. The amendment would allow funding flexibility as the Budget Commission considered cost reductions and revenue resources.

Councilors Raymond and Beilstein, respectively, moved and seconded to affirm transitional and emergency services funding priorities, communicate a funding level of $266,000 to $400,000, and approve the Fiscal Year 2011-2012 social services timeline as amended. The motion passed unanimously.

Councilor Beilstein commented that the uncertainty in the City's budgeting process and a possible levy prompted the Committee to recommend a funding range. The Committee could not recommend a specific funding amount, but the range would accommodate no levy and substantial cost reductions or a generous levy and no cost reductions.

2. Council Policy Review: CP 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs"

Councilor Raymond reported that staff recommended amending the Policy, primarily regarding criminal behavior, which would be addressed by the Police Department, rather than the Parks and Recreation Director.

Councilors Raymond and Brown, respectively, moved and seconded to amend Council Policy CP 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs."

Councilor Raymond expressed support for the motion but concern about possible unintended consequences. The cold weather overnight shelter would close March 15, 2011, and the community could again face the issue of homeless people in City parks, especially Central Park, prompting re-consideration of the Policy.

Councilor Beilstein explained that the Policy allowed Police Officers to issue a citation or trespass notice to someone within a park facility, resulting in criminalizing their presence. If the Policy was applied inappropriately, it could criminalize the presence of groups of people in the parks. Some people should be prohibited from the parks because of their behaviors. He expressed confidence that Police Officers would not abuse the Policy or limit people's civil rights except to the extent that it was necessary to sanction people for breaking the law and protect park use by other citizens. He acknowledged that the Council may need to re-consider the Policy. He said he would support the motion.

In response to Councilor Hervey's inquiry, Police Chief Boldizsar explained that the Policy applied to criminal behavior within Parks and Recreation Department facilities. The perpetrator of such behavior would be issued a trespass notice, warning them that returning to any portion of the facility within the time period specified on the notice would result in a Class C Misdemeanor citation for Trespassing in the Second Degree.

Parks and Recreation Director Emery said the Policy could be expanded to criminal behavior that caused staff to determine that the person should not be allowed at any Parks and Recreation Department facility.

In response to Councilor Hervey's further inquiry, Chief Boldizsar said the Police Department's response to criminal behavior in a Parks and Recreation Department facility could result in a citation or arrest, depending upon the behavior. Additionally, the perpetrator would receive a trespass notice, indicating that they could not return to the facility. Banning someone from all Parks and Recreation Department facilities or for a longer time period than usual would require consultation with the Parks and Recreation Director.

Ms. Emery said staff had not dealt with a situation in which the criminal behavior would warrant banning the perpetrator from all Parks and Recreation Department facilities from a trespass perspective.

Councilor Beilstein noted that the length of time a person would be banned from a Parks and Recreation Department facility would be based upon the nature of the behavior. The trespass notice would indicate the location of the violation but would not indicate whether the notice recipient was banned from other locations. A trespass notice could be appealed through the Parks and Recreation Department.

The motion passed unanimously.

3. Benton County Adult Services Team Memorandum of Understanding

Councilor Raymond thanked Mr. Nelson and Chief Boldizsar for joining with other agencies within Corvallis and Benton County to develop a memorandum of understanding, which was an outgrowth of the *Ten-Year Plan to End Homelessness in Benton County.*

Councilors Raymond and Daniels, respectively, moved and seconded to authorize City Manager Nelson and Police Chief Boldizsar to sign the Benton County Adult Services Team memorandum of understanding. The motion passed unanimously.

B. Administrative Services Committee – December 8, 2010

1. Economic Development Application Process and Calendar

Councilor O'Brien reported that staff suggested two options regarding the economic development allocation process.

- Decide that little funding would be available for discretionary allocations and not use a competitive application process. The Council could direct the Economic Development Commission to evaluate the options during the next few months and forward a recommendation to the Council.
- Postpone a decision to continue a discretionary allocation process until the budget process is completed. This would leave little time for agencies to plan,

and the amount of funding probably would not warrant a competitive application process.

Councilors O'Brien and Brauner, respectively, moved and seconded to suspend the competitive economic development allocation process for Fiscal Year 2011-2012. The motion passed unanimously.

2. Economic Development Allocations First Quarter Reports

Councilor O'Brien reported that all economic development allocation grantees fulfilled their contractual requirements with the City in terms of economic development activities.

Councilors O'Brien and Brauner, respectively, moved and seconded to accept the economic development allocations first quarter reports. The motion passed unanimously.

Councilor O'Brien noted that Visit Corvallis stated in the meeting its intention to work with festivals on marketing efforts and to absorb costs in its budget.

3. Comprehensive Annual Financial Report

Councilor O'Brien reported that the auditing agency gave the City an unqualified opinion (a positive action) and emphasized staff's high level of work. Corvallis served as a benchmark to other Oregon municipalities for financial reporting.

Councilors O'Brien and Brauner, respectively, moved and seconded to accept the Comprehensive Annual Financial Report.

Councilor Beilstein recommended that Council members and citizens review the statistical section of the Report. He noted that City staff increased 15 full-time equivalent units during the past nine years (equal to a four-percent increase), while the community population increased by approximately ten percent. He further noted that the City was providing services with fewer resources.

The motion passed unanimously.

4. First Quarter Operating Report

Councilor O'Brien reported that all City financial activities were progressing as expected.

Councilors O'Brien and Brauner, respectively, moved and seconded to accept the first quarter operating report for Fiscal Year 2010-2011. The motion passed unanimously.

C. Urban Services Committee – None.

D. Other Related Matters

1. Second reading of an ordinance creating a new Corvallis Municipal Code Chapter 3.07, "Sidewalk Maintenance Fee," imposing a fee for sidewalk maintenance purposes, and stating an effective date

City Attorney Fewel read the above ordinance.

ORDINANCE 2010-30 passed six to three on the following roll call vote:

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

2. Second reading of an ordinance creating a new Corvallis Municipal Code Chapter 3.08, "Transit Operations Fee," imposing a fee for transit operations purposes, and stating an effective date

Mr. Fewel read the above ordinance.

ORDINANCE 2010-31 passed five to four on the following roll call vote:

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

3. Second reading of an ordinance creating a new Corvallis Municipal Code Chapter 3.09, "Urban Forest Management Fee," imposing a fee for urban forest management, and stating an effective date

Mr. Fewel read the above ordinance.

ORDINANCE 2010-32 passed five to four on the following roll call vote:

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

4. An ordinance relating to Downtown Free Customer Parking Area, amending Corvallis Municipal Code Chapter 6.11, "Parking Meters," as amended, and stating an effective date

Mr. Nelson acknowledged that the December 6 Council meeting packet included an incorrect ordinance. The ordinance before the Council would enact the correct legislation, based upon Council's previous intention.

Mr. Fewel read an ordinance relating to Downtown Free Customer Parking Area, amending Corvallis Municipal Code Chapter 6.11, "Parking Meters," as amended, and stating an effective date.

ORDINANCE 2010-33 passed unanimously.

V. MAYOR, COUNCIL, AND STAFF REPORTS – Continued

A. Mayor's Reports

Mayor Tomlinson reported that he attended CH2M Hill's open house and spoke with the company's Chief Executive Officer. He commended the company on its positive ethic and for its achievements and community contributions since its inception in Corvallis.

Mayor Tomlinson reported that he attended Mario Pastega's 94th birthday party.

1. Recognition of 2009-2010 City Councilors

Mayor Tomlinson presented gifts to senior staff, expressing his appreciation for their services to the City.

Councilor Hamby expressed appreciation to Council members and staff, noting that he volunteered for the City in various capacities for the past ten years. He reviewed Mayor Tomlinson's achievements during his term and presented him a plaque and certificate of appreciation.

Mayor Tomlinson presented plaques, certificates of appreciation, and gifts to retiring Councilors Daniels and Hamby. He thanked Mr. Nelson for his guidance and assistance during his term as Mayor.

Mayor Tomlinson thanked the community for the honor and privilege of serving as Mayor. He urged the next Council to take care of the community as they face significant challenges.

VII. PUBLIC HEARINGS – None.

X. NEW BUSINESS – None.

XI. ADJOURNMENT

The meeting was adjourned at 2:00 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

Visitor's Propositions to Corvallis City Council

December 20, 2010

Mayor and City Council,

I would like to propose that the council investigate the possibility of setting aside one day a year when dogs would be banned from all city parks. Mr Dean Codo made a similar request at the last meeting of the Park Natural Area and Recreation Board. He has related his problem with off leash dogs to the board and the city council several times

At present, people with prosthetic legs or who are physically disabled in another way run the risk of being knocked down by dogs running off leash – even in parks where dogs are banned. These people have been force to stay away from our parks.

The ban I propose would be well advertised and be seen as a community event. It would educate people in how to control their animals and be sensitive to the safety concerns of other people who use our parks.

My hope is that the city council and city staff can develop a way for people with disabilities to use our parks without fear of injury.

Stewart Wershow

Corvallis Oregon

THE COMMISSION FOR MARTIN LUTHER KING, JR
MINUTES
December 16, 2010

Present
Commissioner Perrone – Chair
Commissioner Hopkins – Vice Chair
Commissioner Stumbo
Commissioner Rosa
Commissioner Shyam
Commissioner Alexander
Councilor Raymond – Council Liaison

Staff
Linda Weaver, HR Administrator
Suzanne Segui, HR Specialist

SUMMARY OF DISCUSSION

Agenda Item	Action Recommendation
I. Minutes from 10/26/10	Approved
II. Event Discussion, Organization, and Coordination	Discussed and Continued
III. Panel Event Facilitators and Participants	Discussed
IV. Footwise Display	Discussed
V. Other	Discussed
VI. Adjourn to January 18, 2010	The Meeting Adjourned at 1:30 pm

CONTENT OF DISCUSSION

I. Minutes from October 26, 2010 Meeting – No reports. Approved.

II. Event Discussion, Organization, and Coordination –

a. Publicity – Staff Member Weaver sent an advertisement to the Barometer and the for the City Newsletter. Commissioner Shyam indicated the Event will be advertised in the January Entertainer. Councilor Raymond notified the Chamber, DCA, League of Women Voters, and NAACP. Commissioner Alexander will contact Eugene Weekly to run an advertisement.

   Commissioner Perrone extended an invitation to the City Council Members and Mayor-Elect Julie Manning. Commissioner Shyam will extend an invitation to Mohammad Siala, Director of the Salman Alfarisi Islamic Center.

b. Organization/Coordination – Commissioner Stumbo will MC the Event. The Event will begin with a Welcome (including recognition of Mayors Tomlinson and Berg and reading the applicable municipal code), Councilor Raymond will address the City Charter/Affirmative Action Statement, followed by a performance by the Corvallis High School Choir, awarding the essay contest winner, Key Note Speaker Shelley Moon, and ending with a performance of "Lift Every Voice and Sing".

   Commissioner Shyam will work on providing flowers; Commissioner Alexander will bring balloons to the event. Sean Brown will be videotaping event and editing. Commissioner Alexander suggested playing inspirational music in the lobby before and after the performance. Commissioner Perrone will purchase

two guest books, one of each entrance. The sheet cake will include the following statement "His Dream, Our Responsibility", which is the theme the for OSU 2011 Celebration.

III. Panel Event Facilitators and Participants – Commissioner Shyam invited Terryl Ross to facilitate event. Participant invites will be extended to Aileen Hood from Community Alliance for Diversity, Dean of Student Life at OSU Dr. Mamta Accapadi, and a Student from OSU. Dr. Robert Thompson and a Corvallis High School Student will be included in the panel participants.

IV. Footwise Display – Commissioner Shyam reserved the windows from January 11th to January 24th. Commissioner Shyam and Councilor Raymond will meet on December 17, 2010 at 3:00 p.m. to discuss display. The display will include quotations from the essays.

V. Other – MLK Essay Contest. Staff Member Weaver distributed the 5 essays received, all in which personal indentifying information was redacted. The Commission determined a scoring system based on 5 factors; originality, grammar, theme, personal reflection, and overall presentation. Each factor is scored up to 5 points for a potential of 25 overall points. The $1000 scholarship will be awarded to the individual with the highest point total. $50.00 Borders Gift Card will be given to all other participants.

Commissioner Stumbo reported the Hewlett Packard Day of Caring is scheduled for January 14, 2011.

VI. The meeting adjourned at 1:30 p.m. to January 18, 2011.

Approved as corrected, December 14, 2010

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
NOVEMBER 9, 2010

Present
Deb Kadas, Chair
Aaron Collett
Scott McClure, Vice-Chair
E. Ross Parkerson
Geoffrey Wathen
Lori Stephens
Kevin Perkins
Stanley Nudelman

Absent/Excused
Robert "Jim" Morris
Jim Ridlington, Planning Comm. Liaison
Dan Brown, Council Liaison

Staff
Kelly Potter, Senior Planner
Brian Latta, Associate Planner
Bob Richardson, Associate Planner
David Coulombe, Deputy City Attorney
Mark Lindgren, Recorder

Guests
Andrew Sheridan
Bob Alexander
Dave Raleigh
John Launchbury

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I.	Visitor Propositions		None.
II.	Public Hearings A. Julian Hotel (HPP10-00024) B. OSU Outdoor Sports Complex (HPP10-00028) C. Wilt House (HPP10-00031)		A. Application approved unanimously with conditions of approval. B. Since there was a request to hold the record open, motion passed to hold the record open until 5 p.m. on Nov. 23, with a public hearing on November 30. C. Application denied 4-3.
III.	Minutes Review- October 12, 2010		Approved as corrected.
IV.	Other Business/Info Sharing		Ms. Kadas proposed developing an education committee.
V.	Adjournment.		Meeting adjourned at 10:08 p.m.

Attachment to the November 9, 2010 minutes:

A. Photos submitted by applicant, Wilt House (HPP10-00031), November 9, 2010.

CONTENT OF DISCUSSION

Chair Deb Kadas called the Corvallis Historic Resources Commission to order at 7:01 p.m. in the Corvallis Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITOR PROPOSITIONS. None.

II. PUBLIC HEARINGS –A. JULIAN HOTEL (HPP10-00024)

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest. None.
2. Ex Parte Contacts. None.
3. Site Visits –Declared by all Commissioners.
4. Objections on Jurisdictional Grounds – None. No rebuttals were made.

C. Staff Overview:

Planner Brian Latta said the request was to replace an existing non-compliant entryway ramp on the west façade of the building with a concrete step system and a wooden landing. A metal handrail is proposed to be located in the middle of the entryway. It is an individually listed Designated Historic Resource on the National Register of Historic Landmarks and Districts and is also listed in the Local Register. It is located at 105 SW 2nd St.

D. Legal Declaration:

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

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Bob Alexander of Red Hat Construction said the project involved removing a non-original structure and restoring it to closer to its original state. The project includes removing an initial step and ramp built around fifteen years ago (replacing steps), and the step and ramp do not constitute a legal entryway.

Mr. Wathen noted there was an accessibility issue for residents who must use walkers and wheelchairs; Mr. Alexander replied that there were other handicapped accessible entryways. Mr. Parkerson said there didn't seem to be enough elevation to accommodate three steps; Mr. McClure highlighted Attachment A-11. Mr. Alexander replied that shallow steps would be used.

Ms. Kadas asked about the choice for wood for the landing area; the existing middle entry is hexagon tile, which matches the interior tile and so is probably original. Mr. Alexander replied that the other two entryways have wood landings; the intent is simply to match the three. Ms. Kadas said there seemed to be underlayment on the north entry. Mr. Alexander stated that he was unsure because his company only got involved partway through the building process. Ms. Kadas asked whether he had plans to address the torn-up underlayment on the north side of the west façade entry; Mr. Alexander replied that he didn't know for sure, but that it was likely that the torn-up underlayment would get fixed by someone.

Ms. Stephens asked Mr. Alexander to confirm there was 1" by 4" tongue in groove fir perpendicular to the door; Mr. Alexander confirmed that that was so. Ms. Stephens cited a resident's testimony about a non-compliant ramp to the rear of the building; Mr. Alexander replied that that was not true; Ms. Stephens added that the resident was likely confused. Mr. Wathen asked whether there was tile work in the interior that could be matched to that of the entry; Mr. Alexander replied that there was not. Ms. Kadas asked if tile was ever considered as an option; he replied that it was not, because the intent was to match the other entries. Also, porcelain tile was not a good choice for entryways, as it can be slick.

F. Complete Staff Report:

Planner Latta said the 2.9.90.06 criteria relates to compliance with applicable codes that address health and safety standards. The existing ramp does not meet ADA accessibility. The plan is to use a step system; preliminary review found that that met life and safety ordinances and so met criteria. Regarding the criteria in 2.9.100.04.b.1 and b.2, on compatibility with the resource, it was constructed in a Commercial style in 1911 and is not rare or unusual in the area. It is in good condition and retains high historic integrity. The request was found to be similar with the other two entrances in terms of materials, design and style and found to be compatible.

Regarding the fourteen criteria in 2.9.100.04.b.3, under Facades, none of the architectural elements on the west façade listed in the Criterion were being affected. The proposed step system was consistent in design and style with the other two. Regarding the Building Materials criterion, the materials are proposed to be concrete and wood; he related that his site visit found a wooden landing on the most northern landing, so a wooden landing was consistent with material of the north entryway on the west façade.

Staff found the proposal was compatible with all the criteria in Chapter 2.9 and recommended approval with conditions. He highlighted the two written pieces of testimony; both citizens who testified thought the proposal was for the rear of the building, as they'd apparently been confused by how the public notice portrayed the proposal. He related that when he subsequently contacted them to clarify the situation, their concerns were satisfied.

Mr. McClure asked whether under the new text amendment changes this kind of application would fall under Director-Level approval; Mr. Richardson replied that there was some question about that; however, given the change in materials, the prominent location, and the scale of the change, staff felt that it didn't quite fall under Director-level.

G. Public Testimony in favor of the application: None.

H. Public Testimony in opposition of the application: None.

I. Neutral testimony: None.

J. Additional Questions for Staff: None.

K. Rebuttal by Applicant: None.

L. Sur-rebuttal: None.

M. Additional time for applicant to submit final argument:

The applicant waived the right to submit additional testimony and there was not a request for a continuance or to hold the record open.

N. Close the public hearing:

Mr. Parkerson moved and Mr. Wathen seconded to close the public hearing; motion passed.

O. Discussion and Action by the Commission: None.

MOTION:

Mr. Parkerson moved to approve the application as conditioned in the staff report; Mr. McClure seconded. Mr. McClure cited Scale and Proportion; Mr. Wathen cited Building Materials. Ms. Stephens added that the use of tile could be conjectural; Mr. Wathen concurred, citing Facades and Architectural details. He said that since it is not known what was there, one must simply try to match materials as best as possible. Motion passed unanimously.

P. Appeal Period:

Chair Kadas stated that any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Disposition is signed.

II. PUBLIC HEARINGS –B. OSU OUTDOOR SPORTS COMPLEX (HPP10-00028)

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest. None.
2. Ex Parte Contacts. None.
3. Site Visits –Declared by all Commissioners except Mr. McClure.
4. Objections on Jurisdictional Grounds – None. No rebuttals were made.

C. Staff Overview:

Planner Bob Richardson highlighted an email he distributed from Jeffrey Evans, who requested that the record be held open; this meant that deliberations would not be held. Mr. Perkins noted that the applicant also requested a continuance; this means that the commission doesn't do anything, including accepting testimony. Mr. Wathen noted that the testimony seems to actually ask for a continuance "for four to six weeks to allow a thorough assessment...". Mr. Richardson said that the commission must hold the record open at a minimum.

Attorney David Coulombe said the Code preferred to hold the record open due to the 120 Day Rule, since if additional information was received during a continued hearing, it could result in preventing reaching a decision within 120 days. Continuances have traditionally been granted if new information was submitted and someone requested time to research a response based on the new information.

Ms. Kadas said her understanding was that a continuance was to address additional documents or evidence submitted in favor of the application; it sounded as if Mr. Evans' group was asking for additional time to review the application and to submit additional written evidence. Mr. Coulombe said the language came from O.R.S. 197.763; a continuance was to address a circumstance where an applicant comes forth with lots of information that no one has had a chance to look at yet. Under state law, there is a requirement for there to be at least seven days; that could be extended, based on the letter; he suggested consulting staff as to where we were in the timeline.

Ms. Stephens said the email cited not even hearing about the project until recently. Mr. McClure added that the email said the notification violated provisions of the ADA process; Mr. Coulombe said the attorney's office was addressing the issue. Ms. Kadas said the commission would continue with the hearing but hold the record open.

Mr. Richardson stated that the subject site was within the OSU Historic District; it is an open area north of SW Washington Way and between SW 30th and SW 26th Streets. The site formerly contained a tennis pavilion, an outdoor track and play fields. The site also includes a site abutting Poling Hall. The site is a Non-Contributing resource within the Historic District. Poling Hall, just to the north, is a Contributing Resource. He stated that the request was to modify a previous approval for the site regarding the OSU Outdoor Sports Complex, which was to modify the exterior of the tennis pavilion, install two synthetic turf play fields and field lights, a new running track, new pedestrian pathways, fences, and other pedestrian amenities. The request is to modify the original approval from thirteen to eighteen parking spaces, including two ADA spaces, install an informational kiosk sign near the southwest corner of the parking lot and to install a trash enclosure just to the south of Poling Hall.

D. Legal Declaration:

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

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Andrew Sheridan of OSU said that that due to technical problems, there would be no presentation, partly due to not having access to wi-fi. The application is for three minor modifications to the site plan previously approved by the HRC this year. These consist of reconfiguring the parking lot to add five additional parking spaces in the lot adjacent to Washington Way; constructing a trash/Dumpster enclosure adjacent to Poling Hall and erecting an informational kiosk sign near the parking lot.

The proposal is to enlarge the number of spaces from thirteen to eighteen. The existing nine trees around the lot will be reconfigured, so there will be no net loss of trees. The intent is to recapture some spaces lost during construction of the bike lane across from the Dixon Center. The lot is, and

will remain, ADA compliant. Regarding the trash enclosure, the dumpster is already in place; the proposal is to enclose it with a permanent enclosure. The proposal will upgrade the dumpster area to render it more architecturally compatible and aesthetically pleasing. He cited attached photos.

The kiosk sign is proposed to be just southwest of the parking lot; it would be about 8' in height and 5' in width, similar in appearance to others on campus, built of black steel posts and a Plexiglas enclosure. Design and use of materials will be similar to and complement the other light standards use in this project and elsewhere on campus. No additional changes are proposed to the site.

Ms. Stephens asked whether the trash enclosure would be attached to Poling Hall; Sheridan replied it would not. Project Manager Dave Raleigh added that the purpose of the dumpster in this location is for it to team up with needs of OSU Housing; it will include a trash compactor and recycling bins; it is currently an eyesore. He added that the brick of the enclosure would match Poling Hall's brick. Mr. Raleigh clarified that it would be a freestanding structure; it would abut Poling Hall but it would not be physically attached. Mr. Parkerson asked if adding five more spaces would crimp the end of the lot; Mr. Raleigh replied that there was originally much more landscaping and the site was lengthened to the north.

Mr. Wathen said the additional spaces came from removing parking strips and slightly lengthening the lot; Mr. Raleigh replied that eighteen spaces were lost along 26th Street and they sought to replace them as parking got tighter in the area. Mr. Parkerson asked about the sign; Mr. Raleigh replied it was proposed to be located north of the parking lot and the southwest corner of the new pavilion; it would face north and south. Ms. Kadas asked if it would be lighted; Mr. Raleigh replied it would be lighted and exactly the same. Mr. Parkerson stated that it looked good.

F. Complete Staff Report:

Planner Richardson said the proposed trash enclosure, sited just to the south of Poling Hall, would be constructed of CMU block and structural brick, with three wood-slat doors. It would be about 6.5' tall and 10.5' long measured east to west. He said the applicant clarified tonight that the brick would match Poling Hall; that could be included as a new Condition of Approval, if desired. It is a free-standing structure and so would not damage any architectural features of the Poling Hall façade and the size is small enough that it would not have a negative overpowering impact on Poling Hall, and so is compatible with general review criteria in 2.9.100.04.b1 and b2. It is consistent with Scale and Proportion and Height criteria, along with Façade; Building Materials; and Architectural Details criteria in 2.9.100.04.b.3.

The kiosk sign is proposed to be constructed of cast iron poles with glass plates; the applicant clarified tonight that the sign is to be placed at the corner of the pavilion. As shown in attached pictures, this type of sign is used elsewhere on campus with materials similar to those used elsewhere in the District. It is located in an open space area are that is Non-Contributing within the District. Given the Scale and Proportion; Height; and Accessory Structures criteria, it appears to be historically compatible with the District.

Regarding the parking lot, it is proposed to be increased from thirteen to eighteen spaces; no trees are proposed to be lost due to the expansion. If the HRC believes that it is necessary to plant new trees, that finding must be based on a compatibility criteria. It is in a Non-Contributing location in the District, is relatively small compared to the entire space and has no impact on site development patterns; given that, the proposal is historically compatible with 2.9.100.04.b.1 and b.2 and Site Development criterion in 2.9.100.04.b.3. He concluded that the application met applicable review criteria and staff recommended approval as conditioned.

Mr. Wathen noted that the staff report on page 4 stated; "... the applicant proposes to use masonry materials similar in color to those used on Poling Hall". Mr. Richardson replied that application materials hadn't specified that, though he'd been verbally told that. Ms. Kadas said that the drawings stated one thing and the text said another; Mr. Wathen said the commission should resolve that inconsistency.

Mr. Nudelman stated that the people who emailed asking to hold the record open need to know that the commission was only discussing three specific additions, not the whole thing. He said he was confused that the trash enclosure was part of the application; there were no pictures that show it adjacent to Poling Hall; that part of the application is incomplete. He said he would like to see how it affects Poling Hall; Mr. Richardson noted that it was fine to include two different pieces within the same application; these are two adjacent areas. Attachment A-18 shows what it would look like, though it doesn't show it adjacent to Poling Hall. He said that staff felt that it would not have a big or negative impact on Poling Hall. Ms. Kadas cited A-11, back side, which shows how the trash enclosure relates to Poling Hall; as well as A-15.

Ms. Stephens asked whether the applicant could submit photos, since the record was being held open anyway. Mr. Richardson stated that given the 120 Day Rule, he suggested the commission hold deliberations on November 23 or November 30. He added that commissioners may ask staff questions during deliberations. Ms. Kadas asked how long the record needed to be held open; Mr. Richardson said that if the deliberations were held November 23, then the record would be held open seven days; if it were held open fourteen days, then it would be held November 30. Ms. Kadas said that the request had been to hold the record open four to six weeks; Ms. Stephens replied that they would not be reviewing the entire scope of the project. Mr. Parkerson said that Mr. Nudelman's concern should be accommodated, too. Mr. Richardson stated he would contact the person who asked that the record be held open and clarify the scope of the commission's deliberations.

Mr. Wathen said that A-14 shows the trash enclosure directly abutting Poling Hall and said he would like more information; it is a second inconsistency in the application. Mr. Richardson replied it is probably very close but not actually attached to the building. Mr. Perkins said that that was the applicants' testimony. Mr. McClure said the drawing showed a little jog; Ms. Kadas said A-14 was clear.

Mr. Richardson noted that if the commission asked for new information, then someone could ask that the hearing be continued again. Ms. Potter added that a condition of approval could provide the clarity that the commission was seeking. Mr. Coulombe added that during the open record period, the applicant may submit information along with everyone else, including new information.

Mr. Richardson said the HRC decides on how long to leave the record open; once it is closed, the applicant has from that period forward to provide written response. Mr. Coulombe said they may comment on any part of the application.

Ms. Kadas said there was a request to hold the record open; it will be held open for seven days. Mr. Wathen moved and Mr. Collette seconded to close the public hearing; motion passed. After discussion on scheduling the next meeting, commissioners concurred to meet on November 30, so the record would be held open for fourteen days, until 5 p.m. on November 23. Ms. Kadas said there would be a public meeting on November 30 at the Madison Avenue Meeting Room at 7 p.m. to deliberate on this application.

II. PUBLIC HEARINGS –C. J.W. & HARRIET WILT HOUSE (HPP10-00031)

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest. None.
2. Ex Parte Contacts. None.
3. Site Visits –Declared by all Commissioners except Mr. Perkins and Mr. Collett.
4. Objections on Jurisdictional Grounds – None. No rebuttals were made.

C. Staff Overview:

Planner Latta related that the request was to replace five basement windows. Three are proposed to be enlarged in size to satisfy Oregon Building Code egress requirements; the other two are proposed to be replaced by windows of the same size. All windows are proposed to be changed in design, style and materials. The house is located at 312 NW 28th Street; it is a Historically Contributing resource in the College Hill-West National Register of Historic Places Historic District.

He noted that the windows have already been replaced according to what was proposed. When the applicants applied for a building permit in fall, they were then informed that they would need an Historic Preservation permit; they are present in order to go through the process.

D. Legal Declaration:

City Attorney David Coulombe stated that the Commission would consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they feel are applicable. It is necessary at this time to raise all issues that

are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Mr. Launchbury said his family's intent was to properly maintain the historic interior, as well as the exterior. When purchased, the house had a partially finished basement with a bedroom and bathroom, which violated a number of fire codes. He explained that they hadn't realized that a temporary building permit wasn't sufficient to proceed and that work had been halted until they found out how best to go forward.

He said the change in size and shape of the three windows proposed to be enlarged for egress was to ensure that the external view of the windows remained the same as much as possible. He noted that the windows were not very visible at grade level. The proposed windows style fit in with the style. The windows must be about three foot in height in order to meet the egress height requirement (or perhaps 2'8"). In terms of size and height; they were horizontal, so to maintain that sense, they selected a width of 5'. In terms of style, the staff report stated that other windows were double-hung or casement; however, the basement windows were actually of mixed styles. Three were not original and the other two were original but in poor condition.

He said that they selected a slider style to give the same vertical center with the same proportions as the windows above. The staff report recommended using either a double-hung or casement window; however, neither of these was practical, since a double-hung window would have to be at least 48-56" high, requiring substantial excavation and the windows would be very low in the room. A side-hinged casement would be different from every other window in the house and have a single 3' by 4' pane, which would feel like opening a car door and would force window wells to be further out to allow the window to open. He related that window professionals advised them that top-hinged casements don't meet egress requirements (since there is not headroom). Some other windows in the house are free within the frames (unhinged), so the slider style windows chosen were consistent. Regarding proposed materials, due to the problems associated with ground-level windows, they chose vinyl. The original windows were cedar with linseed putty.

Mr. Coulombe stated that this was the applicant's chance to raise any constitutional or other issues related to proposed conditions of approval, so that the local government would have an opportunity to respond. Mr. Launchbury noted that he had in fact raised concerns about the staff conditions.

Mr. Parkerson asked when the house was purchased; Mr. Launchbury replied they closed in March. Mr. Parkerson asked whether he was aware that it was within one of two historic districts; Mr. Launchbury replied that they eventually found that out. Mr. Launchbury explained that they received a temporary number via email that he thought was the permit that allowed them to move forward; they have not yet received a building permit. Mr. Nudelman asked if the proposed slider provided enough space for egress; Mr. Launchbury replied that an egress requirements mandate 20" in width and 24" in height, with 5 square feet of opening.

Mr. Wathen asked if he'd submitted a photo of an original window with a divided lite; Mr. Launchbury replied that he'd submitted a photo of a *non*-original window. He distributed a photo of an original window. He distributed photos of first story windows that show the floating panes.

Mr. Wathen highlighted that the original had a four pane divided lite structure; however, a simple slider diverges from this pattern by having only two panes; Mr. Launchbury replied that that kept the square proportion of the panes. Mr. Wathen said that he found the windows to be visible from the right of way driving and was even more visible walking; the added width of the installed windows created a wide, long appearance of the windows that looked out of place. Ms. Stephens asked if a header had had to be installed; Mr. Launchbury replied that one header had been required.

Mr. McClure asked whether he had a comment about Condition of Approval #3, which would require him to remove what had been installed; Mr. Launchbury responded that he was aware that they had jumped the gun; he was willing to take them out if necessary. Mr. McClure noted that Conditions of Approval #3, #4 and #5 would cause him to re-do what had already been done. He suggested that an awning style window would be easy to get behind. Mr. Launchbury said that regarding the perspective from the street, he had limited options on window design to provide adequate egress. Mr. Wathen said that the tilt-in window style would meet the egress requirement; Ms. Stephens noted that it would still be three feet tall.

Ms. Kadas praised Mr. Launchbury understanding of the commission's dilemma and his stated agreement to do the right thing. She said that Riverside Door and Window provides samples and understands egress requirements. She noted that casement windows were available that have divided lites like existing panes; some of these swing in; she suggested he explore his options.

Mr. Wathen related that the commission recently discussed the issue of alternate window materials in basement level windows. He noted that metal-clad wood windows were resistant to moisture and were frequently accepted by the commission; he suggested he consider them. Mr. Parkerson said that it is a historic resource in a historic district, and the proposed change was not acceptable; many others have come to the commission with similar issues. Mr. McClure noted that a source in Astoria works in custom red cedar windows.

F. Complete Staff Report:

Planner Latta cited 2.9.90.06.a regarding compliance with life and safety and health issues. Three of the five windows to be replaced are proposed to be egress windows to comply with state building code requirements. Condition of Approval #2 would require the applicant to obtain a building permit prior to finishing the work to ensure state building codes and ordinances are satisfied. Staff find the proposal is compatible with the criterion.

Regarding 2.9.100.04.b.1 and b.2, general review criteria, the Wilt House was constructed in 1917 in Bungalow style, which is not rare or unusual. It is a Contributing Resource in good condition and retains high historic integrity. The applicant proposes replacing the awning style windows with slider windows that do not match the respect for the materials and interest in craftsmanship of the bungalow style.

The proposed slider style introduces vertical sashes in the windows. The application materials submitted showed the original windows to have divided lights; the applicant submitted photos that showed all of the windows were casement windows with a single pane of glass, which is what staff

made their analysis against. Given that, staff did not find the slider style with a vertical sash to be historically compatible with the resource. He highlighted the size of the windows, in regards to the Pattern of Window and Door criteria.

Regarding the form of the windows, increasing the size of three windows from 2' by 4' to 3' by 5', the additional foot increase of height was proposed to be below grade, so you wouldn't notice the increase in the height. However, staff found the increase in width didn't make sense, as it was not required for egress and made the windows appear to be 2' by 5', so staff felt the increase in width was not consistent with the appearance of the original basement windows and so was not compatible.

Staff recommended three Conditions of Approval. Condition #3 would require the applicant to install wood or metal-clad wood windows. Regarding Condition #4, Window Size, staff called Riverside Door and Glass and was given a list of appropriate windows that met egress requirements; the condition refers to a rough opening of 4" height to meet egress standards. Regarding Condition #5, Window Style, Riverside recommended a double-hung window with a horizontal sash at grade or using a casement window opening out with a deeper well.

Regarding the fourteen compatibility criteria in 2.9.100.04.b3, Pattern of Windows and Door Openings, Scale and Proportion, and Building Materials were most applicable. Regarding the Architectural Details criterion, a six-inch head molding and side trim were proposed to be retained, so staff felt the proposal was compatible with that criterion. Two of the proposed windows would be the same size but a different style, but staff felt the proposal was not consistent with this criterion, since staff didn't know that there were vertical divided lites in the basement windows, and so recommended that a casement or awning style window would be most appropriate to meet Condition #4. Regarding the three windows to be increased in size, staff felt that roughly a four-foot wide opening would be more compatible and that the design or style should be the double-hung or the casement window. Regarding Building Material, vinyl is not found on the resource and is not compatible; staff felt that wood or metal-clad wood would be compatible. Staff felt the proposal could be approved with the conditions of approval.

Mr. Wathen asked about the options available to the applicant, if the commission were to deny the application; Mr. Latta replied the language allowed the applicant to move forward. Mr. Parkerson asked if continuing the request would give the applicant more time to submit designs more appropriate to the resource; Mr. Latta said that that ran into the 120-Day Rule. Ms. Potter added that that also ran into the need to re-notice it. Mr. Parkerson said that denial could be cleaner.

Mr. Nudelman asked if this case represented an undue hardship; Ms. Potter replied that that seemed not the case during testimony; the applicant expressed willingness to do something different than the windows that have been installed. She said "undue hardship" is applied when applicants do not want to consider alternatives, so it's a different case than this; Mr. Nudelman said that at some point he would like further clarification on it. Mr. Coulombe stated that the commission's decision should be based on criteria rather than what remedies or actions a particular applicant may or may not make. He added that that was more likely to come up more during a demolition permit and meeting "undue hardship" criteria could be a bigger hurdle than what is now being contemplated. Ms. Kadas noted that the commission should be considering the application as if the work had not already been done.

G. Public Testimony in favor of the application: None.

H. Public Testimony in opposition of the application: None.

I. Neutral testimony: None.

J. Additional Questions for Staff: None.

K. Rebuttal by Applicant: None.

L. Sur-rebuttal: None.

M. Additional time for applicant to submit final argument:

The applicant waived the right to submit additional testimony and there was not a request for a continuance or to hold the record open.

N. Close the public hearing:

Mr. Wathen moved and Mr. Parkerson seconded to close the public hearing; motion passed.

O. Discussion and Action by the Commission: None.

Mr. Parkerson said this situation was unusual. There were a number of applications that had gone to a good deal of trouble to accomplish less than this case. He said that denying the application was probably the simplest solution.

Mr. Wathen said the application did not meet code in the ways that staff found, in regards to Materials, Windows and Door Patterns, and Scale and Proportion criteria. He said that denying the application actually gave the applicant more flexibility to research the best options for them. He stated that it was in the best interest of the applicant to deny the application. Mr. McClure disagreed, saying that Condition #3, Window Size was clear; there are simply not that many window sizes out there; he contended that approving the application with conditions best allowed the applicant to move forward without having to go through the process again.

Ms. Stephens suggested that a condition should include what the commission didn't want. Mr. Perkins added that the changes were not on the primary façade; there is a lesser standard to the rear of the house. The opening will stay the same no matter what is required. He agreed that vinyl windows were not acceptable for the district. He noted that the commission has allowed OSU to change window sizes; it must apply a consistent standard in order to treat all applicants equitably.

Mr. Parkerson moved to deny the application and require that previously existing windows be returned or replaced in kind, require associated alterations to the house be reversed, and return the house to a state prior to the time when work related to the windows was begun; Mr. Wathen seconded.

Mr. Collett suggested stating exactly what was unacceptable; there could be differing views. The basement windows are rectangular compared to upper windows; making it slightly wider isn't distasteful and the applicant listed good reasons why he chose that shape. Ms. Stephens said that having a header forced it to be below the others; all the headers should be the same height; that could be a Condition of Approval. Mr. Nudelman said that an additional foot height of window didn't significantly detract from the historic appearance of the house.

Mr. Wathen noted that the house was situated on 28th Street; it is on an angled corner; so windows were still very visible from a major right of way. He said that the applicant was asked whether a four-foot slider provided adequate egress; a 4'4" wide wood slider could seem much more palatable.

Passing it back to the applicant gave them more options. He said that the 5' width seemed too wide and way out of proportion to the windows of the rest of the house and looked very un-historic.

Ms. Kadas said if it were a new application, she would agree with Commissioners Parkerson and Wathen. The proposed windows don't match any patterns and don't resemble anything there before or above; the Scale and Proportion is not in keeping. There are options for 4' wide windows. She agreed with Mr. Wathen in giving the applicant a chance to explore their options in order to give them the flexibility; they've been directed to consider metal-clad windows. She encouraged the commission to consider Parkerson's motion. She noted that the Conditions didn't address lite patterns. Mr. Parkerson said denial puts the resolution in the applicant's hands. Ms. Kadas said even with conditions, there were too many opportunities for mixing and matching.

Mr. Collett noted that the wall has been cut and the siding was gone; it will have to be patched and won't look the same. He said that lack of guidance and conflicting guidance can be a problem. Mr. Wathen said that the commission was supposed to approach the application as if the work had not been done; however, there have been concessions to work that has already been done, and gives the appearance of being easier for the unscrupulous to ask forgiveness than permission. Ms. Kadas noted that the commission doesn't set precedence, only the Council does. Ms. Potter suggested it could be simpler to deny the application; in cases of violations, applicants may return the windows to the state they were before the work was done, or they can apply for another application to change them in a way that meets criteria.

Mr. Parkerson moved to deny the application; Mr. Wathen seconded; motion failed 3-4. Mr. McClure moved to approve the application with Conditions of Approval, changing Condition #5 to read, "Windows not proposed to increase in size shall either be casement, double-hung or awning windows that meet egress standards"; Mr. Perkins seconded. Ms. Stephens said there should also be language regarding style, such as the number of panes. Mr. McClure said he'd assumed that the windows would stay four feet wide in any iteration; a four-lite pattern would be preferable.

Mr. Wathen said it sounded like the commission was designing the project; Mr. McClure replied it was just conditioning it. Ms. Kadas suggested, "Windows not proposed to increase in size shall be awning style windows with four divided lites". She said it could also stipulate a four-over-one double-hung or a casement with divided lites. She noted that casement windows were available that looked like a double-hung with four lites on top and one below. Ms. Kadas said that these windows were very visible. Mr. Richardson said that in terms of window size, you could specify that it be limited to the four feet of the original width. For windows not proposed to increase in size, you could require four-lite awning style window. Ms. Kadas clarified that windows to increase in size should either be four-over-one double-hung or four-lite casement. Mr. McClure said the language simply specifies a four foot rough opening.

Mr. McClure moved to amend Condition of Approval #5, Window Style: Windows not proposed to increase in size shall be awning style in a four-lite pattern. Windows proposed to increase in size shall be awning four-lite pattern, double-hung four-over-one or casement to appear as a double-hung four-over-one; Perkins seconded. Motion to amend Condition #5 failed 3-4.

Mr. McClure moved to amend Condition of Approval #5 Window Style: Windows not proposed to increase in size shall be awning style windows in a four-lite pattern. Windows proposed to increase in size shall either be a casement in a four-over-one lite pattern or double-hung in a four-over-one lite pattern or awning in a four-lite pattern; Perkins seconded; motion to amend passed 4-3. Main motion failed 3-4.

MOTION:

Mr. Nudelman moved to deny the application; Mr. Wathen seconded; motion passed 4-3. Ms. Kadas noted to the applicants that it was more common to list the width *before* the depth in window dimensions. Mr. Parkerson suggested drawings would be helpful, especially an elevation. Mr. Nudelman suggested that the applicants run their thoughts by staff. Mr. Wathen thanked the applicant for their patience.

P. Appeal Period:

Chair Kadas stated that any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Disposition is signed.

III. MINUTES REVIEW- OCTOBER 12, 2010.

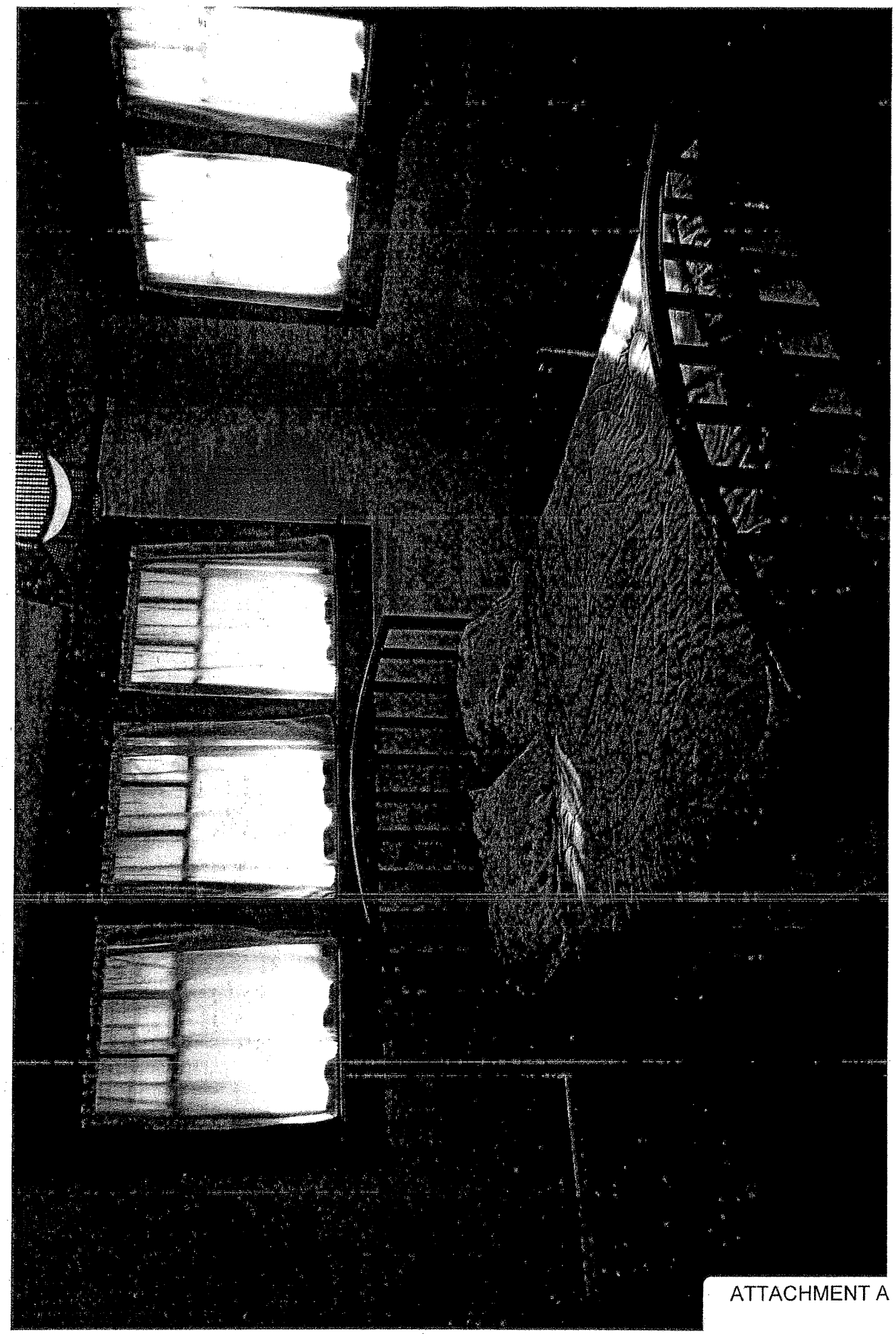
Mr. Wathen pointed out that the first sentence in the last paragraph on page 3 should read, "..Mr. Henderer replied that he had only checked the alternatives available in fiberglass due to maintenance considerations..". He said the last sentence on page 9 should replace the word "every" with "very". Mr. Parkerson moved to approve the October 12, 2010 minutes as corrected; Mr. Wathen seconded; motion passed.

IV. OTHER BUSINESS/INFORMATION SHARING.

Mr. Richardson highlighted a memo regarding the budget meeting here on November 17, 5:30 p.m.

Ms. Kadas suggested establishing an education committee to work on materials to go to owners of historic properties on a regular basis, as well as regular outreach to realtors, contractors, and landscapers; she and McClure volunteered to serve. Mr. Collett suggested a one-stop approach.

V. ADJOURNMENT: The meeting was adjourned at 10:08 p.m.



ATTACHMENT A

R9 6

Approved as submitted, December 14, 2010

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
NOVEMBER 30, 2010

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

Absent/Excused
Aaron Collett
Dan Brown, Council Liaison

Staff
Jim Brewer, Deputy City Attorney
Kelly Potter, Senior Planner
Bob Richardson, Associate Planner
Claire Pate, Recorder

Guests
Andrew Sheridan, OSU Campus Planner

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I	Visitor Propositions – Thank you from Mayor Tomlinson.		
II.	Deliberations: a. OSU Outdoor Sports Complex (HPP10-00028); Alteration or New Construction; OSU Campus		Motion passed unanimously to approve the application, with conditions
III.	Minutes Review- October 26, 2010		Approved.
IV.	Other Business/Info Sharing		
V.	Adjournment.		Meeting adjourned at 8p.m.

CONTENT OF DISCUSSION

Chair Deb Kadas called the Corvallis Historic Resources Commission to order at 7:00 p.m. in the Madison Avenue Meeting Room, 500 SW Madison Avenue.

I. VISITOR PROPOSITIONS.

Mayor Charlie Tomlinson addressed the Commission. As he approaches the end of his term, he wanted to take the opportunity to say goodbye and express his appreciation to the members of the Commission for their work, and to the staff who support them. In turn, the Commission thanked him for all that he has given to the community and for his support.

II. DELIBERATIONS:

OSU OUTDOOR SPORTS COMPLEX (HPP10-00028)

A. Opening and Procedures:

Chair Kadas briefed the Commission on what has transpired to date on the application. The public hearing was held on November 9, 2010, at which time there was a request to hold the record open. Additional testimony was received from Jeffery Evans, OSU Able Student Alliance; and a final response was received this date from, the applicant OSU, copies of which were distributed to the commissioners. No additional testimony would be received, but the commissioners would be able to ask questions of staff during their deliberations.

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

1. Conflicts of Interest. None.
2. Ex Parte Contacts. None
3. Site Visits – by Commissioners Nudelman, Stephens, Wathen and Parkerson
4. Objections on Jurisdictional Grounds – None. No rebuttals were made.

Commissioner Morris said that since he was absent during the public hearing and had not listened to the tapes, he would not be voting. All other commissioners present had attended the public hearing.

C. Discussion and Action by the Commission:

Chair Kadas suggested, and the commissioners agreed, that they would proceed by first discussing each of the three items raised in Mr. Evans' testimony. She also asked that the commissioners remember to address the review criteria in their comments and make appropriate citations.

Trash Enclosure:

Commissioner Nudelman said he had gone by the site to look at the location of the enclosure and thought it was generally great. His only concern was that the enclosure might obstruct vision from a few of the Poling Hall windows. Associate Planner Bob Richardson suggested that the commission view it from the standpoint of whether the obstruction detracted from Poling Hall as a historical resource. Mr. Nudelman did not think it presented a major problem.

In response to a question from Chair Kadas, Commissioner Wathen reminded the Commission that they had wanted to add a condition that the trash enclosure brick should match the brick used for Poling Hall. This was necessitated because the drawings indicated something different than the text of the application.

Planner Richardson read a suggested condition of approval formulated by staff: "Bricks used on the trash enclosure shall match the bricks on the south elevation of Poling Hall." This would be added as Condition of Approval #3, if the commissioners wished.

Commissioners Wathen and Nudelman said that with the addition of this condition, the item appeared to meet the appropriate criteria cited in Land Development Code section 2.9.100.04, specifically in regard to compatibility of building materials and scale and height with other nearby Designated Historic Resources within the district.

Parking

Commissioner Perkins asked staff to comment on whether the proposal met code requirements for ADA-compliant parking. Mr. Richardson said that the requirement for off-street parking is for one ADA-accessible parking spot for every 25 additional parking spaces. The proposal exceeds this requirement in that only 18 spaces are being proposed, but two ADA-compliant parking spots will be added. Project applications are reviewed by Development Services staff to ensure that the parking standard requirements are met. If in response to a future need OSU determines that additional ADA spaces are needed, the parking lot could be restriped to accommodate the change. In response to a question from Chair Kadas, Mr. Richardson added that they could do the restriping without coming back to the Commission for permission.

Commissioner Wathen said that, in his opinion, Condition of Approval #2 requires that the ADA parking standards be met and it is not necessarily the Commission's role to look for that compliance. It would be outside their purview to make any additional requirements. Commissioner Parkerson said that it appeared Mr. Evans had put a great deal of time and effort into his testimony and that staff should send him a copy of the minutes and a copy of the final letter from OSU to convey to him the fact that the Commission had addressed his comments. Commissioner Perkins added that Mr. Evans ought to address OSU if he wished for them to exceed the minimum standard of the code.

Commissioner Stephens said that the parking layout and plan looked good from her standpoint.

Kiosk Sign

Ms. Kadas referred to Mr. Evans' comments about incorporating some changes to the informational kiosk sign to make it more compliant with accessibility guidelines. She noted that OSU intended to research the effectiveness of this, and had proposed a new condition of approval which might allow for the incorporation of Braille lettering by increasing the sign area by up to six square feet.

Commissioner Wathen said that what OSU was proposing was not that dramatic a change to the sign and he believed it was reasonable. Commissioner Nudelman said that a sign that is lower and up to nine inches greater in width would still be historically compatible and meet criteria. Commissioner Stephens also thought that the addition of the new condition of approval made sense.

Planner Richardson said that the new condition would become Condition of Approval #4, and he suggested that a statement be added to the language proposed by OSU, so that it would read:

Condition 4 – Informational Kiosk - In order to incorporate Braille or other means of communication for the visually impaired, OSU shall be allowed to increase the sign area by up to six (6) square feet, so long as the style and design features are maintained and it is in compliance with the sign regulations in Land Development Code Chapter 4.7.

MOTION: Commissioner Wathen moved to approve the OSU Recreation Complex Historic Preservation Permit application, number HPP10-00028, as conditioned in the October 29, 2010, staff report to the Historic Resources Commission, with the inclusion of new conditions 3 and 4, proposed by staff, relating to the trash enclosure and informational kiosk. This motion is based on findings in the October 29, 2010, staff report to the Commission, and findings in support of approving the application made by the Commission during deliberations on the request.

Commissioner Parkerson seconded the motion which was **passed** unanimously, with Commissioner Morris abstaining.

D. Appeal Period:

Chair Kadas stated that any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Disposition is signed.

IV. MINUTES REVIEW – October 26, 2010:

MOTION: Commissioner Wathen moved and Commissioner Stephens seconded to approve the October 26, 2010 minutes as drafted; motion **passed** unanimously.

V. OTHER BUSINESS/INFORMATION SHARING:

Commissioner Parkerson asked if the mosque that recently burned was on the National Registry. Staff and other commissioners noted that it had been built too recently to be considered a historic resource and was not listed as such.

In response to a question from Commissioner Nudelman about wanting to schedule discussions and training sessions relating to how to deal with certain situations, Mr. Richardson said that staff would look at the public hearings schedule and get some sessions scheduled around them. It was noted that the October 26, 2010, minutes, just approved, had a discussion item relating to topics for future training.

Chair Kadas brought up the activities worksheet that they had worked on, and HRC training was high on the list. Another perceived need is to improve the public's awareness of historic resources and historic preservation regulations, and Ms. Kadas said that they had talked in the past of forming an Education Subcommittee with the charge of finding ways to do this. Targeted audiences for the educational efforts would include affected property owners, builders and contractors, realtors, governmental groups, and the public at large.

Deputy City Attorney Brewer said that any subcommittee of the Commission would be subject to public meetings law with the requirement that there be notification of any meetings being held. Additionally, minutes would have to be taken and records kept. For instance, the Land Development Hearings Board is considered a subcommittee of the Planning Commission. They meet right before the Planning Commission, and therefore the meetings can be "noticed" at the same time. Senior Planner Potter said that all of this could be accomplished, though in light of the budgetary constraints, action minutes might have to be taken by a subcommittee member. She will explore the potential repercussions of establishing such a subcommittee with the Planning Division manager and Community Development director, and will report back at the next meeting.

Ms. Kadas asked if individual members of the Commission could present informational training to various civic groups and to the public. Deputy City Attorney Brewer cautioned that any presentations they made would have to be "vetted" by the Commission as a whole, in that statements might be made that were not in accordance with future Commission action. He added that at the time the Commission is ready to form a subcommittee through a formal motion process, the makeup of that subcommittee should be less than what it takes for the Commission to have a quorum.

VI. ADJOURNMENT: The meeting was adjourned at 8 p.m.

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

Approved as submitted, December 15, 2010

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
October 6, 2010

Present
Tad Abernathy
Jennifer Gervais, *Chair*
Frank Hann
Tony Howell
Jasmin Woodside
Mark O'Brien, *Council Liaison*

Staff
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Kelly Potter, Senior Planner
Terry Nix, Recorder

Excused
James Feldmann
Steve Reese
Jim Ridlington

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing: **Revision of Land Development Code Definition of Agriculture Sales (LDT10-00004)**			Recommend approval.
III.	Minutes: September 1, 2010 September 15, 2010			 Approved as presented. Held due the lack of a quorum.
IV.	Old Business	X		
V.	New Business	X		
VI.	Adjournment – 9:20 p.m.			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jennifer Gervais at 7:05 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

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

II. **PUBLIC HEARING – Revision of Land Development Code Definition of Agriculture Sales (LDT10-00004):**

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures. There will be a staff report and public testimony. The Commission may ask questions of staff, engage in deliberations, and make a recommendation. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

The Chair opened the public hearing.

B. Declarations by the Commission:

1. Conflicts of Interest: None.

C. Staff Overview:

Senior Planner Kelly Potter said the request is to revise the Land Development Code definition for the Agriculture Sales use type so that limited retail sales of agricultural food products can occur. This LDC definition is contained in Section 3.0.30.a. The City Council provided guidance for the parameters of this LDC Text Amendment. In general, these parameters specify that the sale of farm crops and livestock would be limited to farm crops and livestock grown on the site or in the local agricultural area. Additionally, the farm crops and livestock include both fresh and processed farm crops and livestock, but not the sale or auctioning of live animals and not prepared food items. No on-site dining would be allowed and the size of the activity would be limited to 1,500 square feet. Modifications to the Agricultural Sales use type definition would affect zones where the Agricultural Sales use type is allowed.

The proposal applies Citywide to all zones that allow the Agricultural Sales use type. Currently, these zones include the Major Neighborhood Center (NC-Major) Zone, the Central Business (CB) Zone, the Central Business Fringe (CBF) Zone, the Mixed Use Transitional (MUT) Zone, the General Industrial (GI) Zone, the Intensive Industrial (II) Zone, and the Mixed Use Employment (MUE) Zone.

Planner Potter said that the LDC Text Amendment was initiated by the City Council in July; at its August 16 meeting the City Council provided additional guidance. She reviewed City Council's refined direction, the Comprehensive Plan Policy review and the Land Development Code review, as detailed in the written staff report. Staff recommends that the Planning Commission recommend that the City Council approve the proposed Legislative Amendment to the Land Development Code with the language as proposed in Attachment A.

D. Public Testimony in favor of the application:

Rebecca Landis submitted and read written testimony **(Attachment A)**. She said that she generally supports the proposal, but that her support is predicated on the Planning Commission restoring the original intent that at least some of the agricultural product sold on Industrial land be produced by the operator of the facility. If that change is not possible, she would argue for a geographical limit of Benton and Linn counties in order to inconvenience someone contemplating a resale-only operation. She proposed specific revisions to the proposed Text Amendment, as detailed in her written testimony. She said one reason stated for the lower standard was that food can only be grown on agricultural land; this ignores the fact that, on non-agricultural lands, the operator is very likely growing elsewhere. Another reason stated is the presumed difficulty of enforcement; she believes that it would be fairly easy for agricultural producers to demonstrate that they did have a role. Her concern is that, left with no requirement for grower participation and no limit on incidentals, the farm stand could bear little resemblance to what a farm stand should be; this would not be fair to other farm stands or to grocery stores. She said she doesn't have the experience to say if the proposed square footage requirement is too tight, but it is important to be thinking about ways to reuse existing structures such as erecting a partition to reduce the footprint of an oversized structure. Regarding on-site dining, she said a good example of a farm stand with limited dining is Gathering Together Farm outside of Philomath, which operates under ODA regulation because the dining function is not predominant. With some revision, she said, this Text Amendment could make a notable contribution to our community's sustainability and food security.

Commissioner Howell said it is his understanding that, other than OSU land and some properties that are grandfathered in, the owner of industrial properties would not be able to use that land to grow crops or livestock. Ms. Landis said it is normal for farmers to grow in multiple locations and to have a need for a sales location somewhere other than the farm; in her mind, this is still not reason enough to allow a resale-only farm stand that has no requirement for grower participation.

Commissioner Howell asked if it is likely that a group of farmers would find it desirable to utilize land for this purpose, if the land belongs to someone who is not a farmer. Ms. Landis said that there will not be as good of an outcome if the farm stand operator has no agricultural knowledge. A land owner with a suitable site should lease it to a grower who could then operate the farm stand.

In discussion and in response to inquiries from the Commission, Ms. Landis acknowledged an error in her proposed revision – she agreed to submit a corrected version to staff. Her intent is that the operator grows all or some of the product that is sold; she wants to take away the option that the operator grows none of it. She is not concerned about whether it is grown on the site of the farm stand, just that the stand is operated by the person that grows at least part of the product that is for sale.

E. Public Testimony in opposition to the application:

Dan Stoddard said that he is a land use attorney who has been practicing for 19 years. He reviewed the proposed Text Amendment and has several reasons why he believes it would be bad land use policy.

1. Conflicting uses. The zoning system is designed to separate uses that conflict with each other. Farms stands have significant impacts with industrial activity. He thinks the impacts are underestimated and that this will result in nuisance tort claims.
2. Harm to farmers. His family goes to farm stands and farmers markets and he strongly supports direct sales. He believes the proposed Text Amendment would be bad for on-site farm stands and existing farmers markets.
3. Bad for jobs and industrial development. There are industrial developers who will say "no" to Corvallis because of potential conflicts; they will go to where there are clearly separate incompatible uses. There are allowable uses in the industrial zones that are outdated; companies such as Hewlett-Packard would not likely locate next to slaughterhouse or auctioning activity.
4. Driving this process is Bald Hill Farms and Mr. Martin. Normally, the applicant pays their own fair share of a land use action; that is not happening here because Mr. Martin has shaken his fist at the City and said he is not going to pay for his violations of law. The City has more important needs than subsidizing millionaires and law breakers; this is not the message that the City wants to send to lawbreakers.
5. Although the City Council is the applicant, he believes that the Planning Commission will be respected and listened to if it points out the problems in this application. It is bad for farmers, bad for industry, and the City should not be subsidizing Mr. Martin.

Commissioner Howell noted that, except for some areas that are grandfathered in and OSU land, growing crops or raising livestock would not be permitted on industrial land. Mr. Stoddard said that many industries, those with a lot of vehicle activity for example, would not want to locate next to a farm stand due to concerns about neighbor disputes and legal action.

Questions from the Commission:

In response to an inquiry from Commissioner Howell, Planner Potter affirmed that very few zones allow the growing of row crops. The City Council did discuss the concept of a larger scope for this Text Amendment, which would have reviewed the concept of interim agricultural uses on industrial lands. However, the Council decided that was a larger attempt than it was willing to embark on at this time, and the Text Amendment scope was curtailed to address only the changes currently included. Legal, nonconforming agricultural uses will be allowed to continue.

Commissioner Howell asked for staff input on the public testimony related to requiring operators to be growers, and the issue of conflicts between industrial uses and farm stands. Planner Potter said that the City Council's original direction was that the product seller be involved in agricultural food production. Staff found that state provisions were instead centered around geographical boundaries. Several options were presented to the City Council, as outlined in the staff memorandum in Attachment C. Staff noted that it could be difficult to assess whether or not and to what degree a seller is involved in food production. The City Council decided to use geographical boundaries to address the goal of making sure the food products are locally grown.

Regarding the issue of conflicts between farm stands and industrial uses, the growing of farm crops is not allowed in most of the subject zones. The size limit of 1,500

square feet and the fact that farm stands would be allowed to be inside buildings should increase the resolution of any conflicts and minimize any adverse impacts.

Commissioner Howell asked about the choice of a 1,500-square-foot limitation. Planner Potter said that staff looked at farm stands across the country; size limitations were very inconsistent and based on what each jurisdiction found to be appropriate. Staff felt the proposed limitation to be reasonable for farm stands within the City limits. Planning Division Manager Young added that part of the basis was to limit investment for an interim use in industrial zones.

Commissioner Hann asked why products from livestock are omitted; he is thinking about products such as blankets and clothing. Planner Potter said an attempt was made to use terminology similar to the state OAR and ORS to the extent that it fit. Manager Young added that the proposed Text Amendment was primarily aimed at food products; the Planning Commission could make a recommendation if it believes this language should be augmented.

Commissioner Hann said there seems to be nothing proposed to preclude the expansive operation of temporary structures. Manager Young said he believes the City has the necessary enforcement authority. Planner Potter noted that any development would be subject to the development standards in that zone.

Commissioner Hann said that LDC 1.2.80.01 states that the LDC can be amended whenever the public necessity, convenience, and general welfare require. In looking at the minutes, he said, the City Council did not establish that as the background for this action; the discussion was principally around Mr. Martin's case. Manager Young said that the City Council authorized staff to initiate a process to bring the proposed Text Amendments to the Planning Commission and ultimately to the City Council for consideration; it did not need to speak to the decision criteria at that time. When the City Council considers the Text Amendment, it will consider the applicable criteria. The staff report does articulate many ways this could be seen to promote general welfare. In further discussion, Planner Potter said that, if the analysis had found that this would benefit only one property owner, there would likely have been a different recommendation from staff. She continued that, as evidenced by the verbal testimony of Ms. Landis, there is the potential that this Text Amendment could benefit a number of property owners and farm operators.

Commissioner Hann said there are industrial zoned sites that may have been exposed to toxins; he asked if and how those will be excluded. Planner Potter said that the Department of Environmental Quality is charged with monitoring and investigating those situations; this falls outside of the jurisdiction of Corvallis. Manager Young added that the DEQ works directly with the property owner and there is a strong mechanism for enforcement.

Commissioner Woodside asked if the Text Amendment would apply to food processing plants. Planner Potter said this is considered to be very small scale operations; food processing would only be allowed if it met the development standards of the zone and is a separate use type from Agricultural Sales.

In response to inquiries from Commissioner Abernathy, Planner Potter said that farmers markets are classified as the Temporary Outdoor Market use type and are limited to a certain number of calendar days per year, while a farm stand is subject to development standards because it is not a Temporary Outdoor Market. Staff believes that the size limitation will prevent conflicts that would significantly impact the underlying land use.

In response to inquiries from Commissioner Howell, Planner Potter said that it may be possible to have more than one 1,500-square-foot structure on an industrial site, but they would have to be different operations, subject to that zone's development standards. City Attorney Coulombe said that his interpretation would be that multiple 1,500 square foot operations on the same site would not be allowed.

In response to further inquiries from Commissioner Hann, Planner Potter said that, if temporary outdoor markets are allowed in the zone, they would not be allowed more than 45 calendar days per year. Growers of grapes would probably be allowed to sell wine.

Commissioner Abernathy asked if land owners are allowed to rezone a portion of their land. Staff said land owners could submit an application; approval would be subject to the applicable review criteria.

Chair Gervais asked for a definition of *incidentals*. Planner Potter said this is not defined at the state level; it generally refers to items having something to do with the products being sold, such as bags to carry the products.

Chair Gervais asked if partitioning an existing building to create a 1,500-square-foot space would be allowed; Planner Potter said yes, provided the applicable partition review criteria were met.

MOTION: Commissioner Hann moved to recommend that the City Council not approve the Legislative Land Development Code Text Amendment (LDT10-00004). He referred to LDC 1.2.80.01 and said that he does not think there is evidence that the Code amendment is a public necessity. This is amply demonstrated by the staff report which indicates that, if the Bald Hill Farm Planned Development application does not go forward, the Text Amendment should wait for the next package of Land Development Code Text Amendments. The motion **died** for lack of a second.

Commissioner Woodside said she doesn't like that this is being brought forward because of one case, but she thinks it could be good to bring farm stands into the community.

Commissioner Howell agreed with Commissioner Woodside. He noted that a number of City Councilors expressed reluctance for the same reasons stated by Commissioner Hann, but the conclusion was that the Council did not want to not move forward with a good idea just because it originated from this one LDC violation source. The Council was also responding to citizen requests for this type of shopping opportunity and the movement to support local farmers and bring local food sources to the community. He is convinced that there is a benefit for farmers and customers in having more flexibility in direct sales outlets.

MOTION: Commissioner Howell moved to recommend to the City Council approval of the Legislative Land Development Code Text Amendment (LDT10-00004), as presented in Attachment A of the September 24, 2010, Planning Commission staff report. This motion is based on Planning Commission findings in support of the Text Amendment, as well as findings and conclusions contained in the staff report. Commissioner Woodside seconded the motion.

Commissioner Abernathy initiated discussion about "tightening" the language to incorporate some of the testimony presented. Commissioner Howell said he would like to incorporate language about grower participation; the testimony by Ms. Landis convinced him that the goal of supporting local farmers would be better accomplished with that provision. Commissioner Abernathy said he believes that the way the draft is presented, with food production limited to the local six counties, is supporting local farmers. Commissioner Woodside said she can see how a grower might care more about the food being sold, but she does not want to preclude the entrepreneur who might sell goods from growers in the local six counties.

Commissioner Hann said his opposition is primarily that it has not been established that the benefit to the community is not being met. There are successful operations on agriculture land, i.e., Peoria Road and Davis Family Farm; this proposal would take away from that market's ability to compete by allowing sales on industrial land. He thinks there is a conflict between industrial use and this type of operation. He thinks this should be handled in normal processes or that the property owner should make an application for rezoning of his land. He does not believe that the City should be doing this for the property owner; he believes this is flawed and not well thought out.

Commissioner Woodside said she thinks there is need for local food sales closer to town so that it is not necessary to drive to Peoria Road or Davis Family Farms to get local fresh produce.

Commissioner Howell said that, given the comments, he won't move for an amendment to require that the seller is involved in growing. He encouraged Ms. Landis to work with staff on language for consideration by the City Council. He said he doesn't think that an enclosed retail space would have any more conflicts than some of the other uses that are allowed in industrial zones, especially since the operation would be limited to a maximum of 1,500 square feet per site. In terms of transportation, he thinks that this service should be available closer to town.

Commissioner Abernathy said it does bother him that this action is coming from one source. He asked if consideration was given to how farm use on industrial land will affect future businesses in Corvallis. Planner Potter reiterated that the retail sales would have a very limited square footage and, thus, the impacts should be minimal.

Commissioner Howell noted that there are a lot of industrial zoned properties which are not likely to develop for 30 years or more; this is a balance of preserving industrial land for industrial use, but also allowing property owners to make some use of their property at this time.

The motion **passed** by a vote of 3 to 1, with Commissioner Hann voting no.

III. PLANNING COMMISSION MINUTES:

A. September 1, 2010:

MOTION: Commissioner Hann moved to approve the September 1 minutes as presented. Commissioner Abernathy seconded the motion and it **passed** unanimously.

B. September 15, 2010:

Review was held due to the lack of a quorum.

IV. OLD BUSINESS:

In response to an inquiry from Commissioner Woodside, Planning Division Manager Young said he would inquire as to whether it is acceptable to have a Planning Commission liaison to the CIP Commission who can attend only some of the meetings.

V. NEW BUSINESS:

Planning Division Manager Young reported that the City still does not have a date certain for receipt of the letter from FEMA which will determine when the new flood plain maps must go into effect. He will keep the Commission advised.

Manager Young advised that the Land Development Hearings Board will consider an appeal of a staff-level replat decision on November 3. He further advised that the Creekside I and II decision was appealed to the City Council by both the applicant and the League of Women Voters. Brief discussion followed.

Commissioner Hann advised of a possible vision clearance violation; Manager Young will follow-up.

Commissioner Abernathy asked about the Planning Commission's ability to table an issue in order to consider the ramifications of a decision. Brief discussion followed regarding holding the record open, the 120-day mandated timeframe, and current efforts to get things through during the current City Council term.

Commissioner Howell provided a brief update on the Infill Committee's work; recommendations will be going to staff and then to the City Council.

In response to a request from Council Liaison O'Brien, Manager Young reported that the City Council followed the Administrative Services Committee recommendation to maintain the current 70 percent cost recovery level on fees for the 2011 calendar year, to continue to have no fees for Historic Preservation permits, and to change the appeal fee to 10 percent of the highest application fee for that request (5 percent for recognized Homeowners Associations). Brief discussion followed.

VI. ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

Planning Commission Testimony of Rebecca Landis
Agricultural Sales Use Type Definition Revisions (LDT10-00004)
Submitted October 6, 2010

Thank you for the opportunity to address this proposed text amendment. I am coming directly from running a farmers' market at 2nd and B. I now live on a small farm that is on EFU, just outside the Urban Growth Boundary. Inside that boundary there are crops growing on land zoned as industrial.

I am speaking here for local agricultural producers – and potential young producers who don't yet have access to land – in support of policies that support the farm-direct marketing piece of the local food system, whether it is at a farmers' market, in a Community Supported Agriculture program, a farm stand and even the newer online markets. We need policies that build the capacity of local farmers to sell directly to consumers in their own backyard. Farmers who are able to sell through national and international channels already have plenty of policy supports.

In many jurisdictions, ag operations and sales are both considered a normal "down-zoning" use of industrial land that has not yet met its "venture capital sugar daddy." I am not suggesting we can do away with all industrial land. But we have in the past allocated industrial land for less important uses than feeding ourselves. So I generally support this change, although I have one serious concern to address below.

I was mostly pleased to hear that City Council suggested use of the Local Six counties – Benton, Linn, Lane, Lincoln, Marion and Polk – as the geographic threshold in this ordinance. The six counties originated with farmers' market guidelines and later were adopted by First Alternative and now the Food Action Team #1 of the Sustainability Coalition.

My unqualified support for this proposal and the Local Six geographic standard is predicated on the Planning Commission restoring the original intent that at least some of the agricultural product sold on Industrial land is required to be produced by that agricultural producer. If that change is not possible, I would argue instead for the tightest practical geographic limit, which is Benton and Linn counties. The tighter limit would at least inconvenience someone contemplating an entirely resale operation.

The council motion initiating this process stated that the text amendment should "Require the product seller to be involved in agricultural food production." By making what might seem like a small change in a borrowed state farm stand provision, the current proposal fails to maintain the council's original intent that the products are not just locally grown but grown at least in part by someone connected to the agricultural sales enterprise.

Reading over the minutes of the Aug. 16 council meeting, I don't see any discussion about this particular aspect of the text amendment. I'm sorry I was not able to raise the issue in person at City Council. I'm sure the council forwarded it with intent that the Planning Commission would be a forum for additional discussion. I do want to address this issue and hopefully persuade you that the ordinance could be made better.

One reason cited for lowering the bar was that there are places on Industrial land that could be made legal for Agricultural Sales but where food cannot be grown legally. That ignores the high likelihood that an agricultural producer/operator is growing crops elsewhere on land in the target geographical areas, i.e. Local Six counties.

We're no longer in the Donation Land Claim era. Fewer farms today are run on neat contiguous parcels under a single ownership. Modern farms, especially those engaged in farm direct marketing, are often a patchwork of

ATTACHMENT A

owned and leased parcels that yield different parts of an agricultural producer's total output. And not every farm parcel has an appropriate site for a farm stand.

Another reason cited for a lower standard is presumed difficulty of enforcement. It is NOT impossible to enforce a definition that, like the state farm stand provision, requires at least a twig or fig leaf of non-resale ag product. (If anything, we should be requiring more.) A provision following original intent would be no harder to enforce than the current draft or in fact much of the LDC, which admits many shades of gray and is enforced in part through complaints. It would be fairly easy for an agricultural producer who actually grows things to rebut a false complaint. Farm inspections are not the only way to handle these situations. In most cases staff could ask the subject of a complaint for some verification that they grow a portion of the products in the ag sales facility. There are many farm-savvy people in this community who could help staff develop strategies.

If the provisions are left as is, without any requirement for grower participation, and without any limit on retail "incidentals" as found in the state provisions, we could end up with something that bears little resemblance to a farm stand supporting local agriculture.

Why does farm direct matter? Farm direct marketers – the vendors who participate in farmers' markets, run CSAs and real farm stands -- are highly accountable for their agricultural products because they have a direct connection to the ultimate consumer. In the current draft, the fake "farm stand" operator easily might be someone with zero agricultural involvement and little involvement in our local food system other than milking what they may perceive as a fad. Ordinary food retail/resale activity is appropriate where it is currently zoned. We should not allow a grocery or fancy foods store to play dress up and pretend to be a farm stand on Industrial land. That is not fair to other grocery stores, farmers or consumers who might reasonably expect a farm stand to have <u>some</u> direct tie to farming.

Proposed revision to b.1. The associated structures are used for the sale of farm crops and livestock **wholly** grown ~~on the site~~, or **grown on ~~the site~~ and other farm operations** in the local agricultural area;

by the operator of the facility

by the operator of the facility

same as above

Proposed revision to b.2. "As used in subsection "b," the phrase "farm crops and livestock" includes both fresh and processed farm crops and livestock **wholly** grown ~~on the site~~, or **grown ~~on the site~~ and other farm operations** in the local agricultural area, but does not include the sale or auctioning of live animals;

Square footage: Perhaps staff could take some time to investigate the footprint of actual Oregon farm stands, rather than just reviewing other land use provisions. I don't have the experience to say if 1,500 squares is too tight. From a sustainability standpoint, we should be thinking about ways to reuse existing structures. It seems like the current draft allows this, assuming a partition could be erected to reduce the footprint of an oversized structure.

On-site dining: this was in the council directives, but I'm not sure why the prohibition was sought. A good example of a farm stand with limited dining is Gathering Together Farm outside of Philomath. They operate under ODA regulation, because the dining function is not predominant.

I am pleased that the draft eliminates the confusing term "prepared food items." If the intent was simply to prevent on-premise consumption, the current version does a better job of that.

Thank you for the opportunity to bring a civic agriculture/community farming perspective to this discussion. With some refinement, I believe this text amendment could make a notable contribution to our community's sustainability and food security.

ATTACHMENT A-2

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

Approved as submitted, December 15, 2010

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
October 20, 2010

Present
Jennifer Gervais, *Chair*
James Feldmann
Frank Hann
Tony Howell
Roger Lizut

Staff
Jim Brewer, Deputy City Attorney
Kevin Young, Planning Division Manager
Jason Yaich, Associate Planner
Mark Lindgren, Recorder

Excused
Tad Abernathy
Steve Reese
Jim Ridlington
Jasmin Woodside
Mark O'Brien, *Council Liaison*

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		None.
II.	Public Hearing: **Rivergreen Office Park (PLD10-00012)**			Motion passed unanimously to recommend approval, with amended Condition #4.
III.	Minutes: September 15, 2010			Approval postponed.
IV.	Old Business	X		None.
V.	New Business A. Planning Manager's Update.	X		Manager Young presented updates.
VI.	Adjournment – 8:02 p.m.	X		

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jennifer Gervais at 7:04 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Planner Young introduced new Commission member Roger Lizut.

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

II. **PUBLIC HEARING – Rivergreen Office Park- Review of a Major Planned Development to a Conceptual and Detailed Development Plan (PLD10-00012):**

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures. There will be a staff report and public testimony. The Commission may ask questions of staff, engage in deliberations, and make a recommendation. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

The Chair opened the public hearing.

B. Declarations by the Commission:

1. Conflicts of Interest: Commissioner Hann stated that Dr. Wobig had operated on both his wife and daughter; also, that he was a physical therapist who occasionally has a patient referred by Dr. Wobig's office, but that that should not affect his ability render an impartial decision.
2. Ex Parte Contacts: None declared.
3. Site Visits: Declared by Commissioners Howell and Hann.
4. Objections on Jurisdictional Grounds: There were no objections.

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

C. Staff Overview:

Associate Planner Jason Yaich stated the request is for approval of a Major Planned Development Modification to a previously approved Conceptual and Detailed Development Plan. The site is just north of downtown in northeast Corvallis between Highway 99W and Highway 20, just west of the Willamette River. He highlighted an aerial photograph of the site. There are currently two office buildings with an associated parking lot. There are existing residences to the north of the site, and restaurant and commercial businesses to the south.

The Comprehensive Plan designations on the property include a mix of Professional Office (PO) and Central Business District (CBD). The surrounding zoning includes Residential Medium Density to the north of the site and a continuation of the CBD to

the south. Zoning is consistent with the Comprehensive Plan, with a mix of Central Business Fringe (CBF), Professional and Administrative Office with a Planned Development Overlay (PD (P-AO)); there is a mix of RS-9 and General Industrial (GI) to the north of the site, and there is a continuation of the CBF to the south.

Natural Hazards on the site include a Partially-Protected 100-Year Floodway Fringe and a small pocket of 10-15% slopes on the undeveloped portion of the site near the highway. Natural Resources include two Riparian Corridors associated with the Willamette River and Dixon Creek. Portions of corridor setbacks that cross over onto the site are on the area of the site that is already developed, with the exception of the northwest corner of the site, which is where Building A is shown on the 1995-1996 approval.

The original Conceptual and Detailed Development Plan was approved in 1995. It showed a professional office development with three office buildings (Buildings A, B and C) with associated parking, vehicle and bicycle parking, pedestrian amenities, and landscaping. Since 1995 there have been several modifications to the PD, including building architecture and site plan elements related to landscaping and grading. In 1998 there was a lotline adjustment involving an addition of a property previously owned by the Oregon Department of Transportation (ODOT); the 1995 approval of the site plan area increased with the 1998 lotline adjustment. In 2010 there was a minor modification approval that allowed medical service use tenants in Building B, along with site plan and architectural modifications to Building B.

Planner Yaich displayed the 1995 site plan approval. Currently, Buildings B and C are constructed, along with parking; Building A and the Phase II Parking Lot, approved in 1995, are part of a future Development Plan. Components of this request for a major modification are primarily to provide an outdoor seating area on the southwest corner of Building B for café use associated with the medical tenant going into that building; the other site plan change relates to the Phase II parking lot.

D. Legal Declaration:

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

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Architect William Riles, of Modern Organic Architecture, related that when the site added the ODOT property, the overall size of the site changed, so it was decided to reconfigure the parking in order to make more efficient use of the asphalt space. As an

outpatient surgery center was planned for the site, staff working there and the businesses there thought that a coffee kiosk would be desirable on the site to accommodate those waiting for family members undergoing surgery.

Mr. Riles noted that a roughly 15-year-old cypress was sited in the way of the proposed outdoor seating area; it is proposed to remove it and replace it with more appropriate plantings. He clarified that the café facility was intended to be low key, for on-site use by staff and those using the medical facility.

Commissioner Feldman asked whether the tree was indeed three feet in diameter; Mr. Riles replied that that was correct. He clarified that a proposed large canopied deciduous tree would be more appropriate for the site, providing openness in the winter and shade in the summer. He added that it is not proposed to immediately change the parking; only when the third building is constructed sometime in the future. He noted that over time, the site has had more medical use than professional office use, which requires more parking. He said he was open to suggestions on the type of tree to replant.

Commissioner Howell said that Condition of Approval #3 requires verifying that the proposal meets volumetric exchange provisions; he asked whether any fill was anticipated for the café or parking lot. Riles replied that only a little cutting would be needed for the cafe.

F. Staff Report:

Planner Yaich said that the Major Modification request dealt with the 1995 approval and the subsequent approvals. The Major Modification process came about because the applicant received approval for three minor modifications in 2010 involving three changes to the earlier approval; in the Land Development Code, when a site exceeds three changes in a calendar year to an earlier approval, then the Code triggers a Major Modification review for the fourth and other requests.

Planner Yaich stated that Planned Development criteria in 2.5.40.04 deal with compatibility factors and natural features factors. Regarding existing uses, there is a combination of professional and medical offices in buildings B and C; these uses are consistent with the district. The proposed café has indoor and outdoor components; the café is considered an accessory use tied to the medical use. The applicants intend to offer the café services to other office park users, but not to advertise it to the general public. Staff made Condition of Approval #5 to limit the scope of the café to accessory use, not generating a destination for the general public.

The café is proposed for the southwest portion of the building; Planner Yaich highlighted the location of the cypress tree proposed to be removed. He highlighted comparisons in parking lot changes. The addition of ODOT land allowed reconfiguring the parking lot in regards to circulation. With the 1995 approval, the lot design required some parkers to back into spots in one-way aisles, an inefficient design. The proposed parking lot horizontal expansion allows two-way access and ninety degree parking, which is an improvement to circulation. The overall change in the parking lot increases the amount of impervious area; however, with the addition of the area associated with ODOT property, the proportion of land covered with parking lot rock decreases from

the 1995 approval. The widening of the parking lot allows the center landscape island to increase in width.

Planner Yaich explained that, regarding Vehicle Parking, requirements for Medical Service Uses are twice as much as a normal professional office. There are two phases of parking. There are currently 72 parking spaces. The Phase I Parking in the proposal considers the 20% reduction that is allowed outright when parking is constructed in the Partially-Protected Floodplain. With that allowed reduction, the required amount of parking is 71 spaces, which falls within the 72 provided spaces. After completion of all phases of development, there would be enough parking per Land Development Code standards. Regarding the Partial Protection standards, along with outright 20% reduction, there is also the standard to limit vehicle parking to the minimum required by Code. If you propose to provide more than the minimum, it requires certain design standards, such as pervious pavement or structured parking. Planner Yaich related that the applicant was amenable to meeting the minimum Code standard and noted that it won't be known what vehicle parking would be required until all the uses are in place within all three buildings, A, B, and C. The actual number of vehicle parking spaces will be determined by the permit process. The net result is a range between 80-100% of the required minimum parking, in accordance with the Land Development Code. The reconfigured parking, as shown, would net 137 parking spaces, consistent with the 1995 approval.

Regarding the basic site design, Planner Yaich said the site is relatively unchanged from the 1995 approval, PD-95-12, including the three buildings, vehicle parking, associated pedestrian connections and landscaping. The café outdoor seating provides an additional pedestrian amenity. The parking lot would have an overall net decrease in parking lot coverage because of the square footage attributed to the ODOT property was much larger than the increase in the parking area. Regarding visual elements, there will be changes to building architecture related to the cafe use, including removing a window assembly, replacing it with a door/window assembly for cafe access (increasing the glazing on the west façade of Building B by about 10 square feet), and adding an awning over the door. The proposed architectural changes are consistent with the Visual Elements Criterion, by adding additional visual relief on the facade.

Planner Yaich displayed the west elevation of Building B. He highlighted additional review criteria in Chapter 2.5; he stated that negative impacts, such as noise, odors, or lighting, should not be increased. He highlighted Condition of Approval #5 related to signage, in that café use will not be advertised to the general public. He said Condition of Approval #4 was a standard landscaping condition; applicants must provide details of parking lot landscaping and the three trees to replace the tree to be removed. He said that Transportation and Utilities criteria were addressed with Phase I development and previous conditions were satisfied with respect to those particular criteria. Regarding traffic and off-site parking impacts, there is a development related concern that the vehicle parking lot must meet stormwater standards and retention requirements. There are no Land Development Code variations proposed.

Regarding Natural Features components, the entire site is covered by the Partial-Protection Floodway Fringe standards related to natural hazards. There is a Condition of Approval related to Volumetric Exchange; it appears there would be very little,

based on the existing grades. Regarding parking lot construction standards, Code requires minimizing the number of spaces to the bare minimum required by Code. A requirement in Land Development Code Chapter 4.5 requires building a certain number of compact spaces; however, in the Floodway Fringe, up to 40% must be compact, to further minimize impervious area.

Planner Yaich concluded the staff recommendation was to approve the request with conditions.

Commissioner Hann asked if staff looked at how parking could be affected by a bigger building footprint; Planner Yaich replied that, in determining what parking would be required, staff would look at the 1995 proposal, when it was proposed that it all be professional office. Looking at all uses today, Building A is all professional office, and the existing parking would be sufficient to meet the standard for that building. It is conceivable that additional medical service uses could be added to Building A (along with that use in Buildings B and C); however, the 20% reduction is permitted due to construction in the Floodway Fringe, and the requirement to build a certain number of compact parking spaces could provide an additional area for parking. There are some unknowns regarding vehicle parking. Commissioner Hann asked if there could be additional reductions in parking due to bike parking or the proximity to public transportation, or whether that didn't apply after the 20% reduction was applied. Planner Yaich replied that he didn't know but would get an answer.

Commissioner Lizut said that the language in Condition #5 didn't seem to address the purpose of #5 in regards to precluding attraction of the general public to the cafe; he asked if there was any follow-up by staff to verify the Condition was being met, and how to change the Condition to include such action. Planner Yaich replied that regarding signage, staff reviewing sign permits (where signs are required) would review these Conditions and the staff report; they will look at all these and all previous Conditions. Regarding the use of the cafe, that would be enforced on a complaint basis, through the Code Enforcement Program. Commissioner Feldmann asked why additional public use of the cafe was limited; Planner Yaich replied that parking and traffic impacts were a concern for accessory uses. For use by the general public, the use would be classified differently.

G. Public Testimony in favor of the application:

Dr. Ron Wobig stated he was an orthopedic surgeon who has practiced here since 1991. He said he was the major tenant but not an owner. He noted that family and friends of a patient undergoing surgery would find a café to be a real benefit and comfort. Regarding parking, the major modification is actually about reducing parking in the original approved proposal. He related that the owners did a traffic study that found that they don't use much of the existing parking; the proposal eliminates the need to build more required parking; however, if the other building is ever built, the additional parking would be available.

Regarding the cypress tree, he said the aim was to provide landscaping that works better for the site. The current cypress tree is damaging the foundation and planting new trees was a better way to go. He said that he was amenable to the staff Conditions of Approval.

H. Public Testimony in opposition to the application: None.

I. Public Testimony neutral to the application: None.

J. Additional questions from the Commission: None.

K. Rebuttal by applicant: None.

L. Sur-rebuttal: None.

M. Additional time for applicant to submit final argument:

There was no request for a continuance or to hold the record open. The applicant waived the right to submit additional written testimony.

N. Close the public hearing:

Commissioner Howell moved and Commissioner Hann seconded to close the public hearing; motion **passed** unanimously.

O. Discussion and action by the Commission:

Commissioner Feldmann suggested that Condition of Approval #4 be modified to state that the equivalent of one large canopy tree be placed there; he said he considered "large canopy" to be at least twenty or thirty feet in diameter. This would also provide more flexibility to landscape design.

Commissioner Howell noted that the Condition requires at least three large canopy trees. Planner Yaich replied that the Land Development Code defines large canopy as trees that normally reach 30-50 feet in height within thirty years, and may exceed 50 feet in height at maturity; a medium canopy tree is defined as 30-50 feet in height within thirty years. The difference between the two is that large canopy trees may grow taller; it is species dependent. There is a possibility that a medium canopy tree would be more appropriate in this location, or to reduce the number and go with large canopy trees. Planner Young noted that street tree standards uses spacing standards; medium canopy trees are 30 feet on center; large canopy trees are 50 feet on center and may have a 25-foot diameter.

Commissioner Howell asked why three trees were specified by staff; Planner Yaich replied that that was proposed by the applicant. Mr. Howell asked if there were enough space available for large canopied trees; Planner Yaich replied that it would probably be too tight, so it could be more appropriate to use a medium canopied tree or reduce the number of trees. Mr. Howell suggested giving flexibility for planting at least one large canopied tree.

Commissioner Hann said that the purpose of the outdoor landscaping is to shield and shade the outdoor seating area and to provide privacy. He suggested simply specifying medium to large trees. Commissioner Feldmann said his concern was that they might have to remove one down the road, because they could grow too large.

Commissioner Howell suggested specifying at least one large canopied tree or three medium canopied trees. Attorney Brewer suggested "The landscape plan shall also include at least one and up to three proposed large or medium canopy deciduous trees". Commissioner Feldmann replied that the size of the canopy didn't have to be specified; Mr. Howell replied that a small canopied tree would be a big change. There are some standards for replacement of the significant cypress tree.

MOTION:

Commissioner Howell moved for an amendment to modify Condition of Approval #4, sentence 3, to read "The landscape plans shall also include at least one large canopy or three medium canopy deciduous trees adjacent to the western edge of the outdoor seating area."; seconded by Commissioner Feldman; motion **passed** for the amendment.

Commissioner Howell moved to recommend approval of the proposed Planned Development Modification (PLD10-00012), as presented in Attachments G and H of the October 20, 2010, Planning Commission staff report, with amended Condition of Approval #4. This motion is based on Planning Commission deliberations in support of the proposed Planned Development Modification, as well as findings and conclusions contained in the staff report. Commissioner Lizut seconded the motion; motion **passed** unanimously.

P. Appeal period:

Chair Gervais stated any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Decision is signed.

III. PLANNING COMMISSION MINUTES:

A. September 15, 2010:

Chair Gervais related that previously it had been agreed to leave the minutes in draft form, because most of the people present were not at the previous meeting; this was also true tonight. Manager Young suggested adopting the minutes at the next meeting; Chair Gervais concurred.

IV. OLD BUSINESS: None.

V. NEW BUSINESS:

A. Planning Manager's Update.

Manager Young introduced new member Roger Lizut, who related how to properly pronounce his name.

Manager Young said that a Land Development Hearings Board meeting is scheduled for November 3; nothing is scheduled for November 3 for the Commission. Commissioner Howell asked about the FEMA process; Mr. Young replied that the City was waiting for the new maps from FEMA before embarking on outreach and a public process. Mr.

Howell asked about the downtown standards; Mr. Young replied that it was probably an item for the next year. He said the Creekside application will be going to the Council soon, and the Brooklane application would probably be resolved before the end of the Council term. The Council successfully resolved the Chapter 2.9 amendments.

Regarding the Downtown Commission, Commissioner Howell said the downtown sign code proposals were in the process of getting stakeholder feedback; Manager Young said he would look into it.

Commissioner Howell asked if there were any appeals underway; Manager Young replied they included Brooklane, Creekside, and the Johnen Minor Replat.

VI. <u>ADJOURNMENT</u>: The meeting was adjourned at 8:02 p.m.

*** * * MEMORANDUM * * ***
December 30, 2010

TO: **Mayor and City Council**

FROM: **Kathy Louie, Assistant to City Manager/City Recorder**

SUBJECT: **City Council Policies Reviewed in 2010**

A total of 19 City Council Policies were reviewed according to an annually established schedule. Following is a summary of policies that were reviewed in 2010.

	Policy Title
POLICY AREA 1 - GENERAL	
CP 91-1.01	Copying of City Material; Charges for
CP 91-1.02	Liquor License Approval Procedures
CP 91-1.04	Official Flower
CP 92-1.05	Miscellaneous Property Ownership
CP 95-1.07	Corvallis City Flag
CP 04-1.08	Sustainability
CP 07-1.10	Advertising on Corvallis Transit System Buses
CP 08-1.11	Identity Theft Prevention and Red Flag Alerts

POLICY AREA 2 -COUNCIL PROCEDURES (none scheduled for review in 2010)

POLICY AREA 3 - PERSONNEL AND ADMINISTRATIVE MATTERS (none scheduled for review in 2010)

POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES	
CP 92-4.05	Library Meeting Room Policy
CP 98-4.12	Guidelines for Public Art Selection
CP 07-4.15	Use of Computer Lab Equipment & Public Internet Access at Sr Center
CP 07- 4.16	Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs

Review of CP 94-4.07 City-Owned Art Objects on Private Property was rescheduled to 2011 (date TBD)

POLICY AREA 5 - COMMUNITY SAFETY (none scheduled for review in 2010)

POLICY AREA 6 - COMMUNITY DEVELOPMENT	
CP 96-6.03	Economic Development Policies
CP 00-6.05	Social Service Funding Policy

POLICY AREA 7 - COMMUNITY IMPROVEMENTS	
CP 95-7.12	Integrated Vegetation Pest Management (IVPM) Program
CP 97-7.13	Municipal Airport and Industrial Park Leases

Review of CP 91-7.04 Building Permits was rescheduled to February 2011

POLICY AREA 8 - WATER RELATED MATTERS (none scheduled for review in 2010)

POLICY AREA 9 - RIGHT OF WAY MATTERS	
CP 91-9.03	Residential Parking Permit District Fees

POLICY AREA 10 - Financial Policies	
CP 97-10.01-10.08	Financial Policies

All City Council Policies are available on the City's Web site (www.ci.corvallis.or.us). Please update your manual or give me a call if you need hard copies of the above policies.

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into this 22nd day of November, 2010, is by and between the CITY OF CORVALLIS, State of Oregon, a municipal corporation, hereinafter called the "City," and JON S. NELSON, both of whom understand as follows:

WITNESSETH:

WHEREAS, it is the desire of the City to provide certain benefits, to establish certain conditions of employment, and to set working conditions of Mr. Nelson; and

WHEREAS, it is the desire of the City to: 1) retain the services of Mr. Nelson and to provide inducement for him to remain in such employment, 2) make possible full work productivity by assuring Mr. Nelson's morale and peace of mind with respect to future security, 3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of Mr. Nelson, and 4) provide a just means for terminating Mr. Nelson's services at such time as he may be unable fully to discharge his duties due to age or disability or when City may desire to otherwise terminate his employ; and

WHEREAS, Mr. Nelson desires to continue employment as City Manager of said City.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1. Duties.

A. City agrees to employ Mr. Nelson as City Manager of the City of Corvallis to perform the functions and duties specified in the Corvallis City Charter as well as such other legally permissible and proper duties and functions as the City Council shall from time to time specify.

Section 2. Term.

A. The term of this agreement shall be January 1, 2011, through December 31, 2015.

B. This agreement shall be subject to negotiations for a subsequent term, and the parties may begin successor agreement negotiations as part of the annual performance review process.

C. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of Mr. Nelson at any time, subject only to the provisions set forth in Section 3, paragraphs A and C of this agreement.

D. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of Mr. Nelson to resign at any time from his position with the City, subject only to the provision set forth in Section 3, paragraph B of this agreement.

E. Mr. Nelson agrees to remain in the exclusive employ of the City and not to become employed by any other employer until a termination date is effected as hereinafter provided.

Section 3. Termination and Severance Provisions.

A. The City retains the right to terminate the services of Mr. Nelson without cause at any time. Should his services be terminated without cause, or should the agreement not be renewed at the end of its term, Mr. Nelson shall be entitled to severance pay equal to one month's salary for each year of service up to a maximum of one year. City shall continue to provide and pay for the health and medical insurance benefits set forth in Section 8 for a period of six months. The City shall not be obligated to provide severance pay in the event that Mr. Nelson is indicted because of an illegal act or is unable to meet the bonding requirements of the City Charter.

B. In the event Mr. Nelson voluntarily resigns his position with the City before expiration of the aforesaid term of employment, then Mr. Nelson shall give the City thirty days' notice in advance unless such notice requirement is waived or modified by mutual agreement between Mr. Nelson and City Council.

C. Subject to the provisions of Section 10, upon his retirement, resignation, or termination from the City, Mr. Nelson shall be compensated for any unused vacation that shall have been accumulated during his tenure with the City.

Section 4. Salary.

A. City agrees to pay Mr. Nelson for his services rendered pursuant hereto an annual salary of $164,105.76, payable in installments at the same time as other employees of the City are paid. This annual salary shall commence effective the 1st day of January, 2010. The annual salary will be adjusted each July 1st, subject to the cost-of-living adjustment for non-union staff.

B. City agrees to adjust the salary and/or benefits of Mr. Nelson in such amounts and to such an extent as the City Council may determine that it is desirable to do so on the basis of an annual performance appraisal and salary review of Mr. Nelson, conducted in November of each year. The performance appraisal tool will include the City Council's goals and objectives.

C. Mr. Nelson shall be eligible for participation in the State of Oregon Public Employee Retirement System (PERS). The City shall contribute Mr. Nelson's portion of the contribution to the PERS system. Mr. Nelson shall be subject to the rules, terms and requirements of the PERS system that may apply.

Section 5. Hours of Work.

A. The parties acknowledge that the performance of the duties of City Manager constitutes a full time job. It is recognized that Mr. Nelson must devote a great deal of his time outside normal office hours to business of the City, and to that end, Mr. Nelson will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

Section 6. Auto allowance.

A. Since Mr. Nelson must attend numerous official meetings and gatherings and utilize a motor vehicle for such purpose, the City shall provide in lieu of a regular City vehicle the sum of $300.00 per month.

Section 7. Professional Development.

A. In accordance with City policy, City agrees to budget and pay the registration, travel, and subsistence expenses of Mr. Nelson for professional and official travel, meetings, and occasions adequate to continue the professional development of Mr. Nelson and to adequately pursue necessary official and other functions of the City. Such costs shall include membership in ICMA and the Oregon City Managers Association.

B. The City shall reimburse Mr. Nelson the costs of maintaining membership in a local service club, should Mr. Nelson desire such involvement in the community.

Section 8. Health and Medical Insurance.

A. The City agrees to provide, at a minimum, the same insurance coverage to Mr. Nelson as provided to other exempt, supervisory/administrative employees of the City. Mr. Nelson shall receive such additional benefits as are specified herein.

Section 9. Other Benefits.

A. Deferred Compensation. Mr. Nelson shall be compensated at the rate of $20,000.00 annually, in addition to his annual salary, to be applied to a deferred compensation program of his choice. Mr. Nelson may elect to receive all or part of this compensation as salary. Should Mr. Nelson elect to receive part of this compensation as salary, this compensation shall not be considered part of his base salary for cost-of-living or merit increase purposes. The deferred compensation shall be increased $1,000.00 per year for each year of the five-year contract.

B. Vacation Accrual. Mr. Nelson shall accrue 20.7 hours per month to be applied to vacation. Mr. Nelson shall be entitled to cash out up to 120 hours of accrued vacation time per year.

C. Sick Leave. Mr. Nelson shall accrue eight hours of sick leave per month. Upon his termination, retirement or resignation from the City, Mr. Nelson shall be compensated for any unused sick leave that shall have been accrued during his tenure with the City at the rate of ½ day per accrued day of sick leave, not to exceed 60 full days of pay.

D. Life Insurance. Mr. Nelson shall be provided life insurance in an amount totaling $400,000.

E. Personal Leave. Mr. Nelson shall be provided personal leave equivalent to the personal leave provided for exempt employees in the City's employee handbook.

F. Long-Term Disability Insurance. The City agrees to provide Mr. Nelson with long-term disability insurance equivalent to the coverage provided for exempt City employees.

G. Mr. Nelson will receive other employee benefits as provided to exempt employees in the employee handbook, if not specifically set forth herein.

H. Retirement health savings account. $9,000.00 shall be placed annually into a retirement health savings account. The retirement health savings account shall be increased $500.00 each year of the five-year contract.

Section 10. Other Terms and Conditions of Employment.

A. The City Council shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Mr. Nelson, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter, or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of city relating to vacation and sick leave, retirement and pension system contributions, holidays, and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Mr. Nelson as they would to other employees of City, in addition to said benefits enumerated specifically for the benefit of Mr. Nelson, except as herein provided.

C. Unless otherwise specified herein, Mr. Nelson shall be entitled to receive the same vacation and sick leave benefits as are accorded department heads.

Section 11. General Provisions.

A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Mr. Nelson.

C. This agreement shall become effective upon its signature, and supersedes and replaces any prior offers, communications, inducements, or representations made prior to the execution of this agreement.

D. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion therefore, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

E. In the event either party shall initiate any suit, action or appeal on any matter related to this agreement, then the court before whom such suit, action or appeal is taken shall award to the prevailing party such attorney's fees as the Court shall deem reasonable, considering the complexity, effort and result against the party who shall not prevail.

IN WITNESS WHEREOF, the City of Corvallis has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its Assistant to City Manager/City Recorder, and Mr. Nelson has signed and executed this agreement, both in duplicate, the day and year first above written.

Jon S. Nelson

Mayor

APPROVED AS TO FORM:

City Attorney

ATTESTING AS TO THE MAYOR:

Assistant to City Manager/City Recorder

MAYOR'S APPOINTMENTS
JANUARY 2011

Standing Council Committees – Rotating Chairs

Administrative Services Committee	Joel Hirsch, Mark O'Brien, Biff Traber
Human Services Committee	Mike Beilstein, Dan Brown, Jeanne Raymond
Urban Services Committee	Hal Brauner, Richard Hervey, Roen Hogg

Chairs	ASC	HSC	USC
Jan - Apr 2011/2012	Joel Hirsch	Mike Beilstein	Hal Brauner
May - Aug 2011/2012	Mark O'Brien	Dan Brown	Richard Hervey
Sep - Dec 2011/2012	Biff Traber	Jeanne Raymond	Roen Hogg

COUNCIL LIAISON APPOINTMENTS

Standing Advisory Boards, Commissions, and Committees

Committee	Meeting Schedule	Liaison
Airport Commission	1st Tuesday, 7:00 am	Biff Traber
Arts and Culture Commission	4th Thursday, 5:30 pm	Joel Hirsch
Bicycle and Pedestrian Advisory Commission	1st Friday, 7:00 am	Mike Beilstein
Board of Appeals	on call	Jeanne Raymond
Capital Improvement Program (CIP) Commission	on call	Richard Hervey
Citizens Advisory Commission on Civic Beautification and Urban Forestry	2nd Thursday, 8:00 am	Joel Hirsch
Citizens Advisory Commission on Transit	2nd Wednesday, 8:20 am	Mike Beilstein

Committee	Meeting Schedule	Liaison
City Legislative Committee	on call	Hal Brauner Dan Brown Mark O'Brien
Commission for Martin Luther King, Jr.	4th Tuesday, 12:00 pm	Jeanne Raymond
Committee for Citizen Involvement	1st Thursday, 7:00 pm	Richard Hervey
Community Police Review Board	1st Wednesday, 3:00 pm	Mike Beilstein
Corvallis-Benton County Public Library Board	1st Wednesday, 7:30 pm	Mike Beilstein
Downtown Commission	2nd Wednesday, 5:30 pm	Roen Hogg
Downtown Parking Committee	1st Tuesday, 5:30 pm	Roen Hogg
Economic Development Commission	TBD	Dan Brown
Historic Resources Commission	2nd Tuesday, 7:00 pm	Roen Hogg
Housing and Community Development Commission	3rd Wednesday, 12:00 pm	Biff Traber
Parks, Natural Areas, and Recreation Board	3rd Thursday, 6:30 pm	Joel Hirsch
Planning Commission	1st and 3rd Wednesday, 7:00 pm	Biff Traber (2011) Roen Hogg (2012)
Public Art Selection Commission	on call	Joel Hirsch
Watershed Management Advisory Commission	3rd Tuesday, 5:30 pm	Richard Hervey

Other Advisory Bodies

Committee	**Meeting Schedule**	**Liaison**
Arts Center	on call	Dan Brown
Associated Students of Oregon State University	various days/times for each task force	Jeanne Raymond
Benton County Commission on Children and Families	2nd Thursday, 5:00 pm	Jeanne Raymond
Benton County Foundation	3rd Thursday, 1:30 pm	Scott Fewel
Business Enterprise Center	4th Thursday, 7:00 am	Dan Brown
Cascades West Area Commission on Transportation	Jan 27, then 4th Tuesday of odd-numbered months, 5:00 pm	Hal Brauner
Cascades West Council of Governments Board of Directors	Jan 20, Mar 17, May 19, Jul 21, Sep 15, Dec 1, 3:00 pm	Julie Manning
Channel 29 Oversight Committee	varies	Dan Brown
Community Alliance for Diversity	2nd Monday, 4:00 pm	Jeanne Raymond
Community Policing Forum	varies	Mike Beilstein
Corvallis-Benton Chamber Coalition Board of Directors	4th Thursday, 3 pm	Mark O'Brien
Corvallis Sister Cities International	Gondar: 3rd Monday, 6:00 pm Uzhgorod: 4th Monday, 7:00 pm	Jeanne Raymond
Corvallis Sustainability Coalition	2nd Tuesday, 12:00 pm	Biff Traber
daVinci Days	4th Tuesday, 5:30 pm	Joel Hirsch
Downtown Corvallis Association	Board - 2nd Wednesday, 8:15 am Membership - 3rd Wednesday, 8:00 am	Mark O'Brien
Enterprise Zone Committee	varies	Dan Brown

Committee	Meeting Schedule	Liaison
Linn-Benton Loop Commission	varies	Hal Brauner
Madison Avenue Task Force	on call	Roen Hogg
Metropolitan Planning Organization	3rd Friday, 8:30 am	Hal Brauner
Prosperity That Fits Committee	4th Monday, 5:30 pm	Hal Brauner
Van Buren Bridge Stakeholders' Committee	on call	Hal Brauner
Visit Corvallis	4th Thursday, 8:00 am	Joel Hirsch
Willamette Criminal Justice Council	3rd Wednesday 1:30 pm (lay) 3:00 pm (Council)	Mike Beilstein
Willamette Neighborhood Housing Services	4th Tuesday, 6:00 pm	Richard Hervey

Information regarding the Boards, Commissions, and Committees Directory may be obtained by calling the City Manager's Office (541-766-6901).

Public Employee Labor 101

January 2011

Ellen Volmert, Assistant City Manager

Why it Matters

- 82% of respondents to the 2010 Citizen Attitude Survey rated the overall quality of services provided by the City as good or excellent. 47% had in person or phone contact with a City employee in the last year and 85% rated their overall impression from that experience as good or excellent.
- Fair and sustainable compensation is part of social sustainability and a critical component of maintaining the City as an Employer of Choice. This enhances our ability to attract and retain top talent which is especially important as 40% of current regular employees are eligible for early or full retirement within the next five years.

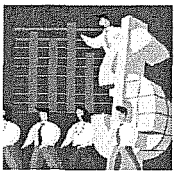
Why it Matters

- About 55% of the FY 08/09 operating budget is attributable to Personal Services. For property tax supported funds, the percentage is 72%.
- Many of the larger components of Personal Services expenditures have risen at a rate faster than the general cost of living, especially public safety wages, health care, and retirement benefits.
- Collective bargaining with represented employees is largely governed by State law.

Oregon Public Employee Collective Bargaining Act (PECBA)

- PECBA governs who is entitled to representation, topics to be bargained, timeframes for bargaining, and impasse procedures.
- There are two types of employees under the Act, those with the right to strike and those who, due to the nature of their jobs (public safety), are prohibited from striking. These employees have a system of binding arbitration. Rules and procedures differ based on the type of employee.

Oregon Public Employee Collective Bargaining Act (PECBA)

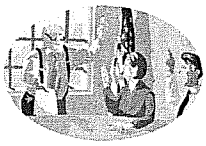


- Mandatory topics include wages, benefits and other conditions of employment.
- The most important factor an arbitrator (public safety) must use when deciding between last best offers is the interest and welfare of the public. Other criteria include:
  - the agency's reasonable financial ability to pay,
  - the ability to attract and retain qualified personnel, and
  - the overall compensation presently received in comparison to similar employees in comparable communities.
- Council has opposed legislation that would broaden the mandatory subjects of bargaining and thus the authority of an arbitrator to impose operating priorities different from those of the elected City Council.

City Application of PECBA

- City employees are represented by one of four collective bargaining units, or are unrepresented exempt employees (supervisory), or casual/temporary employees. Each unit negotiates separately with the City. Most have three year contracts. IAFF negotiated a six year contract in 2006 with an opportunity to "reopen" negotiations in 2009 only on specified topics such as wages and health care.
- AFSCME is the largest unit (236), followed by Exempt (81), IAFF (51), CPOA (44), and CRCCA (16).
- 3 of the 4 units are strike prohibited and subject to binding arbitration: Corvallis Police Officers Association (CPOA), Corvallis Regional Communications Center Association (CRCCA), and International Association of Fire Fighters (IAFF). CPOA will negotiate a new contract in 2011. IAFF and CRCCA will next negotiate in 2012.
- The largest unit is the general unit represented by American Federation of State, County, and Municipal Employees (AFSCME). These employees have the right to strike in the event of a bargaining impasse. A new contract will be negotiated with AFSCME in 2011.

Council Policy on Compensation

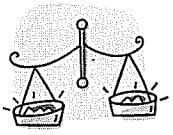


- Largely follows state law and connects to other City Council policies and goals, such as sustainability. Like state law, it is based upon equity in total compensation.
- Council policy recognizes 3 types of equity:
  - External: A job's relationship to similar positions in other Oregon cities of a similar population. The policy targets remaining near the mean of total compensation to remain competitive.
  - Internal Horizontal: A job's relationship to other City positions of relative worth based on a point factoring process.
  - Internal Vertical: A job's relationship within a career ladder or supervisory relationships within a family of positions aimed at avoiding salary compression.
  - All three measures of equity are considered in determining fair total compensation under the policy.

Administrative Policy on Classification and Compensation

- A joint labor management team is charged with recommending "points" to measure the relative worth of each City position in comparison to other City positions. This creates an "apples to apples" comparison for horizontal equity and positions are placed within classifications matching their points. Points are based on level of responsibility, knowledge, physical requirements, work environment and interpersonal relations.
- Team recommendations go to the Assistant City Manager who recommends placement for approval by the City Manager.
- For represented employees, the salary ranges and job classifications are then negotiated with the unit. For exempt employees, ranges and groupings are approved by the City Manager.

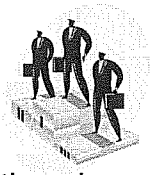
Total Compensation



- Defined in Council Policy as "all rewards and recognition, including base wages, other salary or incentive compensation, benefits and perquisites and specifically all direct or indirect wages and benefits for a specific position."

- Generally include: base wages; incentive and other types of special pay; shift differential; PERS retirement contributions; any employer-paid deferred compensation or retirement health savings account contributions; accrual amounts, caps, and cash outs for vacation, holiday, and sick leave; health, disability, and life insurance; wellness and attendance incentives; and, uniform or clothing allowances, etc.

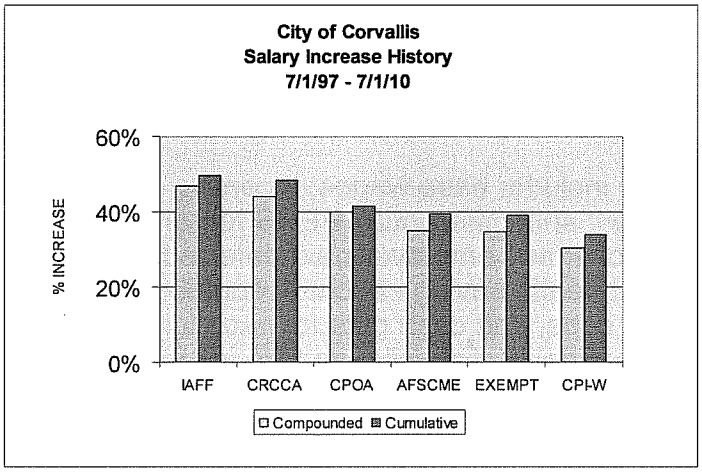
External Comparators



- Total compensation in comparison to similar positions in other Oregon cities with similar populations. For some strike prohibited units, the City also uses non-City agencies serving similarly sized cities due to arbitration decisions requiring their inclusion. Such agencies (such as the Tualatin Valley Fire and Rescue District) may serve an overall community that bears little relationship to Corvallis.

- Comparator communities can vary but generally include those with populations within 50% of Corvallis (Albany, Bend, Grants Pass, Keizer, Lake Oswego, McMinnville, Medford, Oregon City, Springfield, and Tigard).

Labor 101: Salary Increase History 1997 - 2010



Issues: Health Care

- Very difficult negotiating issue largely due to rapidly escalating cost trends.
- The City provides medical, dental, vision, and drug coverage for all regular employees and for park seasonal employees represented by AFSCME. Employee benefit plans and premium cost sharing are negotiated and differ between the units and between full time and part time employees.
- CPOA health benefits are provided on a composite basis (one blended premium rate) through the Teamsters Trust pool rather than through the City's insurance carrier (currently ODS). Other City plans are on a tiered basis (single, 2 party, and family premium rates). Rates for Exempt employees are tiered, but the City's cafeteria plan provides an equal dollar contribution per employee regardless of their plan choice or number of dependents. The employee's choices determine if they pay out of pocket or have left over dollars for wages or deferred compensation.
- City Council has opposed legislation that would not allow a different benefit level for in and out of network providers.

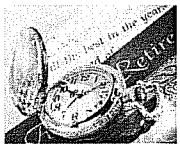
Invest in Health Strategy

- Changes to health benefit design:
  - 3 and 4 tier drug program which promotes use of generics and preferred brand drugs, thereby lowering costs;
  - increased copays, deductibles and maximum out of pocket;
  - added new consumer driven health plan coupled with health reimbursement arrangement (HRA) accounts;
  - changed employee premium cost sharing;
  - added provisions allowing the City to opt out of any plan that is not offered by at least two carriers or without minimum employee participation; and,
  - where possible, tied each plan's rates to its own claims experience.
  - Ex. drug design changes increased average use of generics from 28.9% in 2003 to 66.6% in 2008 which kept our average cost per prescription relatively unchanged while the ODS average cost increased over 20%.

Invest in Health Strategy

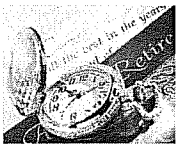
- Other Components:
  - Incentives for Wellness Program participation;
  - More wellness and health quality information and resources through the intranet and in the monthly employee newsletter;
  - Monthly brown bags and seasonal wellness promotions and events.
  - Promotion of flexible spending accounts, drug mail order, and evidence based information on drugs etc. to reduce costs vs. just transferring cost to employees;
  - Metrics on risk assessment results and wellness return on investment through an annual report; and,
  - Reduced sick leave accrual caps and added attendance leave incentives

PERS Retirement



- PERS sets separate rates for general employees and public safety employees and for the newer retirement tier known as OPSRP. Employer net contribution rates will hit a new high for Public Safety of 16.03% in FY 11-12. After significantly lower net general service rates of 2.34% for PERS and 3.28% for OPSRP, rates are poised to increase to 7.9% and 6.53% respectively in FY 11-12. The City has worked to lower its rates by issuing pension obligation bonds in 2002 and 2006. Annual debt service costs on the pension obligation bonds are approximately $2.2 million.
- Corvallis staff and elected officials have provided leadership for responsible reform of PERS with the legislature and with the PERS Board.
- The City has negotiated with most employee units (CRCCA, Exempt, IAFF and CPOA) to pickup the 6% employee contribution to PERS. This option is more cost effective than making the same contribution in salary, but State legislation may impact the City's ability to retain the option.

Retiree Benefits



GASB 45

- Accounting rule changes require the City to disclose its unfunded liability associated with post-employment benefits such as retiree health care. This includes both the cost of single medical and dental coverage for employees hired prior to 1992 and the "assumed" subsidy associated with the legal requirement to offer equal premiums for active and retired employees.
  - The City's total unfunded liability for post-employment benefits was about $28 million.
  - Health plan design changes resulting in cost savings also produce cost savings associated with post-employment health benefits.

City's Response- Legislation and Partnerships

- In addition to the City's active participation in PERS reform, it also actively participates in League of Oregon Cities legislative committees.
- The City is a member of the Oregon Coalition of Health Purchasers, a network devoted to improving cost containment, evidence based health care, transparency, accountability and health care quality.
- The City requires its health carrier to participate in the EValue8 benchmarking and quality assessment.

Council Focus

- The City Council has maintained the following focus for compensation which meets the goals and standards of the Council policy while controlling total compensation costs for the long term:
  - 1. Restore a better total compensation balance between health benefits and wages. 1999= 12.54% vs. 2004= 23.93% 2009=31.84%
  - 2. Reduce the overall investment of the organization into "illness" (health care premiums, sick leave use) and increase our investment in health and wellness.
  - 3. Reduce future unfunded liabilities.
  - 4. Maintain sustainable compensation practices.

Compensation Alternatives

- Progress to date on these principles includes:
  - Increased leave cashout opportunities, decreased accrual caps, and examined combined leave alternatives (only implementation so far is for AFSCME seasonal parks employees).
  - Contributions of salary to deferred compensation or retirement health savings accounts vs. base salary saves payroll taxes and does not increase the base for overtime or future wage increases. PERS pickup for IAFF, CPOA, Exempt and CRCCA employees in lieu of wages also saves relative to the base wage rate.
  - Increasing incentive pays for skills needed by the City, ex. bilingual pay.
  - Exempt cafeteria plan contribution allows employees to take ownership of the use of the dollars for health benefits or compensation and reduces claims exposure by incenting employees to not cover dependents if they have coverage elsewhere. It also equalizes total compensation regardless of marital or familial status consistent with diversity and is consistent with social sustainability goals for more benefit flexibility based on individual employee need. Exempt employees have the highest percent of participation in the consumer driven health plan largely as a result of the cafeteria benefit.

Benefits Alternatives

- Progress to date includes:
  - All regular employees are eligible to participate in annual health risk assessments. Not currently mandatory or available for spouses/partners.
  - All medical plan benefits have been changed to some degree in an effort to reduce costs and encourage better use of the health care system. Employee cost sharing has also changed and has impacted claims experience.
  - The addition of the consumer driven health care plan with low copays for preventative care, higher deductibles and out of pocket expenses, much lower premiums and more employee control of benefit dollars through City contributions to a health reimbursement arrangement account. It has been most popular with exempt and IAFF where it can dramatically reduce employee premium copays.
  - Employees have access to flexible savings accounts (FSA) to save pre-tax for medical and dependent care expenses. The City saves payroll taxes on these employee contributions.

What You Can Expect...

- 2011 – AFSCME and CPOA negotiate new contracts
- 2012 – CRCCA and IAFF negotiate new contracts
- 2011 – State Legislative Session
- 2011 - Federal labor law and/or health care changes

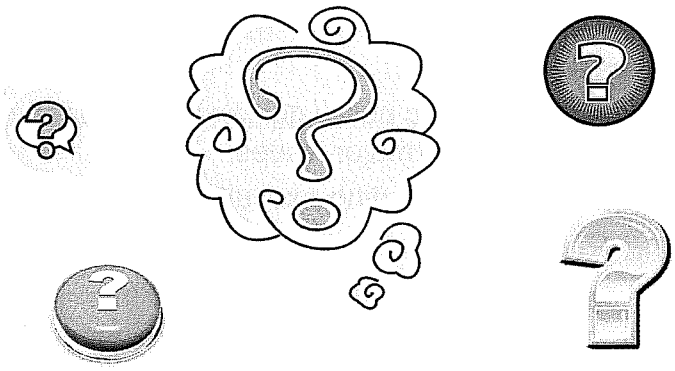
2011 Labor Negotiations Process and City Councilors

- Executive Sessions
  - Allowed under state law, usual executive session rules apply.
  - Initial and periodic policy guidance, and briefing by management, on major issues.
  - Regular rules regarding executive session apply
- Ground Rules
  - Generally includes rules for joint and individual communications from each side - management communications with bargaining unit members and unit communications with the City Council.

2011 Labor Negotiations Process and City Councilors

- Communications/Displays
  - Regardless of ground rules, if negotiations progress to the end of the state timeline, employees may stage events to provide visual support for their team (such as off duty time rallies in front of City Hall), or testimony in Visitors Propositions.
  - Councilor responses should be polite and respectful, but reserving substantive comments for management staff in executive session.
- Legislative Session
  - Several collective bargaining, PERS, and health bills are anticipated in the 2011 State Legislative session as well as possible health legislation at the national level.
  - Staff will bring reports to the Legislative Committee as issues arise.

Questions



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COUNCIL REQUESTS

FOLLOW-UP REPORT

DECEMBER 30, 2010

****

1. Progress on City's Economic Development Goal (Nelson)

Ken Gibb, Dan Carlson, and I recently met with the *Corvallis Gazette-Times* editorial board to review the Council-approved Development Services Enhancement Package. The presentation included a "look back" on recent initiatives undertaken by the City that impact economic development. The list is substantial and is attached.

Jon Nelson
City Manager

12-10

Recent/Current Actions to Support Economic Development

- Extensions of Land Use Expiration Deadlines
  - Planned Developments, Subdivisions, etc receive an additional year to implement projects.
- LDC Chapter 2.9 Amendments
  - Simplify review process for certain projects
- Removing PD Overlay on South Corvallis Town Center Site
  - Simplify the development process
- Downtown LDC Package Developed
  - Miscellaneous provisions
  - Provide for legal sidewalk signs
  - Package to Planning Commission and City Council in early 2011
- Presented "Top 5" Ways to Streamline Development Process to Planning Commission and City Council
  - A couple of items may have political support
- Secured "shovel ready" certification for a portion of the Airport Industrial Park
- Updating the Airport Industrial Park Plan
  - Revise development standards
  - Create simplified review/approval process
- Updated Economic Development Policy and Created Economic Development Commission
- Assumed Management of State DEQ 1200c Erosion Control Permit Program
  - Eliminates duplicative permit processes with no increase in fees
- Created and Implementing Development Services Enhancement Package
  - A series of changes and enhancements designed to provide enhanced customer service
- Enterprise Zone created in South Corvallis and later expanded to two other industrial areas

CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS

Council Request Item	Requested By	Date of Request	CM Report Due Date	Assigned to	Response in CM Rpt No.	Comments
LDC Amendments - In-fill Development; Alignment with Planning Division Work Program	Nelson	12-20-10	01-11-11	Gibb		
Storm Sewer Lines on 15th Street	Hirsch	12-22-10	01-11-11	Rogers		
Progress on City's Economic Development Goal	Nelson	12-22-10	12-28-10	Gibb	CCR 12-30-10	

***** MEMORANDUM *****

DECEMBER 30, 2010

TO: **MAYOR AND CITY COUNCIL**

FROM: **KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER**

SUBJECT: **2011-2012 WARD MEETINGS**

City-sponsored ward meetings provide opportunities for residents within each Ward to discuss ward-specific and citywide issues with City Councilors and City staff. Within each two-year Council term, every City Councilor strives to host one City-sponsored ward meeting. All departments, including the City Manager's Office, are represented at each meeting. In the past, Councilors have also hosted their own "non-City sponsored" ward meetings as often as they feel appropriate.

Ward meetings have typically been scheduled for the second Tuesday of the month at 7 pm. The dates and times were developed keeping in mind other meetings and summer vacations and holidays. Staff attempts to find a City-owned facility or other no-cost location within the particular ward or from a nearby ward to hold these meetings.

Upon your approval, Ward meetings will reconvene in April 2011. Please select a meeting date below and call Management Assistant Carla Holzworth at 541-766-6901 to reserve the date. Carla will also assist you with flyers, finding another meeting location, and other meeting details.

2011-2012 WARD MEETING SCHEDULE

WARD	DATE	TIME	LOCATION	COUNCILOR NAME
Ward #__	April 12, 2011	7 pm		
Ward #__	May 17, 2011	7 pm		
Ward #__	September 13, 2011	7 pm		
Ward #__	October 11, 2011	7 pm		
Ward #__	January 10, 2012	7 pm		
Ward #__	February 7, 2012	7 pm		
Ward #__	March 13, 2012	7 pm		
Ward #__	April 10, 2012	7 pm		
Ward #__	May 15, 2012	7 pm		

c: City Manager Jon Nelson and Department Directors
Management Assistant Carla Holzworth

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

DECEMBER 30, 2010

TO: **MAYOR AND CITY COUNCIL**

FROM: **KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER**

SUBJECT: **GOVERNMENT COMMENT CORNER**

For the past several years, the Mayor and Councilors have hosted two-hour Government Comment Corner sessions Saturday mornings in the Corvallis-Benton County Public Library lobby. These sessions provide opportunities for community residents to speak with elected officials about local concerns and issues. The sessions have been held from 10:00 am until 12:00 pm.

Staff requests Council direction whether to continue the Government Comment Corner program. If so, would the Council like to continue the weekly schedule or change to bi-weekly, monthly, quarterly, or another schedule.

If Council would like to continue with the current weekly Government Comment Corner schedule, the 2011 schedule is attached; and Councilors may sign up to host Government Comment Corner sessions.

If you have any questions, please call me (541-766-6901).

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

GOVERNMENT COMMENT CORNER
2011 SATURDAY ROSTER
10:00 am to 12 noon

Date	Host	Contact Telephone
January 1	No Government Comment Corner	
January 8		
January 15	No Government Comment Corner	
January 22		
January 29		
February 5		
February 12		
February 19	No Government Comment Corner	
February 26		
March 5		
March 12		
March 19		
March 26		
April 2		
April 9		
April 16		
April 23		
April 30		
May 7		
May 14		
May 21		
May 28	No Government Comment Corner	
June 4		
June 11		
June 18		
June 25		
July 2	No Government Comment Corner	
July 9		
July 16		
July 23		
July 30		
August 6		
August 13		
August 20		
August 27		
September 3	No Government Comment Corner	
September 10		
September 17		
September 24		
October 1		
October 8		
October 15		
October 22		
October 29		
November 5		
November 12	No Government Comment Corner	
November 19		
November 26	No Government Comment Corner	
December 3		
December 10		
December 17		
December 24	No Government Comment Corner	
December 31	No Government Comment Corner	

* * * MEMORANDUM * * *
DECEMBER 14, 2010

TO: CITY BOARDS AND COMMISSIONS
BENTON COUNTY BOARD OF COMMISSIONERS
COALITION FOR THE HOMELESS
CORVALLIS BENTON CHAMBER COALITION
CORPORATE ROUNDTABLE
BUSINESS ENTERPRISE CENTER
CORVALLIS ENVIRONMENTAL CENTER
CORVALLIS INDEPENDENT BUSINESS ALLIANCE
CORVALLIS MATTERS
CORVALLIS SCHOOL DISTRICT 509J
CORVALLIS SUSTAINABILITY COALITION
VISIT CORVALLIS
DOWNTOWN CORVALLIS ASSOCIATION
GREEN BELT LAND TRUST
LEAGUE OF WOMEN VOTERS
NEIGHBORHOOD ASSOCIATIONS
OREGON NATURAL STEP NETWORK
OREGON STATE UNIVERSITY
ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY
PROSPERITY THAT FITS COMMITTEE

FROM: JON S. NELSON, CITY MANAGER Jon

SUBJECT: 2011-2012 CITY COUNCIL GOAL-SETTING

The 2011-2012 Corvallis City Council is soliciting your feedback on goals to consider during their two-year term.

The City Council goal-setting session is scheduled for January 24, 2011. They will be sharing their individual goals ideas in advance of the meeting. Please send any goal ideas you would like the City Council to consider to Kathy Louie at kathy.louie@ci.corvallis.or.us by January 7, 2011. This will provide enough time for Councilors to review your ideas prior to sharing their goals with each other. The City Council will be using the "SMARTS" goal format: Specific, Measurable, Achievable, Relevant, Timebound, and Stretch.

For more information, please call me at 541-766-6901 or e-mail jon.nelson@ci.corvallis.or.us. Thanks.

1058

ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS

December 30, 2010

MEETING DATE	AGENDA ITEM
January 5	• Discussion of Meeting Day and Time
January	• Financial Policies Update
February	
February	• Economic Development Allocations Second Quarter Report
March	• Second Quarter Operating Report
March	
April	• da Vinci Days Loan Agreement Status Annual Report
April	
May	• Council Policy Review: • CP 95-4.10, "Public Library Gifts and Donations Policy"
May	• Economic Development Allocations Third Quarter Report
June	• Third Quarter Operating Report • Allied Waste Services Annual Report
June	
July	
July	• Land Use Application Fees Review
August	
August	
September	• Economic Development Allocations Fourth Quarter Report
September	

October	• Fourth Quarter Operating Report
	• Council Policy Reviews:
	  • CP 04-1.09, "Public Access Television"
	  • CP 93-1.06, "Guidelines for Use of the City Logo"
	  • CP 94-2.09, "Council Orientation"
	  • CP 91-3.02, "City Compensation Policy"
	  • CP 91-3.04, "Separation Policy"

October	• Council Policy Review: • CP 08-1.11, "Identity Theft Prevention and Red Flag Alerts"

MEETING DATE	AGENDA ITEM

November	• Council Policy Reviews:
	  • CP 91-2.03, "Expense Reimbursement"
	  • CP 98-2.10, "Use of E-Mail by Mayor and City Council"
	• Comprehensive Annual Financial Report

November	• Economic Development Allocations First Quarter Report • Utility Rate Annual Review

December	• Council Policy Review:
	  • CP 91-2.02, "Council Process"
	  • CP 97-10.01 - 10.08, "Financial Policies"
	• First Quarter Operating Report

December	

ASC PENDING ITEMS

- Utility Rate Structure Review — Public Works
- Voluntary Donations on Electronic Utility Payments — Finance

Regular Meeting Date and Location:
Wednesday following Council, 3:30 pm – Madison Avenue Meeting Room

HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS

December 30, 2010

MEETING DATE	AGENDA ITEM
January 4	• Discussion of Meeting Day and Time • Willamette Neighborhood Housing Services First Quarter Report
January	
February	• Corvallis Arts Center Annual Report • Public Art Selection Commission Annual Report • Council Policy Review: • CP 97-4.09, "Guidelines for Free Use of Park Facilities"
February	• Social Services Semi-Annual Report
March	
March	
April	• Willamette Neighborhood Housing Services Second Quarter Report
April	• Boys and Girls Club of Corvallis Annual Report
May	• Liquor License Annual Renewals • Majestic Theatre Annual Report • Council Policy Review: • CP 99-4.13, "Internet Access Policy for Corvallis-Benton County Public Library"
May	• Fall Festival Annual Report

June	• Boards and Commissions Sunset Reviews:
	  • Community Police Review Board
	  • Parks, Natural Areas, and Recreation Board

June	
July	• Corvallis Farmers Market Annual Report
July	• Willamette Neighborhood Housing Services Third Quarter Report
August	• Parks and Recreation Annual Fee Review
August	• Social Services Semi-Annual Report
September	
September	• Rental Housing Program Annual Report • Willamette Neighborhood Housing Services Fourth Quarter Report • Communication Plan Annual Report

MEETING DATE	AGENDA ITEM

October	• Council Policy Review:
	  • CP 93-4.11, "Public Library Policy for Selecting and Discarding Materials"
	  • CP 99-4.14, "Use of City Hall Plaza and Kiosk"

October	
November	• Council Policy Review: • CP 91-4.01, "Guidelines for Selling in Parks"
November	

December	• Council Policy Review:
	  • CP 91-1.03, "Naming of Public Facilities and Land"
	  • CP 92-5.04, "Hate/Bias Violence"

December	

HSC PENDING ITEMS

• Council Policy Review: CP 94-4.07, "City-Owned Art Objects on Private Property"	Parks & Recreation
• Indoor Furniture Placed Outdoors	Community Development
• Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks)	Parks & Recreation
• Municipal Code Review: Chapter 5.03, "Offenses" (Sleeping or Lodging in Prohibited Public Places)	Parks & Recreation
• Social Services Allocations – Fiscal Year 2011-2012	Community Development

Regular Meeting Date and Location:

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

URBAN SERVICES COMMITTEE
SCHEDULED ITEMS

December 30, 2010

MEETING DATE	AGENDA ITEM
January 6	• Discussion of Meeting Day and Time
January	• Council Policy Review: • CP 91-7.08, "Sidewalk Policy" • Municipal Code Review: Chapter 2.15, "Sidewalk Improvements," Chapter 2.19, "Trees and Park Strip Planting," and Chapter 3.06, "City Services Billing"
February	
February	• Total Maximum Daily Load Update • Council Policy Review: • CP 91-7.04, "Building Permits"
March	• Systems Development Charge Annual Review
March	
April	
April	
May	
May	

June	• Boards and Commissions Sunset Reviews
	  • Bicycle and Pedestrian Advisory Commission
	  • Citizens Advisory Commission on Transit

June	
July	
July	
August	• Council Policy Review: • CP 99-7.14, "Prepayment for Public Street Improvements"
August	
September	• Council Policy Review: • CP 02-7.15, "Fee-in-Lieu Parking Program"
September	

MEETING DATE	AGENDA ITEM
October	• Council Policy Review: • CP 91-7.01, "Assessments - Sanitary Sewer and Water System Improvements" • CP 91-7.02, "Assessments - Storm System" • CP 91-7.03, "Assessments - Street Improvements" • CP 91-7.11, "Water Main Extensions and Fire Protection" • CP 91-8.01, "Watershed Easement Considerations" • CP 91-9.04, "Street Lighting Policy" • CP 08-9.07, "Traffic Calming Program"
October	
November	
November	
December	• Council Policy Review: • CP 91-7.09, "Traffic Control Devices, Cost of" • CP 91-7.10, "Water Line Replacement Policy" • CP 91-9.01, "Crosswalks"
December	

USC PENDING ITEMS

• Council Policy Review: CP 91-9.03, "Residential Parking Permit District Fees"	Public Works
• DEQ Easement and Equitable Servitude Agreement (United Chrome)	Public Works
• Fire Protection Services in Health Hazard Residential Areas	Fire
• Reducing Potential for Fire Spread Involving Natural Resources	Fire
• Renewable Energy Sources	City Manager's Office
• Traffic Calming Program	Public Works

Regular Meeting Date and Location:

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

UPCOMING MEETINGS OF INTEREST

City of Corvallis

DECEMBER 2010 - APRIL 2011
(Updated December 30, 2010)

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

DECEMBER 2010

Date	Time	Group	Location	Subject/Note
31		City holiday - all offices closed		

JANUARY 2011

Date	Time	Group	Location	Subject/Note
1		No Government Comment Corner		
3	**12:00 pm**	**City Council**	**Downtown Fire Station**	
~~**3**~~	~~**7:00 pm**~~	~~**City Council**~~	~~**Downtown Fire Station**~~	
4	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
4	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
4	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
4	7:00 pm	Budget Commission	Downtown Fire Station	
5	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	7:00 pm	Planning Commission	Downtown Fire Station	
6	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
7	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
8	10:00 am	Government Comment Corner	Library Lobby - TBD	
10	3:30 pm - *5:45* pm	City Council Orientation	Madison Avenue Mtg Rm	media/Boards and Commissions
11	7:00 pm	Historic Resources Commission	Downtown Fire Station	
12	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
12	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
13	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
13	*7:00 pm*	*Dr. Martin Luther King, Jr., Celebration Event*	*Majestic Theatre*	
15		No Government Comment Corner		
17		City Holiday - all offices closed		
18	**12:00 pm**	**City Council**	**Downtown Fire Station**	
18	*12:00 pm*	*Cmsn for Martin Luther King, Jr.*	*Merryfield Meeting Room*	
18	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	
		Urban Services Committee	Madison Avenue Mtg Rm	
19	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
19	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
20	6:30 pm	Parks, Natural Areas, and Rec Brd	*Parks and Rec Conf Rm*	
20	7:00 pm	Budget Commission	Downtown Fire Station	
22	10:00 am	Government Comment Corner	Library Lobby - TBD	
24	**5:30 pm**	**City Council**	**Madison Ave Mtg Rm**	**goal setting**
~~25~~	~~12:00 pm~~	~~Cmsn for Martin Luther King, Jr.~~	~~Madison Avenue Mtg Rm~~	
27	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
27	7:00 pm	Budget Commission	Downtown Fire Station	
29	10:00 am	Government Comment Corner	Library Lobby - TBD	
31	4:30 pm	Airport Industrial Park Plng Cmte	Downtown Fire Station	

FEBRUARY 2011

Date	Time	Group	Location	Subject/Note
1	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
1	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
1	7:00 pm	Budget Commission	Downtown Fire Station	
2	**5:30 pm**	**City Council**	**Madison Ave Mtg Rm**	**goal setting**
2	7:00 pm	Planning Commission	Downtown Fire Station	
3	7:00 pm	Budget Commission	Downtown Fire Station	
3	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
4	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - TBD	
7	**12:00 pm**	**City Council**	**Downtown Fire Station**	
7	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	
		Urban Services Committee	Madison Avenue Mtg Rm	
8	7:00 pm	Historic Resources Commission	Downtown Fire Station	
9	8:20 am	Citizens Advisory Cmsn on Transit	Madison Ave Mtg Rm	
9	5:30 pm	Downtown Commission	Madison Ave Mtg Rm	
10	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
10	7:00 pm	Budget Commission	Downtown Fire Station	
12	10:00 am	Government Comment Corner	Library Lobby - TBD	
14	***TBD***	***City Council***	***Downtown Fire Station***	***tentative***
16	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
16	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
19		No Government Comment Corner		
21		City Holiday - all offices closed		
22	**12:00 pm**	**City Council**	**Downtown Fire Station**	
22	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
22	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	
		Urban Services Committee	Madison Avenue Mtg Rm	
24	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
26	10:00 am	Government Comment Corner	Library Lobby - TBD	
28	4:30 pm	Airport Industrial Park Plng Cmte	Downtown Fire Station	

MARCH 2011

Date	Time	Group	Location	Subject/Note
1	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
1	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
2	*TBD*	*Special Administrative Srvcs Cmte*	*Madison Avenue Mtg Rm*	*tentative*
2	7:00 pm	Planning Commission	Downtown Fire Station	
3	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
4	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - TBD	
7	**12:00 pm**	**City Council**	**Downtown Fire Station**	
7	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
		Urban Services Committee	Madison Avenue Mtg Rm	
8	7:00 pm	Historic Resources Commission	Downtown Fire Station	
9	8:20 am	Citizens Advisory Cmsn on Transit	Madison Ave Mtg Rm	
9	5:30 pm	Downtown Commission	Madison Ave Mtg Rm	
10	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
12	10:00 am	Government Comment Corner	Library Lobby - TBD	
14	***7:00 pm***	***Mayor/City Council/City Manager Quarterly Work Session***	***Madison Avenue Mtg Rm***	***tentative***
16	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
16	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
19	10:00 am	Government Comment Corner	Library Lobby - TBD	
21	**12:00 pm**	**City Council**	**Downtown Fire Station**	
21	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	
		Urban Services Committee	Madison Avenue Mtg Rm	
22	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
24	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
26	10:00 am	Government Comment Corner	Library Lobby - TBD	
28	4:30 pm	Airport Industrial Park Plng Cmte	Downtown Fire Station	
29	7:00 pm	Budget Commission	Downtown Fire Station	

APRIL 2011

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 - TBD	
4	**12:00 pm**	**City Council**	**Downtown Fire Station**	
4	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	
		Urban Services Committee	Madison Avenue Mtg Rm	
5	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
5	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
6	7:00 pm	Planning Commission	Downtown Fire Station	
7	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
9	10:00 am	Government Comment Corner	Library Lobby - TBD	
12	7:00 pm	Historic Resources Commission	Downtown Fire Station	
13	8:20 am	Citizens Advisory Cmsn on Transit	Madison Ave Mtg Rm	
13	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
16	10:00 am	Government Comment Corner	Library Lobby - TBD	
18	**12:00 pm**	**City Council**	**Downtown Fire Station**	
18	**7:00 pm**	**City Council**	**Downtown Fire Station**	
		Human Services Committee	Madison Avenue Mtg Rm	
		Administrative Services Committee	Madison Avenue Mtg Rm	
		Urban Services Committee	Madison Avenue Mtg Rm	
20	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
20	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
20	7:00 pm	Planning Commission	Downtown Fire Station	
23	10:00 am	Government Comment Corner	Library Lobby - TBD	
25	4:30 pm	Airport Industrial Park Plng Cmte	Downtown Fire Station	
26	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
30	10:00 am	Government Comment Corner	Library Lobby - TBD	

MAY 2011

Date	Time	Group	Location	Subject/Note
2	***12:00 pm***	***City Council***	***Downtown Fire Station***	
2	***7:00 pm***	***City Council***	***Downtown Fire Station***	
		Human Services Committee	*Madison Avenue Mtg Rm*	
		Administrative Services Committee	*Madison Avenue Mtg Rm*	
		Urban Services Committee	*Madison Avenue Mtg Rm*	
3	*7:00 pm*	*Budget Commission*	*Downtown Fire Station*	
4	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
5	*7:00 pm*	*Committee for Citizen Involvement*	*Madison Avenue Mtg Rm*	
7	*10:00 am*	*Government Comment Corner*	*Library Lobby - TBD*	
9	*7:00 pm*	*Budget Commission*	*Downtown Fire Station*	
10	*7:00 pm*	*Historic Resources Commission*	*Madison Avenue Mtg Rm*	
11	*5:30 pm*	*Downtown Commission*	*Madison Avenue Mtg Rm*	
14	*10:00 am*	*Government Comment Corner*	*Library Lobby - TBD*	
16	***12:00 pm***	***City Council***	***Downtown Fire Station***	
16	***7:00 pm***	***City Council***	***Downtown Fire Station***	
		Human Services Committee	*Madison Avenue Mtg Rm*	
		Administrative Services Committee	*Madison Avenue Mtg Rm*	
		Urban Services Committee	*Madison Avenue Mtg Rm*	
18	*12:00 pm*	*Housing and Community Dev Cmsn*	*Madison Avenue Mtg Rm*	
18	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
21	*10:00 am*	*Government Comment Corner*	*Library Lobby - TBD*	
24	*12:00 pm*	*Cmsn for Martin Luther King, Jr.*	*Madison Avenue Mtg Rm*	
28		*No Government Comment Corner*		
30		*City Holiday - all offices closed*		
	10:00 am	*Government Comment Corner*	*Library Lobby - TBD*	

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

TBD To be Determined

Community Outreach, Inc.

Helping people help themselves since 1971

In November 2010 Community Outreach provided the following:

- **Housing (men)** – 664 nights of housing for 38 homeless men
- **Housing (women)** – 336 nights of housing for 16 homeless women
- **Housing (families with children)** – 199 nights of housing for 12 homeless families, including 312 nights for 21 children
- **Medical Clinics** – 245 visits, 13 general medical clinics held this month, plus 2 psychiatric clinics, 4 physical therapy clinics, 7 diabetes clinics, 1 gynecology clinic, and 2 dental clinics
- **Alcohol and Drug Treatment** – 319 contact hours for 19 individuals, including 12 co-occurring clients (meaning they receive substance abuse and mental health treatment)
- **Mental Health** – 26 contact hours for 11 mental health clients
- **Therapeutic Childcare** – 1,254 hours working with 16 children, including Second Step counseling and activity hours
- **Family Support Services** – 145 hours working with 16 families
- **Crisis, Information, and Referral Services** – 551 calls or visits
- **Homeless Emergency Services** – 348 visits providing a shower or use of the community kitchen/food pantry
- **Abuse Intervention Counseling** – 108 contact hours for 23 individuals
- **Emergency Food** – 99 food boxes distributed, feeding 340 people
- **Case Management** – 126 case management meeting hours for residential men and women
- **Mail Services** – 77 clients
- **Bus Tickets** – 192 tickets, providing transportation throughout Corvallis and Albany
- **Permanent Supportive Housing** – 60 continuing clients

Issue 3
December
2010

Regional Connections

Newsletter of Oregon Cascades West Council of Governments

Part of our mission at OCWCOG is to pull federal, state and private dollars into the region to address community problems and to provide services that benefit our residents. Over the last 12 months, we have entered into contracts and grant awards that will bring more than $500,000 in new outside dollars into our region. This funding will improve the "readiness" of industrial lands, expand food processing activity, put capital into the hands of small businesses and it will better connect seniors and people with disabilities with the resources they need to remain healthy and active in their communities. Looking ahead to next year and beyond and the prospect of continued reductions in state and federal budgets, it is difficult to predict what success will look like—it may mean hanging on to as much of our basic program funding as possible. However, OCWCOG will continue to pursue every reasonable grant and outside funding opportunity to augment scarce local dollars. Please call, if we can be of assistance.

Cynthia Solie,
Executive Director

Providing Lending Opportunities for Local Businesses

Over the past three decades, OCWCOG has been providing entrepreneurs in Linn, Benton, and Lincoln Counties with funding to open or expand their businesses.

We have assisted businesses with: 527 loans, the infusion of $82,040,879 in loan dollars into our communities creating or retaining 3,070 new jobs.

Recently, our lending staff packaged an SBA 504 loan for Fitness Over 50, Inc. for the purchase and renovation of property on Philomath Boulevard in Corvallis. With this assistance, Fitness Over 50 was able to move from their leased location of 4,000 sq feet to a new location including 1.3 acres, which is being developed to house a finished structure of 14,000 square feet.

Fitness Over 50 has been in business since 1998 and currently has six employees.

For more information about lending opportunities, please contact Diane Searle, Loan Program Manager at (541-924-8480).

Creating a Regional Economic Development Identity

In Photo, from left to right: Skip Rung, ONAMI; Mary Foley Phillips, OSU Tech Transfer; Theresa Conley, OCWCOG; Commissioner Jay Dixon, Benton County; Maureen Keeler, Port of Newport; Mayor Sharon Konopa, City of Albany.

OCWCOG is coordinating an effort to create a regional brand. More than just the development of a logo or a tagline, this branding strategy will allow the Linn-Benton-Lincoln region to work together in new and more effective ways as it positions itself for future economic opportunities.

Expectations are that banding together under a common brand provides all of us with more assets to leverage. As a region, we also have greater diversity of labor force characteristics and community settings to market. Perhaps most importantly, by working as a region we each gain the critical mass required for our communities to be noticed.

Several themes that could be used to promote the region emerged during a well-attended, highly participatory, workshop hosted by OCWCOG's Community and Economic Development Committee on October 19th. A few examples of what we could build on are:

- We're proud of the *high level of innovation and creativity* in the region. We have a strong tradition of supporting those who take risks, turning ideas into new products and processes. Today, this entrepreneurial spirit permeates throughout our research centers, businesses and communities.

- Our region contains a *wealth of amenities that provide for a high quality of life.* The natural, geographically diverse beauty of the region provides a world-class backdrop for a broad variety of community settings and activity options.

- The region is *well-positioned to accommodate new businesses.* We offer a central West Coast location and strong transportation connections. Our economic development network is positioned to support businesses from the idea stage to location of major new facilities.

The next step is for the Branding Task Force to develop a package of recommendations for review by workshop participants and economic development partners. We anticipate the branding effort will involve creation of a regional website and revamping of industrial recruitment materials.

Valley VanPool

The partners of Valley VanPool (Point2Point Solutions, Cherriots Rideshare and OCWCOG) have collaborated since 2003 to enhance vanpooling options.

Today there are 20 vanpools serving approximately 250 commuters on 11 routes with stops in 15 communities. A new route serving Sweet Home to Salem just began and a Corvallis to Newport route is being developed.

In addition to providing needed transportation options, Valley VanPool has a notable positive impact on our environment and pocketbooks.

Recent annual impacts in our region include:

Annual Road & Cost :
Vehicle Miles Saved:
947,768

Gallons of Fuel Saved:
47,388

Fuel Cost Savings:
$127,948

Annual Emissions
Nox reduced:
859.96 lbs.

VOC reduced:
1,188.86 lbs.

CO3 Reduced:
14,847.12 lbs.

PM10 Reduced:
1.60 lbs.

Community Leader Spotlight: Maureen Keeler

The Port of Newport has been in the news a lot recently, and for good reason. The Port is full of activity, with the start of the crabbing season, construction for NOAA's Pacific homeport well underway, and work moving forward on the International Terminal renovation. Behind the scenes in all of these news items is Maureen Keeler, long-time Port of Newport staff.

Maureen Keeler grew up around boats, with her father and brother working as boat builders. Prior to coming to the Port of Newport in 1986, Maureen worked for the marine industrial division of Zidell Explorations in Portland. Now a Special Projects Manager with the Port, Maureen focuses her energy on grant writing and public outreach.

When Maureen is not assisting with the well publicized NOAA relocation, she continues to work on the Port's longtime project to renovate the International Shipping Terminal – which will make the terminal accessible to deepwater ships, commercial traffic, and possibly small cruise boats. Before all of that happens; however, the WWII ships that the terminal rests on need to be stabilized or removed and additional funding must be secured.

Maureen says her job is always challenging and never dull, What she enjoys most about her job; however, is that she is able to make a difference in the community through her work, resulting in the creation of many local jobs.

Maureen is the Port of Newport's appointed representative on the OCWCOG Board, and also serves on the OCWCOG Community & Economic Development Committee, the Board of the Cascades West Economic Development District, and serves as an alternate on the Cascades West Area Commission on Transportation.

The Corvallis Area MPO

Efficient transportation systems are becoming increasing important as cities grow, commute patterns change and more people seek alternative modes. Recognizing this, the federal government establishes regional transportation planning agencies within Metropolitan Areas with a population of 50,000 or higher. In the 2000 Census, the Corvallis area passed that population marker and became eligible to establish a Metropolitan Planning Organization (MPO).

The Corvallis Area Metropolitan Planning Organization (CAMPO) was established by the Governor of Oregon in 2002. CAMPO is steered by a Policy Board made up of representatives of the cities of Corvallis, Philomath and Adair Village, Benton County and the Oregon Department of Transportation. OCWCOG provides administrative services to CAMPO.

Recent accomplishments of the Corvallis Area MPO include:

- Adoption of the Corvallis Area Metropolitan Transportation Plan, which is currently being updated to describe transportation improvements through 2035;
- Development of Transportation Improvement Programs, which determine how federal transportation funds will be spent;
- Completion of the 9th Street Improvement Plan, which identified transportation solutions for a congested commercial area in Corvallis; and,
- Coordination of transit services (route & fees) between Benton and Linn Counties.

To learn more about the work CAMPO is doing in the Corvallis Metropolitan Area, visit their website at:
http://www.corvallisareampo.org/

Adair Village: Moving and Growing

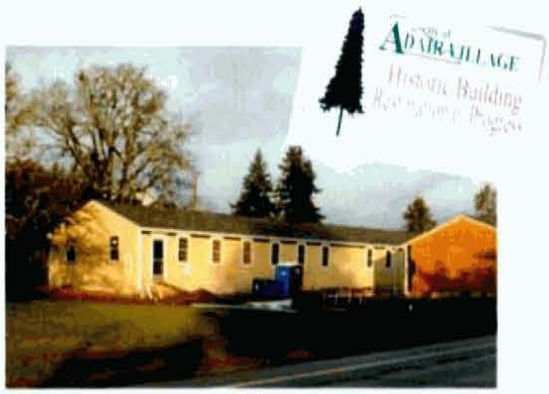
Adair Village is literally moving and growing. In recent months, the residents of Adair Village have watched as the City moved two historic Camp Adair barracks to a location in the center of the city, participated in the inaugural ride of the 99 Express and supported the City as it annexed 120 acres into its urban growth boundary (UGB).

City Manager Drew Foster explained that the barracks have been sitting on their new foundations for nearly 3 months and are awaiting seismic retrofits, new roofs, windows and siding. The City's new historic resources committee is currently meeting with stakeholders to determine the best use of the barracks which could include new City Council chambers, meeting spaces, and offices for local public service agencies.

Adair Village also saw the inaugural ride of its first transit service, the 99 Express. The service is currently providing approximately 75 rides per week, primarily to commuters going to and from Corvallis. The city is looking into special shuttles on OSU game days and additional coordination with commuters.

In addition, Adair Village has been growing in recent years. In the past 10 years, 116 new houses have been built in the city and the population has roughly doubled. To accommodate an expected tripling of the population by 2020, Adair Village has annexed 120 acres of land into the Urban Growth Boundary, which will enable phased residential development and sports fields for Santiam Christian School. The City is also working to enhance its employment land inventory by completing environmental assessments and an economic opportunities analysis for a city-owned industrial site northeast of town. It is the largest single-owned industrial site in the mid-valley.

Adair Village is ready to grow, and this is only the beginning.



Staff Highlight—Deb Scobie

On November 18th, OCWCOG sponsored a Family Caregiver and Resources Fair, which was attended by over 60 caregivers. It included speakers, information about community resources, free massages and treats for caregivers. The event was a great success and could not have happened without the experience and dedication of Deb Scobie.

Deb has been with the COG for 23 years - first doing Information and Referral and licensing Adult Foster Homes, then working as a Medicaid/OPI Case Manager, and now as a Case Manager. What Deb likes most about her job is the variety of her tasks and working with clients and families in the Oregon Project Independence program and the Family Caregiver Support Services program. Deb has a Masters Degree in Social Work from Portland State University and is a Licensed Clinical Social Worker.

When Deb is not working, she loves spending time outside hiking, biking, camping and windsurfing. She also enjoys doing glass fusing, glass bead making, and jewelry making.

AARP Forum

On October 21st, the Senior Services Advisory Council and the Disability Services Advisory Council of OCWCOG co-hosted a legislative forum with the AARP.

During the forum, candidates in Linn, Lincoln and Benton Counties shared their views on long-term care systems, home and community-based servicers and support for seniors and people with disabilities. The event was open to AARP members, Advisory Council members and the general public.

The Senior Services Advisory Council advises OCWCOG Senior and Disability Services staff and the OCWCOG Board of Directors on matters relating to the development and operation of a comprehensive service delivery system for older adults in the OCWCOG region. Council members also assist in monitoring the implementation of the Older Americans Act Area Plan.

The Disability Services Advisory Council gives advice on policies, quality of services and other issues important to people with disabilities. They advise the local offices of Senior and Disability Services.

OREGON CASCADES WEST
Council of Governments

Administration
1400 Queen Ave SE Ste 201
Albany, OR 97322
541.967.8720 ph
541.967.6123 fax

Community & Economic Development
1400 Queen Ave SE Ste 205A
Albany, OR 97322
541.967.8551 ph
541.967.4651 fax

Senior and Disability Services
1400 Queen Ave SE Ste 206
Albany, OR 97322
541.967.8630 ph
541.967.6423 fax

Senior and Disability Services/Toledo
203 N Main St.
Toledo, OR 97391
541.336.2289 ph
541.336-1510 fax

Technology Services
1400 Queen Ave SE Ste 104
Albany, OR 97322
541.924.8454 ph

Veteran Services
301 SW 4th
Corvallis, OR 97333
541.758.1595 ph
541.758.3127 fax

Member Governments: COUNTIES: Benton, Lincoln, and Linn CITIES: Adair Village, Albany, Brownsville, Corvallis, Depoe Bay, Halsey, Harrisburg, Lebanon, Lincoln City, Millersburg, Monroe, Newport, Philomath, Scio, Siletz, Sweet Home, Tangent, Toledo, Waldport, Yachats OTHER: Confederated Tribes of Siletz, Port of Newport, and Port of Toledo.

Cascades West Council of Governments is an Equal Opportunity Lender, Provider and Employer

OCWCOG Aging and Disability Resource Center (ADRC) Up and Running

Aging and Disability Resource Centers (ADRCs) have been developed across the country to provide a single point of entry into long-term support services and to better support older adults and people with disabilities of all income levels. Seeing success with this model elsewhere, OCWCOG's Senior and Disability Services is now piloting the model through a federal grant from the Administration on Aging.

Information and assistance delivered through a call center is a key function of the ADRC. Our call center is staffed with five ADRC Specialists who answer calls live. These specialists are trained and have the experience to guide callers in determining the availability of services through our agency or through other human service programs and community resources. They answer questions, connect callers to appropriate community resources, or refer them to another level of assessment if it appears that there is a need for long-term care services. The ADRC also connects callers with short-term assistance when an internal referral to our program is not appropriate and there are limited or no community resources available to assist the customer.

If eligibility for OCWCOG or state services is determined, COG staff will follow up with a home visit to review the stability of the situation and the potential for additional assistance. The OCWCOG is also in the process of beginning work on our Hospital 2 Home Project with Lebanon Community Hospital and will soon be offering Options Counseling for those who need help in developing a plan for their future care needs.

If you or someone you know have questions about services for older adults or people with disabilities please call us at 541967-8630 or 541-336-2289; or toll-free at 1-800-638-0510 or 1-800-282-6194, weekdays between the hours of 9:00 a.m. and 5:00 p.m.

OCWCOG Now Sponsoring RSVP in Lincoln County

Oregon Cascades West Council of Governments became the local sponsor of the Lincoln County Retired Seniors Volunteer Program (RSVP) this year. A key community service since it opened its doors in 1972, RSVP uses volunteers to meet the needs of the community. Volunteers distribute food to low-income families, assist patients and their families in two area hospitals, work with hospice, advocate for children through Court Appointed Special Advocates, read with children in the schools, cook and serve meals at community centers, and deliver meals to homebound seniors.

Additionally, RSVP manages several health-related programs for seniors and low-income people including the:

- Grab Bar Program
- Prescription Assistance
- Friendly Visitor Programs

RSVP programs help fill the service gap created by a sharp increase of seniors living in Lincoln County, the reduction in services/resources by government agencies, and a weakened coastal economy.

Previously sponsored by the Red Cross, this program is a lifeline to those in need and continues to advance its goals of senior advocacy, services and community involvement.

Tamara Rosser serves as Director of RSVP, and works out of the OCWCOG's Toledo office, along with Sheryl Whetzell Volunteer coordinator and Kris Plummer, Office Volunteer.

RSVP staff: Kris Plummer & Sheryl Whetzell

MEMORANDUM

From: Ken Gibb, Community Development Director

To: Mayor and City Council

Date: December 22, 2010

Re: Initiation of Legislative Amendment to the Land Development Code Mandated by new FEMA Maps and Regulations

I. Issue

The Planning Division Work Plan approved on March 15, 2010, recognized the need for a Land Development Code Text Amendment to address new federal Emergency Management Agency (FEMA) floodplain maps and regulations. For the City to avoid suspension from the federal Flood Insurance Program (NFIP), the FEMA maps and federal floodplain standards need to be adopted by the City by June 2, 2011. The new standards will primarily amend Land Development Code Chapter 4.5 - Natural Hazard and Hillside Development Provisions, but will also amend Chapter 1.4 - Nonconforming Development, Chapter 1.6 - Definitions, and a number of other chapters affected to maintain consistency across these coordinated chapters. A new Chapter 2.11 - Floodplain Development Permit will be introduced into the Land Development Code. Additionally, the landslide hazard and hillside provisions will be moved from the existing Chapter 4.5 and placed in a separate and new Chapter 4.14 - Landslide Hazard and Hillside Development Provisions in order to reduce the length and subject matter of Chapter 4.5 - Floodplain Provisions and make the hillside and landslide provisions easier for customers to find.

This memo provides further information on this issue and requests that the City Council formally initiate this Legislative Amendment to the Land Development Code. The tentative project schedule is attached and that schedule includes a public hearing before the Planning Commission on February 2, 2011.

II. Background/Discussion

A. Federal Mandate for FEMA Update

In 2005, FEMA began a nationwide project to update the country's federal Flood Insurance Rate Maps (FIRMs). As part of this FEMA map modernization process, FEMA digitized the current paper FIRM maps associated with the Benton County Flood Insurance Study. No new FEMA studies were done.

For Benton County, the updated materials will be contained in a scientific engineering report entitled, "The Flood Insurance Study for Benton County, Oregon and Incorporated Areas" dated *(this date will likely be June 2)*, 2010, with accompanying Flood Insurance Rate Map (FIRM).

However, because the digitization is based on topographic maps, some of the floodplain boundaries are different and more accurate than the boundaries shown on the current paper maps. On December 2, 2010, FEMA considered the digitized maps to be ready for implementation and issued a Letter of Final Determination for the Benton County Flood Insurance Study. Federal law requires that within six months following the release of a FEMA Letter of Final Determination, a jurisdiction must implement the new maps and adopt updated land use regulations to fully address the National Flood Insurance Program (NFIP) regulations. Failure to accomplish these tasks within the six month period will result in the jurisdiction's suspension from the National Flood Insurance Program. Therefore, the City of Corvallis is required to accomplish these efforts by June 2, 2010.

Cities and unincorporated areas within Benton County will be required to begin using updated maps (FEMA uses the term "modernized") on June 2, 2010. Banks and insurance companies must also begin using the maps at that time to determine whether flood insurance is required and to calculate the cost of flood insurance policies.

The Oregon Department of Land Conservation and Development (DLCD) has been working with FEMA to ensure that existing development codes of jurisdictions affected by the map modernization process are consistent with current federal 100-year floodplain regulations. The state-level review of the Corvallis LDC identified a number of areas where modifications were necessary. The most important of these was the need to create an independent Floodplain Development Permit program that will track development in the 100-year floodplain. While the City of Corvallis has been tracking development in the 100-year floodplain, the information has not been kept separate from other Building Permits or permanently retained as Floodplain Development Permits, as required by the federal regulations.

The National Flood Insurance Program (NFIP) regulations require a Floodplain Development Permit for all proposed construction and other development in the community, where such construction and/or other development occurs within the 100-yr. floodplain. As part of the Legislative Amendment to the LDC process, the City will be implementing the mandated Floodplain Development Permit process and other NFIP regulations that are not already addressed by the combination of the City's land use, building permit, and construction permit processes.

B. Map Changes

In some cases, FEMA map modernization resulted in changes to flood zone boundaries. Buildings once considered to be outside of a flood zone now may be shown to be inside, and the converse may also be true. New flood maps tend also to trigger mortgage lenders to review their loan portfolios to ensure that all buildings located in high hazard flood zones have appropriate flood insurance. Therefore, even if the flood zone boundaries in a particular area did not change, mortgage lenders may soon notify property owners in that area of the requirement to purchase flood insurance.

The FEMA map updates will affect the Natural Hazards Overlay on the Comprehensive Plan and Zoning Maps, and will also affect the High Protection and Partial Protection Floodplain boundaries on the Natural Hazards Map (a component of the Zoning Map). Since these map revisions are mandated by FEMA, they are currently allowed through the Map Refinement procedures in Section 4.5.90 and do not require any formal land use process. Therefore, Planning Division staff are working with Public Works GIS and Development Review Engineering Staff, as well as Development Services Division staff and DLCD/FEMA staff, to implement the mapping changes. These are not attached and will be implemented per Section 4.5.90.

C. Land Development Code Text Changes

The federally mandated land use regulation updates will affect the Land Development Code. Section 1.2.80 of the Land Development Code requires such revisions to be processed as a Legislative Amendment to the Land Development Code. Section 1.2.80 also requires that such Legislative Amendments to the LDT be initiated and go through public hearing processes before both the Planning Commission and City Council.

As mentioned, the Council-approved Planning Division Work Plan for the current year recognized the need for a Legislative Amendment to the Land Development Code to address new federal Emergency Management Agency (FEMA) floodplain maps and regulations. The basic components of the LDT will involve:

1. **Revised Chapter 4.5 & New Chapter 4.14 -** Working from the existing LDC framework, the bulk of the required revisions will occur within LDC Chapter 4.5 - Natural Hazard and Hillside Development Provisions. This chapter will be renamed Chapter 4.5 - Floodplain Provisions, will be updated to fully address the federal floodplain standards, and will be split such that the hillside development and landslide hazard provisions will be placed in a new Code chapter entitled Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Breaking off the hillside development and landslide hazard provisions will reduce the length of the

Chapter 4.5 and make the hillside development and landslide hazard provisions easier for customers to find in the Code.

2. **Revised Chapter 1.6 - Definitions** - A number of updates to this chapter, including the addition of new definitions and the modification of existing definitions, will be needed to incorporate the federal definitions for floodplain-related subject matter and fully comply with the applicable federal floodplain regulations.

3. **Revised Chapter 2.5 - Planned Development** - A number of changes to this chapter will be needed to address circumstances under which floodplain regulations can be varied, when the scope of such variations exceeds the scope of the federally mandated Floodplain Development Permit Variance procedures which will be contained within a new Chapter 2.11 - Floodplain Development Permit. These changes will also introduce additional criteria for such floodplain regulation variations.

4. **New Chapter 2.11 - Floodplain Development Permit** - This new chapter will be needed to address the federally mandated Floodplain Development Permit process. This chapter will also include the federally mandated Floodplain Development Permit Variance process, which is limited in scope. The Floodplain Development Permit process will be proposed as a staff-level process, similar to Building Permits. However, the Floodplain Development Permit Variance process and criteria involve discretion and will be set up as a public hearing process with review by the Land Development Hearings Board.

5. **Housekeeping Changes to Remainder of the Code to Address Changes in 1-4, Above** - There are numerous "housekeeping" changes that will need to occur throughout the Code to accommodate the changes in 1-4, above. For example, new Code citations to Chapter 2.11 - Floodplain Development Permit need to be addressed and other Code citations need to be addressed to accommodate the name change and Code section number changes for the hillside development and landslide hazard provisions (since they will be housed in a new Chapter 4.14 - Landslide Hazard and Hillside Development Provisions). New terminology from the new and revised definitions will be needed throughout the Code, and other changes will be needed to assure that the Code is internally consistent following the implementation of the changes in 1-4, above.

III. Request

As indicated, this Legislative Amendment to the Land Development Code was identified in the Planning Division's work plan, which was accepted by Council on March 15, 2010. This proposed Amendment is mandated by federal law and FEMA, and is necessary in order for the City to remain in the National Flood Insurance Program. Based on the preceding discussion, staff request that the City Council initiate this Legislative Amendment to the Land Development Code.

Motion: I move that the Council initiate a Land Development Code Text Amendment to address the FEMA-related requirements identified by staff in this memo.

Review and Concur:

Jon S. Nelson, City Manager

ATTACHMENTS:

A. December 2, 2010, Final Letter of Determination from Federal Emergency Management Agency (FEMA)

B. Tentative Project Schedule for FEMA Update Legislative Amendment to the Land Development Code

Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

DEC - 6 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P-N

December 2, 2010

The Honorable Charles Tomlinson
Mayor, City of Corvallis
501 SW Madison Avenue
Post Office Box 1083
Corvallis, Oregon 97339

Community: City of Corvallis,
Benton County, Oregon
Community No.: 410009
Map Panels Affected: See FIRM Index

Dear Mayor Tomlinson:

This is to formally notify you of the final flood hazard determination for your community in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulations. On January 3, 1985, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs) the areas subject to inundation by the base (1-percent-annual-chance) flood in the City of Corvallis. Recently, FEMA completed a re-evaluation of flood hazards in your community. On July 21, 2009, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community.

FEMA has not received any comments on the Preliminary copies of the FIS report and FIRM. Accordingly, the FIS report and FIRM for your community will become effective on June 2, 2011. Before the effective date, FEMA will send you final digital copies of the FIS report and FIRM.

Because the FIS for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to June 2, 2011, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.). These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and the other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish eligibility in the NFIP. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);

2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum

ATTACHMENT A - 1

requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the Base Flood Elevations established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Benton County, Oregon has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the toll free number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structure, Use of Flood Insurance Study (FIS) Data as Available Data,* and *National Flood Insurance Program Elevation Certificate and Instructions,* can be found on our website at http://www.floodmaps.fema.gov/lfd. Digital copies of these documents may also be obtained by calling our FMIX

Sincerely,

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:
Final Summary of Map Actions

cc: Community Map Repository
Kevin Young, Planning Division Manager, City of Corvallis

The Complete Summary of FEMA Map Actions (Letters of Map Change that include Letters of Map Revisions and Letters of Map Amendment)

is available at the City of Corvallis Planning Division Office at 2300 NW Walnut Boulevard, Corvallis, OR 97330.

Contact Senior Planner Kelly Potter for questions
(541) 766-6908

TENTATIVE Project Schedule for
FEMA Update Legislative Amendment to the Land Development Code
December 22, 2010

Step	Activity	Dates	Notes	Month Number
Approval of Planning Div. Work Plan	CC Approved the Planning Division Work Program, which specifically called out this LDT	Mar. 15	DONE	0
Draft Regs/Maps Completed	Drafting of Regs and Maps by Staff, with input by key FEMA, State, & staff stakeholders	Done	DONE	
Staff Review	Broader Staff Stakeholder Review of Draft Regs & Maps & Revisions Done	Done	DONE	
DLCD	DLCD Notice of Proposed Adoption Mailed	Done 9/2	DONE	
FEMA 6-mo. Period Begins	FEMA Sent Final Letter of Determination	Dec 2	DONE	1
Outreach	CD Public Outreach Efforts Re: LDT & Use of New Floodplain Maps for building, land use, construction permits	Jan.		2
CC Initiation	Formal CC Initiation of LDT	Jan 3		
Planning Commission Review	Planning Commission Public Notice Mailed (M56 Notice) per 2.0.40.01.b	Jan 11	Must be 20-40 days prior to PC hearing	
	Planning Commission Staff Report Copied	Jan 21		
	Planning Commission Public Notice in GT	Jan 19	At least 10 days prior to hearing	
	Planning Commission Staff Report Released	Jan 26		
	Planning Commission Public Hearing	Feb 2		3
	Planning Commission Deliberations	Feb 16		
	Planning Commission Deliberations, if needed	Mar 2		4
City Council Review	CC Scheduling of Public Hearing	Mar 7		
	City Council Public Notice Mailed	Mar 14		
	Publish City Council notice in GT	Mar 23	At least 10 days prior to hearing	
	City Council Staff Report Copied	Mar 25		
	City Council Staff Report Released	Mar 28		
	City Council Public Hearing	Apr 4		5
	City Council deliberations	Apr 18		
	City Council adoption of findings & ordinance	May 2		6
	City Council 2nd reading of ordinance, if needed	May 16		
	City Council Notice of Disposition Mailed	May 18	Depends on day ordinance signed	
DLCD	DLCD Notice of Adoption Sent	May 18	Depends on day ordinance signed	
FEMA 6-mo. Period Ends	FEMA DEADLINE FOR IMPLEMENTATION OF LDT	Jun 2		

ATTACHMENT B