



**CORVALLIS
CITY COUNCIL AGENDA**

**May 2, 2011
12:00 pm ONLY**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

PLEDGE OF ALLEGIANCE

I. ROLL CALL

II. CONSENT AGENDA [direction]

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

- A. Reading of Minutes
 - 1. City Council Meeting – April 18, 2011
 - 2. City Council Work Session – April 20, 2011
 - 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Economic Development Commission – April 11, 2011
 - b. Planning Commission – March 16, 2011
 - c. Watershed Management Advisory Commission – March 16, 2011
- B. Confirmation of Appointments to Boards, Commissions, and Committees (Bicycle and Pedestrian Advisory Commission - Borradaile; Committee for Citizen Involvement - Parker)
- C. Announcement of Appointment to Parks, Natural Areas, and Recreation Board (Vomocil)
- D. Approval of an application for a "Full On-Premises Sales" liquor license for Richard Satnick and John Huyck, owners of Laughing Planet Café, LLC, dba Laughing Planet Café, 127 NW Second Street (New Outlet)

- E. Approval of an application for a "Full On-Premises Sales" liquor license for Samuel E. Bell, Scarlett May, and Marguerite Naman Duffy, President and Vice Presidents of RT Portland Franchise, LLC, dba Ruby Tuesday, 1845 NW Ninth Street (Change of Ownership)
- F. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d)(h) (status of labor negotiations; status of pending litigation or litigation likely to be filed)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. City Legislative Committee – April 20, 2011 [direction]
- B. Adoption of Findings of Fact and Order relating to the Brooklane Heights Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00018, SUB06-00006 – Brooklane Heights) storm water design [direction]
- C. Economic Development Commission recommendation on Enterprise Zone expansion [direction]

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
 - 1. Proclamation of Enhancing Community Livability – Peace Corps 50th Anniversary – May 11, 2011 (immediately after Consent Agenda)
 - 2. Proclamation of National Historic Preservation Month – May 2011 (immediately after Consent Agenda)
 - 3. Proclamation of Older Americans Month – May 2011
 - 4. Proclamation of Drinking Water Week – May 1-7, 2011
 - 5. Proclamation of Public Service Recognition Week – May 2-6, 2011
 - 6. Proclamation of Enhancing Community Livability – Beta Sigma Phi Day – April 30, 2011
- B. Council Reports
- C. Staff Reports [information]
 - 1. Council Request Follow-up Report – April 28, 2011
 - 2. Cable franchise renewal process
 - 3. City Manager recruitment status report

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

- A. Corvallis Sustainability Coalition update

VII. PUBLIC HEARINGS – None.

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

- A. Human Services Committee – None.

- B. Administrative Services Committee – April 20, 2011

1. da Vinci Days Loan Agreement Status Annual Report [direction]

- C. Urban Services Committee – April 21, 2011

1. NW Ninth Street Bicycle Lanes [direction]

2. Energy Efficiency and Conservation Block Grant (EECBG) Program Update [direction]

- D. Other Related Matters

1. *A resolution accepting a grant from the Oregon Department of Transportation (\$124,600) for stormwater retrofit implementation for 4th Street, and authorizing the City Manager to sign the intergovernmental agreement, to be read by the City Attorney* [direction]

X. NEW BUSINESS

- A. Initiation of a Land Development Code Text Amendment (LDT11-00001 – Downtown area) [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

MAY 2 - 14, 2011

MONDAY, MAY 2

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

TUESDAY, MAY 3

- ▶ Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Downtown Commission 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, MAY 4

- ▶ No City Legislative Committee
- ▶ Administrative Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Land Development Hearings Board - 5:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ Corvallis-Benton County Public Library Board - 7:30 pm - Library Board Room, 645 NW Monroe Avenue

THURSDAY, MAY 5

- ▶ Urban Services Committee - 5:00 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, MAY 6

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

SATURDAY, MAY 7

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

MONDAY, MAY 9

- ▶ Economic Development Commission - 3:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Budget Commission - 7:00 pm - LaSells Stewart Center, 825 SW 26th Street

TUESDAY, MAY 10

- ▶ Historic Resources Commission - 7:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, MAY 11

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

THURSDAY, MAY 12

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

SATURDAY, MAY 14

- ▶ Government Comment Corner (Commissioner Linda Modrell) - 10:00 am - Library Lobby, 645 NW Monroe Avenue
- ▶ Helen M. Berg Plaza Dedication - 3:00 pm - Riverfront Commemorative Park, NW First Street and NW Jackson Avenue

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

April 18, 2011

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 165-166			
Items Removed from Consent Agenda 1. Planning and Historic Resources Commissions Vacancies/Interviews Page 166	Yes		
Mayor's Report 1. Arbor Week – April 17-24, 2011 2. Tree City USA Awards 3. EPA Climate Showcase Community Designation 4. Governor's Sustainability Awards 5. Government Comment Corner 6. Corvallis Half-Marathon 7. National Library Week – April 10-16, 2011 Pages 166-167, 170-171	Yes Yes Yes Yes Yes Yes		<ul style="list-style-type: none"> • Proclaimed
New Business 1. ODOT Designation – Certified Agency Page 167	Yes		
Unfinished Business 1. LDC Text Amendment (FEMA Floodplain Maps and Regulations) Findings of Fact and Order 2. City Legislative Committee – April 6, 2011 3. 2011-2012 Planning Division Work Program 4. City Attorney Employment Agreement Pages 168-170			<ul style="list-style-type: none"> • ORDINANCE 2011-01 <u>passed U</u> • Supported HB 3165 <u>passed U</u> • Opposed HB 3383 <u>passed U</u> • Approved Planning Division work program priorities <u>passed U</u> • Approved Employment Agreement <u>passed U</u>
Council Reports 1. Regulating Solicitors (Raymond) 2. Child Abuse Prevention Month (Raymond) 3. Sister Cities Activities (Raymond) 4. United Way Allocations Committee (Raymond) 5. CTS Ridership (Beilstein) 6. Earth Faire Events (Beilstein) 7. Prosperity Without Growth (Beilstein)	Yes Yes Yes Yes Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Council Reports – Continued 8. NAACP Annual Freedom Fund Banquet (Beilstein) 9. Spring Garden Festival (Hogg) 10. Historic Preservation Month (Hogg) 11. Arson Fires (Hogg) 12. Chef's Cook-Off (Hervey) 13. Earth Day Celebration (Hirsch) 14. Presentation to Benton County Republican Women (Hirsch) Pages 171-172	Yes Yes Yes Yes Yes Yes Yes		
Staff Reports 1. City Manager's Report – March 2011 2. City Council Goals Update 3. Marys River Interceptor Project Page 173	Yes Yes Yes		
Items of HSC Meeting of April 5, 2011 1. WNHS Second Quarter Report Page 173			<ul style="list-style-type: none"> • Accepted Report <u>passed U</u>
Items of ASC Meeting of April 6, 2011 1. da Vinci Days Loan Agreement Status Annual Report 2. GASB 54 Update Pages 173-174		April 20, 2011	<ul style="list-style-type: none"> • ORDINANCE 2011-06 <u>passed U</u> • ORDINANCE 2011-07 <u>passed U</u> • ORDINANCE 2011-08 <u>passed U</u>
Items of USC Meeting of April 7, 2011 1. Food Carts Pages 174-75			<ul style="list-style-type: none"> • Directed staff to propose Municipal Code amendments <u>passed U</u>
Other Related Matters 1. FTA Grant – Transit Bus Purchases Page 175			<ul style="list-style-type: none"> • RESOLUTION 2011-09 <u>passed U</u>
Executive Session 1. Labor Negotiations – CPOA and AFSCME Page 175	Yes		
Visitors' Propositions 1. KBOO Radio Transmitter (Papadopolous, Hall, MacIver) Pages 176-177			<ul style="list-style-type: none"> • Approved Mayor writing letter to KBOO <u>by consensus</u>
Public Hearing 1. Fiscal Year 2011-2012 CDBG/HOME Action Plan Pages 178-181			<ul style="list-style-type: none"> • Adopted Plan <u>passed U</u> • Authorized Mayor to sign documents <u>passed U</u>

Glossary of Terms

AFSCME	American Federation of State, County, and Municipal Employees
ASC	Administrative Services Committee
CDBG	Community Development Block Grant
CPOA	Corvallis Police Officer Association
CTS	Corvallis Transit System
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Administration
GASB	Government Accounting Standards Board
HB	House Bill
HOME	HOME Investment Partnerships Program
HSC	Human Services Committee
LDC	Land Development Code
NAACP	National Association for the Advancement of Colored People
ODOT	Oregon Department of Transportation
U	Unanimous
USC	Urban Services Committee
WNHS	Willamette Neighborhood Housing Services

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

April 18, 2011

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:01 pm on April 18, 2011, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Manning presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Manning, Councilors Brauner, O'Brien, Raymond, Hirsch (12:09), Hervey, Beilstein, Hogg, Brown

ABSENT: Councilor Traber (excused)

Mayor Manning acknowledged the festive decorations in the Council Chambers in recognition of Arbor Week and the City's designation as a Tree City USA awardee.

Mayor Manning directed Councilors' attention to items at their places, including two e-mails regarding food carts (Attachment A), the new Visit Corvallis guide, fliers regarding upcoming events, and thank you notes and re-usable shopping bags acknowledging Council members' volunteer service. She added that all City volunteers would receive similar notes and bags.

II. CONSENT AGENDA

Mayor Manning announced that she was removing item F from the Consent Agenda for separate discussion.

Councilors Brauner and Hervey, respectively, moved and seconded to adopt the amended Consent Agenda as follows:

- A. Reading of Minutes
1. City Council Meeting – April 4, 2011
 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – March 1, 2011
 - b. Bicycle and Pedestrian Advisory Commission – March 4, 2011
 - c. Corvallis-Benton County Public Library Board – March 2, 2011
 - d. Downtown Commission – March 9, 2011
 - e. Downtown Parking Committee – March 1, 2011
 - f. Economic Development Commission – March 28, 2011
 - g. Historic Resources Commission – March 8, 2011
 - h. Housing and Community Development Commission – March 9, 2011
 - i. Willamette Criminal Justice Council – March 16, 2011

- B. Confirmation of Appointment to Community Police Review Board (Calhoun)
- C. Announcement of Appointments to Boards and Commissions (Bicycle and Pedestrian Advisory Commission - Borradaile; Committee for Citizen Involvement - Parker)
- D. Announcement of Vacancy on Parks, Natural Areas, and Recreation Board (de-Vries)
- E. Approval of an application for a Limited On-Premises Sales liquor license for Connie Barnes, owner of Roxy Dawgs, LLC, dba Roxy Dawgs, 1425 NW Monroe Avenue (New Outlet)
- G. Authorization to enter into and for the City Manager to sign a contract with Peckham & McKenney for City Manager recruitment services
- H. Acknowledgment of Comcast rating filing
- I. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d) (status of labor negotiations)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA

- F. Approval of Planning and Historic Resources Commissions vacancies and proposed interview schedule

Mayor Manning announced that there were four, rather than three, Historic Resources Commission vacancies.

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports

- 1. Proclamation of Arbor Week – April 17 - 24, 2011

Mayor Manning read the proclamation, noting that it was written by Parks Operations Specialist Hinkle in the style of Dr. Seuss.

Parks and Recreation Director Emery introduced City Forester Merja and Parks Operation Specialists McMillen and Benson.

Ms. Emery commended the Citizens Advisory Commission on Civic Beautification and Urban Forestry (CBUF) for its efforts toward the City's designations regarding its urban forest. (Councilor Hirsch arrived at this time.) She noted that Councilor Hirsch, as Council Liaison to the CBUF, enthusiastically supported the Commission and Parks and Recreation.

CBUF Chair Angelica Rehkugler thanked Mayor Manning and the Council for supporting the Commission's efforts. She reviewed the Commission's accomplishments of the past year and its plans for the next few years. She noted that the tree walks were so popular that an additional walk was scheduled for this year. The Civic Beautification Awards will be presented during June.

2. Tree City USA awards presentation

Oregon Department of Forestry Stewardship Forester Russ Anderson said he was also representing the National Arbor Day Foundation. He noted that Corvallis would receive the Tree City USA Award and the Growth Award for the tenth and seventh consecutive years, respectively. He reviewed the history of Arbor Day, the Foundation, and the Tree City USA program. He also reviewed the criteria for the two Tree City awards.

Mr. Anderson presented to Mayor Manning the Tree City USA Ten-Year Flag and the Growth Award. He referenced the City's recent sustainability initiatives regarding public tree preservation, pruning, and replacement.

X. NEW BUSINESS

A. Oregon Department of Transportation designation of City as a Certified Agency for federally funded projects

Public Works Director Rogers explained that the designation of Corvallis as a Certified Agency for federally funded projects would enable the City to conduct local design and administration of projects. The certification would allow the City to provide more local control of projects, be responsive to local needs, and control the timing and scheduling of projects. He acknowledged in the audience Engineering Supervisors Gescher and Sartnurak and Project Manager Manley; these and other staff members ensured the success of the program.

Mr. Rogers noted that the certification program was a new effort by Oregon Department of Transportation (ODOT) and that Corvallis was the first community to be certified.

ODOT Certification Program Manager Beth Vargas-Duncan confirmed that Corvallis was the first city to transition to certification status; other communities were still in the test phase. She explained that a community must complete federal projects and achieve successful oversight reviews by ODOT and the Federal Highway Administration (FHA). She congratulated Corvallis on achieving certification.

FHA Field Operations Engineer Mike Morrow congratulated the City for achieving certification status. He concurred with Ms. Vargas-Duncan in commending City staff for its efforts toward the accomplishment. He noted that the City's American Recovery and Reinvestment Act projects were carefully scrutinized by a FHA team.

Also participating in today's recognition was ODOT Certification Program staff member Jill Pearson.

IV. UNFINISHED BUSINESS

- A. Adoption of Findings of Fact and Order relating to a Land Development Code text amendment (LDT10-00001 – FEMA flood plain maps and regulations)

City Attorney Fewel read an ordinance relating to the Land Development Code, amending Ordinance 93-20, as amended, and stating an effective date

ORDINANCE 2011-01 passed unanimously on the following roll call vote:

Ayes: Brauner, O'Brien, Raymond, Hirsch, Hervey, Beilstein, Hogg, Brown

Nays: none

Mayor Manning 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. City Legislative Committee – April 6, 2011

City Manager Nelson noted that the Committee's meeting discussions focused on legislation related to Public Works Department issues. He reported that the Committee recommended Council action on two legislative bills.

- House Bill 3165 – The League of Oregon Cities (LOC) supported Bill would provide City participation in discussions regarding allocating dam impoundment water to various users (e.g., agriculture, flood control, recreation, fish, industrial, and municipalities). The Committee recommended that the Council support the Bill.
- House Bill 3383 – This "special-interest" bill would reduce some of the commercial classes of solid waste customers to transfer the additional cost to residential classes. The Committee recommended that the Council oppose the Bill.

The Committee and staff will monitor several pending bills.

- The drinking water program – The State proposed local connection fees on water systems to help pay for the State's drinking water program. Traditionally, the City joined the LOC in opposing local water connection fees to help fund the State program.
- House Bill 3535 – This Bill would require an energy performance rating system. The Committee and staff expressed concerns regarding how some of the intentions were associated with property tax relief.
- Senate Bill 672 – This Bill could remove local control for transportation planning involving zoning. (*Following the Committee's meeting, the Bill was heard and deemed "dead."*)
- Linn-Benton Community College (LBCC) budget request – The Committee wanted to support LBCC but did not know how State funding would be allocated. It was better to monitor all State budget appropriations before expressing a position. The City could ultimately compete with LBCC for State budget allocations.

In response to Councilor Beilstein's inquiry regarding House Bill 3165, Mr. Nelson explained that the City obtained 65 percent of its water from the Willamette River, which had as its source dam impoundment water.

Councilors Brauner and O'Brien, respectively, moved and seconded to support House Bill 3165. The motion passed unanimously.

Councilors Brauner and O'Brien, respectively, moved and seconded to oppose House Bill 3383. The motion passed unanimously.

C. 2011-2012 Planning Division work program

Community Development Director Gibb explained that the Planning Commission was responsible to annually solicit ideas regarding unresolved planning issues. The list of issues was reviewed and amended each year, based upon public comment. In recent years, staff asked the Commission to recommend to the Council work program priorities for the Planning Division. The list of unresolved planning issues always exceeded available staff, Commission, and Council time resources.

This year, staff developed a package of three lists for the Commission's consideration.

- List A – "Housekeeping" corrections, ideas, and issues without significant policy implications.
- List B – In-fill Task Force report; the staff report to the Commission included a review of related issues, some of which could be resolved quickly, while others would require policy direction.
- List C – Additional issues staff identified, through administration of the Land Development Code (LDC), for improving the current policy direction.

The Commission concurred with staff's suggestion that the Planning Division begin working on the three lists, understanding that they may be amended over time. Council goals were not factored into the Commission's review; two goals may impact Planning Division staff resources over the remainder of the Council term. Staff suggested proceeding with the proposed work package, recognizing that the impact of Council goals on Division staff resources would be better known at the end of December 2011. Therefore, staff suggested a check-in with the Council at the beginning of 2012 regarding the Council goals and the Division's work program.

Mr. Gibb referenced the list of unresolved planning issues, noting that the list continually evolved. Council action regarding the list was not needed; staff sought direction regarding work program priorities. Therefore, staff recommended that the Council approve the issues on Lists A, B, and C as the basis for the Planning Division's work program for the remainder of the Council term, understanding that the list may be amended over time.

Councilor Hervey asked why the phrase "with additional items as appropriate based on consideration of public input, identified City Council goals, and availability of staff and community resources," included in the Commission-approved motion, was not included in the suggested motion to the Council.

Mr. Gibb responded that staff considered it implied that staff would work with public input while developing specifics of the work program. The input may change Lists A, B, and C. Council goals must be incorporated into the goals but cannot yet be addressed.

Councilor Raymond referenced the Council goal to provide direction on recommendations to strengthen access to and availability of locally produced food and community gardens via policy, ordinance, and LDC changes by December 2011, with corresponding Code and policy changes enacted by December 2012.

Mr. Gibb responded that, during the remainder of 2011, staff could accommodate work on the local food and Oregon State University (OSU) impact issues with existing resources. Staff would report to the Council in early-January 2012 regarding the status of those issues to determine whether the remainder of the work program should be amended.

Mr. Gibb added that Planning Division staff was already working on three projects: the completed Federal Emergency Management Agency mapping amendments that must be implemented, the continuing work on the Airport Industrial Park Master Plan, and LDC amendments recommended by the Downtown Commission. These three projects should be completed by fall 2011; in addition, staff would work on Council goals and the proposed issue lists through December 2012.

Councilors Hervey and Brauner, respectively, moved and seconded to approve the development of a package of Land Development Code text amendments as presented in Lists A, B, and C from the April 12, 2011, memorandum from the Community Development Director to the Mayor and City Council as the Planning Division's work program priorities for the next 20 months, with additional items as appropriate, based upon consideration of public input, identified City Council goals, and availability of staff and community resources. The motion passed unanimously.

D. City Attorney employment agreement

Councilor O'Brien reported that he and Councilor Brauner met with Mr. Fewel last month to discuss continuing his employment agreement with the City. The Council received a City Attorney Employment Agreement Addendum regarding compensation for retainer services, an hourly rate for services rendered outside the retainer, and a term of employment. He noted that Mr. Fewel agreed to freeze his compensation for retainer and non-retainer services at the 2010 rates.

Councilors O'Brien and Raymond, respectively, moved and seconded to authorize the Mayor to enter into an employment agreement with the City Attorney's Office. The motion passed unanimously.

V. MAYOR, COUNCIL, AND STAFF REPORTS – Continued

A. Mayor's Reports – Continued

Mayor Manning highlighted recent newspaper articles involving the City.

- The City received a \$492,000 three-year grant from the Environmental Protection Agency designating the City as a Climate Showcase Community. The City will use the grant for the "Energize Corvallis" program in conjunction with the Corvallis Environmental Center, OSU Benton County Extension Service, and Resource Innovation Group (a non-profit social science research organization based in Eugene,

- Oregon). The initiative was intended to reduce energy use and carbon emissions from homes and businesses and create new opportunities for energy conservation businesses.
- Corvallis Sustainability Coalition, Corvallis School District 509J, and First Alternative Cooperative received three of the six recently presented Governor's Sustainability Awards. The organizations undertook dramatic, comprehensive steps to incorporate sustainability into their operations, creating examples for similar organizations.

Mayor Manning reported that she hosted Government Comment Corner on April 16 and enjoyed speaking with citizens.

Mayor Manning reported that, on April 9th, she rang the cow bells to begin the first Corvallis Half-Marathon, which was deemed very successful and benefitted several local charities. The Rotary Club of Corvallis After Five organized the event, which attracted almost 1,800 participants, including Councilors O'Brien and Traber.

3. Proclamation of National Library Week – April 10-16, 2011

Mayor Manning reported that she read the proclamation during the Library's annual volunteer recognition breakfast.

B. Council Reports

Councilor Raymond reported on several issues.

- A constituent contacted her about aggressive and unpleasant solicitors selling magazines and asked what would be involved in requiring solicitors to register with the City and potential impacts to groups such as students raising funds for school programs. She requested a staff follow-up response.
- April was Child Abuse Prevention Month, and the Benton County Commission on Children and Families distributed information regarding abuse in the local area. Corvallis Alliance for Diversity's monthly meeting featured a discussion of the Relief Nursery, which received a state grant regarding child abuse prevention. Next year's campaign will include information regarding the Nursery's activities.
- Sister Cities Week will be May 8-14, 2011.
 - The Corvallis-Gondar Sister Cities Association and other community groups will host the second annual Walk/Run 4 Water event May 14 to increase the community's awareness of the importance of water. Proceeds from the event will be used to drill wells; educate Gondar residents about clean water, health, and sanitation; and plant trees in Gondar.
 - The Corvallis-Uzhgorod Sister Cities Association will host a delegation from Uzhgorod to discuss child abuse prevention and visit the Old Mill Center Relief Nursery and the Children's Farm Home.
- The United Way Allocations Committee will meet April 27 to determine human services funding allocations. Many more agencies requested funding than will be able to receive funding. The Committee conducted site visits to the agencies.

Councilor Beilstein reported on several issues.

- Corvallis Transit System (CTS) ridership increased every month since September 2010, compared to use levels of the previous year. Ridership steadily increased since CTS service became fareless February 1, 2011.
- The April 16 Earth Faire, sponsored by the Corvallis Environmental Center, was well attended, along with the opening day of the Saturday Farmers' Market season. The CBUF had a booth at the Faire. He encouraged people to attend Associated Students of OSU's Earth Faire April 19.
- He and Councilor Raymond completed participation in a group, sponsored by Natural Step, that read and discussed the book Prosperity Without Growth by Tim Jackson, a Commissioner on the United Kingdom's Sustainable Development Commission. He encouraged Council members to read the book and consider the concepts it described. New reading groups are forming to discuss the book.
- The National Association for the Advancement of Colored People (NAACP) Annual Freedom Fund Banquet raises funds for local and national NAACP activities. He encouraged citizens to attend the banquet and Council members to join the organization.

Councilor Hogg reported on several issues.

- The 24th annual Spring Garden Festival will be held May 1, coordinated by the Madison Avenue Task Force with assistance from the Arts Center, Parks and Recreation Department, and Benton County Master Gardeners.
- May is Historic Preservation Month, with events presented by Benton County, Corvallis' Historic Resources Commission, and Preservation Works. This year's theme is "Celebrating America's Treasures." Free events were listed on the City's Web site.
- Several arson fires occurred in college student-occupied houses near the OSU campus. He toured one of the houses and observed that the fire's heat was so intense that the television set and ceiling fan melted, the walls were black charcoal, and the sofas burned to the metal frames and springs. The early-morning fire began on the front porch. A resident was awakened by the fire; the smoke alarms did not have batteries. Four other arson fires occurred during the previous six months within a ten-block radius of NW Harrison and NW Kings Boulevards – an area predominately populated by OSU student rental housing. He stressed the importance of working smoke alarms in all residences. Fire Prevention Officer Patton is conducting an outreach effort in the neighborhood asking residents to check smoke alarms. Phi Delta Theta fraternity volunteers are helping with the outreach, distributing free batteries and installing free smoke alarms. Councilor Hogg emphasized the need to make student rental housing safer. He thanked the Fire Department and the fraternity volunteers for their services.

Councilor Hervey reported that he attended the second annual Chef's Cook-Off at LBCC, which featured predominately local organizations and supported local farmers, including Stahlbush Island Farms.

Councilor Hirsch invited people to attend an Earth Day celebration April 20 at the Odd Fellows Hall with live music by a local group.

Councilor Hirsch reported that he conducted a presentation to the Benton County Republican Women, who asked questions regarding the City's labor negotiations.

C. Staff Reports

1. City Manager's Report – March 2011

Mr. Nelson referenced from the Report the CTS ridership statistics.

2. City Council goals update

Mr. Nelson noted the quarterly report of progress on achieving the Council's goals, which included information of activities in the City's various departments.

3. Marys River interceptor project

Mr. Nelson noted that the Marys River interceptor project would impact parking, access to the riverfront, and the off-leash dog park. Ms. Emery and Mr. Rogers were discussing whether interim off-leash dog park funds could be used to establish a second, permanent dog park.

Councilor Brauner noted that CTS provided more than 91,000 rides during March.

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

A. Human Services Committee – April 5, 2011

1. Willamette Neighborhood Housing Services Second Quarter Report

Councilor Beilstein reported that the Willamette Neighborhood Housing Services (WNHS) report did not contain any unusual information. WNHS was making progress on its goals of developing low-income housing, providing education for first-time home buyers, and providing a micro-enterprise program. He noted that WNHS will discontinue offering the micro-enterprise program because of fiscal restraints on what could be done; the program will become an academic program at LBCC.

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

B. Administrative Services Committee – April 6, 2011

Councilor Hirsch reported that the Committee postponed review of the da Vinci Days loan agreement status annual report until the April 20 meeting.

1. GASB 54 Update

Councilor Hirsch reported that the Committee unanimously recommended that the Council adopt ordinances associated with the Governmental Accounting Standards Board 54 update.

Mr. Fewel read an ordinance relating to committing revenues for specific uses, amending Corvallis Municipal Code Chapter 8.03, "Fees Chapter," as amended.

ORDINANCE 2011-06 passed unanimously.

Mr. Fewel read an ordinance relating to committing reserves for specific uses.

ORDINANCE 2011-07 passed unanimously.

Mr. Fewel read an ordinance amending Corvallis Municipal Code Chapter 1.16, "Boards and Commissions," as amended.

ORDINANCE 2011-08 passed unanimously.

C. Urban Services Committee – April 7, 2011

1. Food Carts

Councilor Brauner reported that the Committee heard a recommendation from the Downtown Commission regarding food carts and requested limited Council action at this time. The Committee sought Council direction before pursuing possible Municipal Code amendments that would implement the Commission's recommendation. With Council approval, staff would prepare Code amendments regarding food carts on private property in the Downtown area. The Committee would review the proposed amendments and recommend Council action. Today's recommended Council action would not commit the Council to adopt Code amendments; it would direct staff to draft Code amendments.

Councilors Brauner and Hervey, respectively, moved and seconded to direct staff to proceed with proposed Municipal Code amendments allowing food carts on private property in the Downtown area year 'round and report to Urban Services Committee.

Councilor Raymond reported that several people conveyed to her their support of the idea of food carts and others expressed concerns regarding responsibility for cleaning private property, permit fees, and whether the City would gain financially from the food carts. Restaurant owners expressed opposition to the food carts, but she did not expect the carts to impact restaurants.

Councilor Brauner responded that these issues would be addressed through staff's recommended Code amendments. The Committee would ensure that all issues were addressed before presenting a recommendation to the Council.

The motion passed unanimously.

D. Other Related Matters

1. Mr. Fewel read a resolution accepting a Federal Transit Administration grant (\$933,206) for replacement of three transit buses and authorizing the City Manager to sign the grant agreement.

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

RESOLUTION 2011-09 passed unanimously.

Mayor Manning thanked Public Works staff for pursuing grant funding for purchase of three transit buses.

Mayor Manning read a statement, based upon changes in Oregon laws regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. She reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approves disclosure. She suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

The Council entered executive session at 1:13 pm.

Assistant City Manager Volmert briefed the Council regarding labor negotiations with Corvallis Police Officers Association and American Federation of State, County, and Municipal Employees.

Mayor Manning recessed the Council at 1:33 pm and reconvened the Council at 7:00 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Manning, Councilors Brauner, O'Brien, Raymond, Hirsch, Hervey, Beilstein, Hogg, Brown (7:03), Traber

Mayor Manning directed Councilors' attention to items at their places, including a letter from ODOT Director Garrett regarding the City's certification for developing federally funded transportation projects (Attachment B), a schedule for Councilors to meet with the search firm representative regarding the City Manager's position candidate search, and testimony from Barbara Ross concerning tonight's public hearing (Attachment C).

(Councilor Brown arrived at 7:03 pm).

VI. VISITORS' PROPOSITIONS

Michael Papadopolous said he sent a letter to Mayor Manning, Councilors, and Mr. Nelson regarding KBOO radio station's translator on Vineyard Mountain. The translator transmits programming from community-owned KBOO in Portland, Oregon, to the Corvallis area. He explained that KBOO was member owned and an eclectic, alternative station broadcasting material not generally available on other stations. He said KBOO posted a draft strategic plan on its Web site, indicating decreased revenue and consultations regarding how to maintain the station's mission. The plan cited strategic steps, including phasing out repeaters in Corvallis and Hood River, Oregon, to concentrate on efforts within the Portland Metropolitan area. This action would deprive the Corvallis area of KBOO programming. Mr. Papadopolous emphasized that Corvallis residents raised approximately \$20,000 for purchase and installation of the radio translator 20 years ago. Five Corvallis residents attended a meeting with KBOO's consultant last week and expressed concern.

Mr. Papadopolous requested that the Council consider the KBOO radio translator an asset to the Corvallis community and send a letter to KBOO expressing opposition to the repeater being phased out of service.

Councilor Beilstein asked whether KBOO's consultants gave a positive response to Corvallis citizens' testimony and whether KBOO's board would re-consider the issue of the repeater.

Mr. Papadopolous responded that the consultants would submit a report to KBOO's board. He acknowledged that the draft strategic plan may have been drafted by station staff to include issues intended for consideration by the consultants.

Mayor Manning inquired whether there was any indication that KBOO's board had made a decision.

Mr. Papadopolous responded that the 11-member board would meet after the consultant's report was submitted.

In response to Councilor Hogg's inquiry, Mr. Papadopolous acknowledged that KBOO's programming could be heard via streaming over the Internet.

Roberta Hall produced health-related programs for KBOO for the past three years, including interviews with many Corvallis-area health professionals and advocates. She and a friend also produced programs for Cable Channel 29. Both media were publicly accessible; cable service was needed to access Channel 29, and a radio with an antennae was needed to access KBOO. She concurred that KBOO's programming was eclectic in nature.

Ms. Hall recalled that Corvallis was previously home to several local AM-frequency commercial radio stations on which people could announce community activities. The only station still in Corvallis (KBVR FM) dealt only with OSU campus-based activities and was not an option for community forums. She believed community-based radio stations would be beneficial. She opined that KBOO should be told that their broadcasting should be accessible beyond the Portland Metropolitan Area. She concurred that KBOO programming was available via Internet streaming. After programs aired, they could be downloaded from KBOO's archives. She believed KBOO staff wanted Corvallis-area programming; however, a board may view issues differently from a business

perspective. She asked that the Council write KBOO to indicate the community's interest in the station.

Councilor Raymond said she would support asking KBOO to continue broadcasting to Corvallis.

Councilor Beilstein said he would also support Mayor Manning writing KBOO's board to express the community's support for the station. He expressed concern regarding the timeliness of the request, not knowing when the board would make a decision.

Ms. Hall commented that KBOO's development director sent information and a survey form to station members; the draft strategic plan was sent when requested. She did not attend the meeting with consultants that Mr. Papadopolous referenced. In response to an inquiry, the development director said a decision was not made, and the board wanted feedback.

Councilor Traber asked whether KBOO listeners were generally solicited to be station members, how many members might be lost if the repeater was phased out, and the resulting loss in annual revenue.

Ms. Hall responded that KBOO's survey form solicited suggestions for raising revenue. She and other station members noted that the station did not send membership renewal. Several members suggested that the station cultivate its membership and ask members to invite others to become members. She described KBOO as a predominately volunteer organization with very few paid staff members.

Yaney MacIver said phasing out the repeater was hurtful to Corvallis residents, including herself, who raised funds for installation of KBOO's Corvallis radio repeater 20 years ago. She asked members of some of her e-mail lists whether they listened to KBOO, how much they paid to support the station, and whether they could receive the station's broadcast; most people responded that they could receive the broadcast, especially in their vehicles. She estimated 50 to 100 Corvallis KBOO members. She heard that the Corvallis and Hood River translators each cost \$200 per month for rent and approximately \$10 per month for electricity. If 50 Corvallis KBOO members paid \$10 per month, the station would receive \$500 per month, far in excess of the rent and electricity charges for the Corvallis translator. She knew of Corvallis and Hood River residents who named KBOO as beneficiaries in their wills. She felt as though someone took from her community something that she brought to the community.

Referencing Councilor Beilstein's earlier inquiry, Ms. MacIver said KBOO's draft strategic plan proposed the phase-out for June to December 2011. Therefore, she considered the issue urgent.

Councilor Hirsch expressed support for a letter to KBOO asking that the radio station's Corvallis repeater be retained. He suggested that the letter mention the community's donations and pledged estate bequests. Councilors Hervey, Brauner, Hogg, and Traber concurred.

Noting a majority of the Council supporting the request, Mayor Manning indicated that she would write a letter to KBOO.

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

VII. PUBLIC HEARINGS

- A. A public hearing to consider the Fiscal Year 2011-2012 Community Development Block Grant/HOME Investment Partnership Program Action Plan

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

Staff Report

Housing Division Manager Weiss stated that the Fiscal Year 2011-2012 Community Development Block Grant (CDBG)/HOME Investment Partnerships Program (HOME) Action Plan was still in draft form. The Plan reflected the Housing and Community Development Commission's (HCDC) funding allocation recommendations, which were made after hearing and reviewing proposals and presentations from agencies.

Generally, the Action Plan priorities were the same as during the first three years of the five-year Consolidated Plan period; the Action Plan represented the fourth of the five years. Each year staff developed an action plan to meet the goals and strategies of the Consolidated Plan. Priorities continued to focus on "bricks and mortar" projects, providing services benefitting those with the lowest incomes, and providing services and activities to homeless people. The HCDC's recommendation indicated a shift from a larger percentage of allocations for grants versus loans to a more-even balance of allocation types. Federal resources would likely decline in the next few years, so the HCDC and staff wanted to focus on revolving the existing funding via loans, rather than grants. Most of the CDBG and HOME funds were granted, and grants would continue; however, low- and no-interest loans would be pursued when possible.

Mr. Weiss said the Federal budget was unknown when the draft Action Plan was prepared. Staff since learned that the Federal CDBG program would be reduced by 16.4 percent for Fiscal Year 2011-2012, and the HOME program would be reduced by 12 percent, resulting in a need to adjust the HCDC's recommended allocations. The exact amount of funds to the City, following the Department of Housing and Urban Development's (HUD) formula allocation process, was unknown. Reducing or shifting administrative costs from the grant funds to the non-Federal funding, reducing next fiscal year's allocations to the loan programs, and relying upon carryovers could enable the City to maintain agency allocations, not reduce human services fund allocations, and not reduce capital allocations.

Mr. Weiss reviewed highlights of the Action Plan.

- CDBG funding for public infrastructure related to the WNHS community land trust project at Seavey Meadows – six homeownership units, with HOME funding already committed.
- CDBG funding for an Arc of Benton County group home rehabilitation project – five adults with severe developmental disabilities would have a facility better suited to their needs.

- HOME capital funding for HomeLife for a four-unit new-construction supportive-housing project for adults with developmental disabilities who could live somewhat independently. Services would be provided, but residents would have a greater level of independence.
- HOME capital funding for WNHS's 50-unit Lancaster Bridge housing preservation rehabilitation project.
- Human services funding for 11 programs through ten agencies. The micro-business development and support program would be continued. Loan programs would be "backfilled" to continue providing single-family owner-occupied rehabilitation projects and down payment-assistance loans.
- Housing Division staff's extensive activity throughout the year because of HUD requirements.

Mr. Weiss said staff sought Council approval of the Action Plan and latitude for staff to adjust recommended allocations, particularly regarding the rehabilitation and down payment-assistance loan programs and administrative costs. If total grant allocations decreased, administrative costs must be reduced because they were "capped." If external allocations to agencies could be maintained whole, staff would like the latitude to make necessary adjustments. Upon approval of the Action Plan, the Council should authorize Mayor Manning to sign necessary submission documents for HUD's approval. If the City received lower Federal allocations than expected and reductions must be more severe, resulting in a program or activity being eliminated, staff would need to ask the HCDC and Council to consider the more-significant reductions.

Public Testimony

Jim Moorefield, Executive Director of WNHS, urged the Council to support the proposed Action Plan. He appreciated staff's response to Federal funding reductions in terms of allocation and cost adjustments, which recognized community needs. WNHS had four funding requests in the Action Plan.

Lancaster Bridge in northeast Corvallis was developed in 1996 when affordable housing projects used Federal low-income tax credit programs – in return for allowing use of their money, investors (typically financial institutions) received Federal income tax credits. The partnerships lasted 15 years, as the tax credits would be exhausted within that time period. These projects were structured to change after 15 years. Entering its 16th year, it was time to re-finance the Lancaster Bridge project. Projects were developed in the 1990s with the expectation of needing more capital investment in conjunction with re-financing 15 years later. Lancaster Bridge needed improvements, despite the current negative economic conditions. WNHS submitted a request for HOME funds to support Lancaster Bridge re-development. WNHS submitted an application to the State for the balance of needed funding for a re-development project that would cost almost \$8 million (including almost \$4 million in rehabilitation) to bring the project to modern, "green" standards with a longer useful life expectancy.

Mr. Moorefield recalled that he recently requested City support of WNHS' micro-enterprise program. In response to advocacy from local governments and others, the State decided to retain micro-enterprise programs as an eligible activity under the State's CDBG program.

However, the State did not authorize the provider to charge for costs of one-on-one assistance to clients. As a result, WNHS would receive approximately 50 percent of its previous \$75,000 or more in annual State CDBG allocation. WNHS could charge only for classroom assistance. The micro-enterprise program succeeded because of the combination of classroom and one-on-one assistance. For the past year, WNHS used its financial reserves to fill the cost gap, hoping the State would change the rules. WNHS asked LBCC, which taught the classes, to operate the program with less State funding; LBCC agreed. Mr. Moorefield urged the Council to support the allocation to the micro-enterprise program and work with LBCC to make the program successful. He said WNHS would assist with the program transition.

Joan Collison volunteered on the boards of two agencies assisting homeless people – the Daytime Drop-in Center at First Christian Church and the cold-weather overnight shelters. West Side Community Church offered to host a cold-weather overnight shelter again next winter. She noted that the agencies requested more funding than the HCDC recommended approving, and she hoped that the agencies would receive at least the HCDC-recommended amounts. She reminded the Council that many people in the community did not have warm beds in which to spend the night and were relying upon the Council to ensure that they were honored in the community.

Mayor Manning closed the public hearing.

Questions of Staff

In response to Councilor Raymond's inquiry, Mr. Weiss explained that funds for the micro-enterprise program would pass through the City to LBCC via an agreement similar to the previous agreement with WNHS. Staff postponed allocation discussions with LBCC until Federal budget issues were resolved. With funding known, staff could pursue those discussions.

Councilor Raymond concurred with Barbara Ross' written testimony that rent assistance would be beneficial in keeping people from becoming homeless.

Mr. Weiss responded that the HCDC would re-evaluate Ms. Ross' request. Without a specific proposal for funding a rent-assistance program, the HCDC did not deem the request urgent and chose to see what happened to the HOME budget overall. It would also be necessary to determine how the funds that could be allocated would balance with the costs of establishing and administering a program. This background work could be done during the next year for consideration in the Fiscal Year 2012-2013 Action Plan.

Deliberations and Final Decisions

Councilors O'Brien and Beilstein, respectively, moved and seconded to adopt the Fiscal Year 2011-2012 Community Development Block Grant/HOME Investment Partnerships Program Action Plan, as written or with Council-desired modifications and direct staff to submit it to the United States Department of Housing and Urban Development for review and approval. The motion passed unanimously.

Councilors O'Brien and Beilstein, respectively, moved and seconded to authorize the Mayor to sign the Community Development Block Grant and HOME Investment Partnerships Program application and certification documents, as stipulated by the United States Department of Housing and Urban Development, that will be submitted as elements of the adopted Action Plan. The motion passed unanimously.

XI. ADJOURNMENT

The meeting was adjourned at 7:54 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

Louie, Kathy

Subject: RE: RE: food carts

From: Joel Hirsch
Sent: Monday, April 18, 2011 8:01 AM
To: Louie, Kathy
Subject: Fw: RE: food carts

Kathy,
Please forward this related to the food cart discussion to whoever is supposed to see it.
There is a prior email from him in the City/Ward6 box too; I assume that one is also already being distributed?
Thanks for all you do,
Joel

----- Original Message -----
From: Thomas jensen
Sent: 04/17/11 11:06 PM
To: joelhirsch
Subject: RE: food carts

Joel, thanks for getting back promptly. First, I work during the day and making a noon meeting isn't realistic. Also, I was of the impression that public input doesn't occur during noon meetings. And I ask again, when besides the informal, unrecorded meeting of Feb. 15, where only a few members of the Downtown Commission attended, has there been public discussion and opportunity for public input surrounding this issue? It's not a "for/against" question.

It is possible to conform to existing regulations. If the food cart collective were to lease the open space north of Broken Yolk, they could be in the Burtons' parking lot year-round. They could also arrange with the lot owners to be in one of several(I came up with 8-10) vacant lots downtown. An external water or power source for "mobile" carts may violate the Oregon Department of Human Services Division 162 definition of "Mobile Food Unit" if the unit is no longer self-contained. I have more concerns regarding trash and hygiene.

I'm also concerned that temporary restaurants may ask for modifications to fees and standards for compliance if the food cart group is successful. Please read up on what Portland has gone through recently with their carts, including structure, seating, storage, and restroom violations. Carts need to meet existing standards. Thanks, I'm pretty sure I can get to the evening session, I'll try to get to my email by late afternoon(Mon.). thanks again, tom



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

<web>food carts ruling

- **To:** ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- **Subject:** <web>food carts ruling
- **From:** tomjensen37@xxxxxxxxxxxx
- **Date:** Sun, 17 Apr 2011 15:25:51 -0700
- **Reply-to:** <tomjensen37@xxxxxxxxxxxx>

This is an inquiry e-mail via Contact Us form:

tom jensen
tomjensen37@xxxxxxxxxxxx
prefer phone contact: no

Please postpone, or at least make the food cart ruling at the April 18 evening meeting. Announcing this meeting in Saturday's paper is short notice. Beyond the February 15 "public forum", what meetings occurred with opportunity for public input? The citizen's survey closed down Jan. 28, before many even heard of any meeting.

The current rules aren't onerous. There are several places downtown the carts can circulate through to meet a 45 day limitation. External water and electricity sources remove carts from Mobile Cart definition as per Oregon DHS.

Check out Portland's sweep earlier this year and the types of violations/conflicts they're seeing.

Please postpone the ruling until more review has been conducted. Thanks, tj

- **Prev by Date:** [April PNARB packet](#)
- **Previous by thread:** [April PNARB packet](#)
- **Index(es):**
 - **Date**
 - **Thread**



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation
Office of the Director
1158 Chemeketa St. NE
Salem, OR 97301-2528

RECEIVED

APR 18 2011

CITY MANAGERS
OFFICE

April 18, 2011

The Honorable Julie Manning
Mayor, City of Corvallis
Post Office Box 1083
Corvallis, OR 97339

Mr. Jon Nelson
Corvallis City Manager
Post Office Box 1083
Corvallis, OR 97339

Dear Mayor Manning and Mr. Nelson:

It is with great pride that I write to inform you the City of Corvallis' Public Works Department has successfully completed the requirements necessary to become certified through the Oregon Department of Transportation's (ODOT) Certification Program. This certification allows the City of Corvallis to retain more approval authority, control and flexibility at the local level when developing federal-aid transportation projects.

This is a particularly notable achievement because the City of Corvallis is the first local entity in Oregon to transition out of the test project phase into becoming fully certified to perform design, bid & award, and construction contract administration functions for federal-aid transportation projects. Other local governments currently in the test phase of the Certification Program include the City of Portland, the City of Eugene, Clackamas County, Linn County, and Multnomah County.

I commend your staff for its outstanding expertise, professionalism and tenacity that led this successful transition. ODOT appreciates the positive collaboration from your staff that continues to enrich the development of the Certification Program. We look forward to a long-lasting partnership with the City of Corvallis in the delivery of federal-aid transportation projects.

Sincerely,

Matthew L. Garrett
Director

Weiss, Kent

From: Housing
Sent: Thursday, April 14, 2011 8:59 AM
To: Weiss, Kent
Subject: FW: Consolidated Plan

From: Barbara Ross [SMTP:
Sent: Thursday, April 14, 2011 8:57:56 AM
To: Housing
Cc: Martha Lyon; Jim Moorefield; Richard Hervey
Subject: Consolidated Plan
Auto forwarded by a Rule

To the Corvallis City Council

Testamony for April 18th Public hearing on the CDBG/HOME Consolidated Plan

In the January Hearing about the consolicated plan Jim Moorefield from WNHS, Kari Whitcare from COI, and I all testified in favor of allocating a small portion of funds to rent assistance. This would require an amendment to the plan. Rent assistance is identified as a needed strategy in the 10 year plan to reduce homelessness.

In talking with staff, it is my understanding that this item is not included in the plan. I understand how difficult it is to add something new at a time when the total funds are likely to be cut. It is also beneficial to devote the majority of the funds to capital projects that have a long term impact on increasing the number of affordable units in Corvallis.

However rent assistance is an important bridge that can keep families from falling into homelesnss. The community Services Consortium has a small but very effective program to assist families with rent. I beleive that their program could be expanded without creating new administrative costs.

I recommend that the city council request staff to continue to study this possiblity so that it could be included in the plan next year.

I will be out of town so this is why I am submitting written testamony.

Sincerely,

Barbara Ross

**CITY OF CORVALLIS
CITY COUNCIL WORK SESSION**

April 20, 2011

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 5:30 pm on April 20, 2011, in the Cornell Meeting Room, 2300 NW Walnut Boulevard, Corvallis, Oregon, with Mayor Manning presiding.

I. ROLL CALL

PRESENT: Mayor Manning, Councilors O'Brien, Hogg, Hervey, Brown, Beilstein (5:45pm), Hirsch (5:45 pm), Raymond, Traber, Brauner

The Mayor and Councilors were joined by Phil McKenney of Peckham & McKenney and Assistant City Manager Ellen Volmert.

II. NEW BUSINESS

A. City Manager recruitment project organization

Phil McKenney presented an overview of the recruitment process and timing, as well as various options that will be considered by the City Council as the process moves forward. This was followed by a discussion of the issues and challenges that will face the new City Manager and the qualities that would be important for the successful candidate in meeting those challenges. Discussion included both current issues and qualities that would be important for longer-term success beyond the current issues before the City. The City Council also asked questions of Mr. McKenney regarding the process and setting parameters for compensation components.

III. ADJOURNMENT

The meeting was adjourned at 7:00 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**CITY OF CORVALLIS
ECONOMIC DEVELOPMENT COMMISSION
April 11, 2011**

Present

Elizabeth French, Chair
Skip Rung, Vice-Chair
Nick Fowler
Pat Lampton
Ann Malosh
Rick Spinrad
Dan Brown, Council Liaison
Jay Dixon

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Marci Laurent, Management Assistant

Visitor

Julie Manning, Mayor

Excused Absence

Larry Mullins
Sam Angelos

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order	
II.	Approval of March 28 th Meeting Minutes	Approved.
III.	Visitor Comments	None.
IV.	Refinement/Prioritization of Economic Development Objectives and Success Matrix	The Commission continued their development of Objectives and the Success Matrix.
V.	Development of Questions for Local Economic Development Organizations	The Commission developed the outline for the special meeting and questions for the organizations.
VI.	Enterprise Zone Expansion Recommendation to City Council	The Commission recommended to the City Council that Phase III EZ expansion be considered at a future date for inclusion in the ED Work Program.
VII.	Follow-up on Economic Development Commission Discussion Regarding Data Needs	No additional data was requested at this time.
VIII.	Adjournment	The meeting adjourned at 5:05pm to the Special Meeting on April 25, 2011 at 4:00 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER.

Ms. French called the meeting to order and suggested the Commission move Agenda Items V and VII up on the Agenda. The Commission agreed.

II. APPROVAL OF MARCH 28TH MEETING MINUTES

The minutes were approved by unanimous vote.

III. VISITOR COMMENTS - None

V. DEVELOPMENT OF QUESTIONS FOR LOCAL ECONOMIC DEVELOPMENT ORGANIZATIONS

The Commission agreed that it should be noted up front that this special meeting is not about or a part of an economic allocation process. The meeting is designed to hear from local organizations that have participated in economic development about their experiences and activities. Mr. Gibb noted, based on previous Commission direction, organizations that were sent the "Reserve the Date" email included those non-festivals & event organization's that received economic development funding in recent years, as well as Cascade West Council of Governments and Corvallis Independent Business Alliance. The Commission agreed that they would also like to invite LBCC's Small Business Administration, and SCORE. The Commission discussed what their objectives for this meeting were; what information they would like to receive from the organizations and how questions should be framed. Mr. Gibb stated he would provide the Commission with the previous Economic Development Policy which outlined a variety of objectives that applicants were required to meet.

The Commission agreed on the following outline for the Special Meeting:

- In advance of the meeting, provide a one-page overview of their organization, including a summary of their operating budget that would be part of the Commission's packet;
- By Friday, 4/22, submit, in a Power Point format – maximum of 3 slides, answers to the following questions:
 - 1) What percentage of your organization's resources are directed towards economic development activities;
 - 2) What are your objective(s) around economic development and how do you implement it;
 - 3) How do you measure success in meeting your objectives;
 - 4) What, in addition to funding, are factors that have either enhanced or limited your success?
- At the Special Meeting, each will be given the opportunity to provide a five (5) minute presentation.

VII. FOLLOW-UP ON ECONOMIC DEVELOPMENT COMMISSION DISCUSSION REGARDING DATA NEEDS

The Commission, noting that Councilor Brown had provided a wealth of information, did not identify additional data needs at this time. The Commission agreed that once they have completed their goals and success matrix they could then re-visit this item. Mr. Gibb stated that there may be an opportunity to hire an intern to assist in researching and developing the data the Commission identifies.

VI. ENTERPRISE ZONE EXPANSION RECOMMENDATION TO CITY COUNCIL

Mr. Gibb reviewed the memorandum prepared for this item, including the scope, major tasks, a rough estimate of the costs, and suggested four (4) possible options for the Commission's recommendation to the City Council. Mr. Nelson added that Phase I took approximately 500 hours of staff time and over one (1) year to complete, Phase II, an easier component, took over 300 hours of staff time with a major part of the work done by the Chamber Coalition. He stated that Phase III, having a greater number of non-contiguous parcels may add a greater number of issues, and is likely to be more difficult and time consuming to process. Mr. Nelson added that staff is not aware of any community having success in extending the EZ across the entire UGB.

The Commission agreed that there appeared to be no rush to expand the EZ at this time, that at a future opportunity, as part of a future work program, they would like to discuss the expansion, the application criteria and look for opportunities to streamline the process.

Action: Commissioner Lampton moved that the Economic Development Commission recommend to the City Council that Phase III EZ expansion be considered at a future date for inclusion in the economic development work program. Commissioner Dixon seconded the motion and it passed by unanimous vote.

IV. REFINEMENT/PRIORITIZATION OF ECONOMIC DEVELOPMENT OBJECTIVES AND SUCCESS MATRIX

Ms. French stated that she and Commissioner Rung met as planned and, using the previous draft, prepared this draft of the objectives that identifies three (3) major goals: 1) Optimizing Existing Major Assets, Recruiting Targeted Traded Sector Icons, and Organic Growth (Promote Local Business). The Commission agreed that these are the three (3) main goals and that they are inclusive. The Commission's discussion included the following comments on the next steps in this process:

- What does the output look like; the columns (swim lanes) are elements of the plan with a goal statement for each one, which probably won't have equal weight.
- Concern with identifying goals as targeted objectives because the implication is that when they've been met the game is over. Need to build in a sustainability aspect so that the "how" does not need to be revisited, it is built into the economic culture.
- Need to move out of the "swim lane" concept as the goals are all connected; need to think about how these are overlapping and not be constraint with the particular targets.
- Economic Development is not limited by our resources; there is a need to identify the types of support businesses need to become established and to succeed.
- Perhaps a brainstorming session around the whats will help clarify the goals so that they can then be prioritized.
- While these concepts are a part of the broad synthetic plan, an Annual Plan must be broken into more manageable bites, such as, "this year's objective is to recruit one iconic company to Corvallis in this or that receptor. In order to do that we need the following economic incentives, infrastructure, mentoring and knowledge, etc".

The Commission began discussion of the "whats" for Organic Support, and identified several types of economic development support that businesses need and how that might be provided.

Organic Support – business growth (an example, 5-10 employees growing to 25-50):

- ❖ Human Resource Support
 - Training
 - Recruitment
 - Employee Performance
 - Employment Law
- ❖ Supply chain management
 - Logistics
 - taxes, exporting
- ❖ Financing – investment levels
 - Partnership with local bank
- ❖ Mentoring Filter
 - Legal
 - Securities
 - Patent/Copy rights
- ❖ Core Facilities
- ❖ Executive Leadership
 - CEO/OPS/Comptroller
 - Entrepreneur in Residence
- ❖ Marketing/Sales
 - Data
 - Library
 - Analysis

Additional comments included the need for mentors to facilitate businesses through the processes, to assist them in locating the local resources and raise the awareness of how to connect with them.

The Commission agreed to continue this discussion to the next regular meeting and begin developing the “whats” on the other two main goals.

VIII. OTHER BUSINESS. - NONE

IX. ADJOURNMENT

The meeting adjourned at 5:05 pm.



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

Approved as submitted, April 20, 2011

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
March 16, 2011

Present

Jennifer Gervais, *Chair*
 James Feldmann
 Roger Lizut
 Frank Hann
 Tony Howell
 Jim Ridlington
 Jasmin Woodside
 Biff Traber, *Council Liaison*

Staff

Ken Gibb, Community Development Director
 Kevin Young, Planning Division Manager
 Jeff McConnell, Engineering Supervisor
 Claire Pate, Recorder

Excused

Tad Abernathy

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Planning Division Work Program Discussion			Approved with modifications to UPI list
III.	PC Minutes: A. February 2, 2011 B. February 16, 2011			Approved as revised Approved
IV.	Old Business			
V.	New Business A. Planning Manager's Update	X		
VI.	Adjournment	9:05 p.m.		

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by the Chair at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Introductions were made. Chair Gervais

explained that the first order of business would be Visitors' Propositions relating to any business or topic that was not on the agenda.

I. VISITOR'S PROPOSITIONS: None

II. PLANNING DIVISION WORK PROGRAM DISCUSSION

Chair Gervais said that they would start with a brief presentation from staff, followed by public comment. There would then be deliberations, with an opportunity for questions of staff.

Staff Presentation

Kevin Young, Planning Division Manager, gave a progress report on the Work Program for 2010, and referred to the staff report for a detailed account. There were nine items on the list, and good progress has been made on them, with some already completed and others underway. They have not hit everything on the list, but feel good about progress made.

He then framed the conversation they would be having tonight. Essentially, there are two tasks they need to accomplish. The Corvallis Comprehensive Plan calls for them to maintain an "Unresolved Planning Issues" (UPI) list and to schedule at least one public meeting each year to take input and make decisions about relative priority. The 2010 UPI list is included as Attachment A of the staff report. Having an item on this list does not mean it is on the Work Program. The UPI list has grown to be a rather daunting list that staff chips away at with each new work program, but placement on the list simply says that it is an issue that should be addressed or, at least, considered at some point in the future. The Work Program list is different from that. It includes items that staff will be addressing in the near future. These items are not necessarily limited to Land Development Code amendments. Staff recommends that Code amendments be the focus of the upcoming Work Program, but other types of items, such as updating the Buildable Land Inventory, or developing policy to calculate a five-year supply of serviceable land, could be included as Work Program items.

The discussion of relative priority given to items on the UPI list has basically evolved into what has typically been an annual review of the Planning Division Work Program. Manager Young emphasized that these items are over and above the handling of current planning applications that staff handles. Additionally, it is important to note that with the current staffing level, and assuming no additional cuts to staffing, Planning has approximately 1.3 FTE to dedicate to these types of issues. With this limitation in resources, staff has tried to put together a Work Program package that will provide the most "bang for the buck." Adjustments might get made to the 1.3 FTE, subject to factors such as permit applications that come in the door or federal and/or state mandates that might take precedence over Work Program items.

Staff recommends that items on Lists A, B & C be recommended as the Planning Division Work Program. This is not just a one-year term Work Program; it would be completed over the next 18-20 months. It is a very ambitious list, but staff believes it is doable within that time frame. Other issues have been and will likely be brought up in testimony. Staff asks that if additions are made to the Work Program, something else should be removed to balance it out. Preliminarily, staff would like to preserve the ability to tackle the Code changes in one very large effort. When things get broken into smaller chunks, they don't always get done. However, future deliberation might indicate a need to break it up, due to staffing or other factors. The overriding focus of the package is to streamline the development review process for applicants, staff and decision-makers. Given the bulk of recent testimony and discussion, this seems to be the highest priority task for the Planning Division at this time, and is reflected, in part, by City Council goals.

Manager Young apologized for the plethora of lists, but said it was a necessary evil to aid in the review. He then summarized the three lists:

- List A is a list of housekeeping items. The list is illustrative and might be supplemented as the year progresses.
- List B reflects the work of the Infill Development Task Force, a group of citizen volunteers who focused their efforts upon identifying Land Development Code text changes that would facilitate infill development within the community. The list identifies their recommendations, and the staff report notes issues, advantages and disadvantages of the proposed measures and includes a staff recommendation. At this meeting, it is important to look at the issues and whether it should be included on the Work Program – not look at specific language of the proposals.
- List C, the “Substantive Issues” list, reflects recommended Code amendments from City staff. This list was developed in consultation with Planning Division, Engineering and Development Services staff. Items identified are thought to provide the most “bang for the buck” in terms of streamlining the development process while remaining true to the community’s vision as embodied in the Vision Statement, Corvallis Comprehensive Plan, and other adopted documents. In some cases, these items discuss alternative methods to address issues raised by the Infill Development Task Force, but most of the items were identified based on staff’s experience in implementing the Land Development Code. Again, the question to consider is whether the identified issues warrant consideration as part of the Work Program.

Any of the Code changes envisioned as part of the Work Program will go through a full-blown public process which will include noticing, public hearings and opportunities for public comment and participation. This is far from the last word on specific language or approaches to address the identified issues.

The process that staff is envisioning from here on out is that work would commence in mid-summer on Code amendments, once projects that are already in process are completed. The first step staff will take is to clarify the approach to each issue, and they will be checking in with the Planning Commission for direction where there might be a variety of ways an issue could be addressed. At that time, staff will prepare options and recommendations for each of these items so that the Planning Commission can provide direction prior to development of specific Land Development Code language. A check-in will likely be warranted for most items on Lists B and C. These check-ins will allow for public comment opportunity, and staff can develop an interested parties list to provide notice of these meetings, beginning with everyone who has submitted written testimony or testifies at this meeting. Once they have clear direction, staff will move the amendments through the process required by the Land Development Code, with a Planning Commission public hearing and recommendation to the City Council.

Manager Young suggested that, due to the complexity of the task tonight, discussion of specific approaches and Code language should be kept to a minimum. Simply put, the questions are: what changes should be made to the UPI list and what items or issues should be included in the Planning Division Work Program.

After a brief discussion, Chair Gervais stated that this was not a legislative hearing; therefore the legal legislative framework for a public hearing does not apply. Public testimony and comment would be taken and then the Planning Commission would be making a recommendation to the City Council. She asked if there were any questions of staff before proceeding, but there were none.

Public Comment

Lyle Hutchens said he would speak with two different hats on, first as Chair of the Blue Ribbon Panel that was formed as part of the “Prosperity That Fits” program. On their behalf, he is requesting that the

Planning Commission make the recommendations of the Corvallis Development Infill Task Force a high priority in this Work Program. Those who have worked on the 2004 Code update process anticipated that one of the reasons for the update was to help with infill development in the City, and ultimately try to reduce some pressure on the Urban Growth Boundary of the City. Often, the interaction of all of the different Code sections at times are in conflict with each other, and make some of the infill efforts difficult. The members of the panel hope that the Planning Commission give the Infill Task Force efforts a high priority.

Switching hats, on a personal basis, he said that the members of the Infill Task Force were extremely capable and motivated individuals. To the extent that it is possible to use those talents and motivation during this time frame when staff is challenged for resources to help move the processes along, it is his recommendation to do so. Finally, as Manager Young mentioned briefly, he supports the concept of packaging the Code changes and working through them as a large package. This would maximize the use of everybody's time in trying to get these issues resolved and changes adopted where appropriate.

In response to a question from Commissioner Howell, Mr. Hutchens said that he did not have illustrations that immediately came to mind on how resolving the issues on Lists B and C would have helped with recent development issues. He did not necessarily like all of the ideas proposed, but that was not why he was here. He believed everything proposed had already gone through a careful thought process and might have been the result of some issues others have had come up. At this time, some movement to correct those in some sort of manner that has consensus would be a good thing.

Kirk Bailey spoke on behalf of the Corvallis Infill Task Force (CITF). He was joined by Lori Stephens. He thanked staff for doing a thorough review of their proposal and providing some good ideas. They support the idea of putting it all in one package, and will not address much of the detail tonight. They agree that those discussions should happen later. However, they will address some of the highlights and a few of staff's comments and concerns.

First of all, Mr. Bailey said, they concur with staff that the definition of infill is important. Within three blocks of where he lives near downtown, there are ten unbuilt lots that have strange sizes and configurations presenting challenges for development. To the degree that the City can make development of infill possible, instead of just having lots grow weeds, it will provide for more efficient development and take the pressure off the surrounding agriculture and forest lands. It makes a lot of sense. Given the financial challenges the community will be facing the next few years, that will also put emphasis on doing infill, smaller-scale remodeling kinds of projects, rather than big greenfield projects. The importance of this is high, since it applies to a lot of what we will be doing.

Mr. Bailey addressed a few of the specific proposals. In terms of Proposal #2, relating to the definition of building height, there are some additional resources available to help with this. Bruce Osen, CITF member, has volunteered to do whatever illustrating might be needed to have a visual representation. One of the challenges of the existing definition is that many people did not understand it, and often there are differing interpretations even by officials. Having an illustration will help everybody. Also, Denis White, another member of the group, has done some work on datums and the stepped approach on hill sides.

Proposal #5, which would simplify requirements based on project size, is an area in which the Task Force disagreed with staff a little bit. It is a bit of a value decision, and the Planning Commission will need to weigh in on it. The fundamental question is: should an infill lot be able to relate to its neighbors or should it try to follow as closely as possible the new Land Development Code? This is a value judgment. CITF wants to make the case that diversity is good. Making things that reflect the built environment, at least when the built environment is good, is a good thing to do. Mr. Bailey showed some photographs (**Attachment A**) of existing houses that illustrate this point, in that they do not

necessarily meet the current Land Development Code requirements, such as for front setbacks. Diversity allows people to select areas they like. This proposal only gives one the opportunity to apply to make a change; it would not be a given that one could do so. CITF does agree that this should not apply if one is comparing one's property with neighboring property that is in a different zone.

Proposal #6 relates to accessory structures. Generally, CITF agrees with staff's recommendation. There was some discussion in the staff report about accessory structures. One of the reasons that garden sheds are an issue is that many of the houses in the older neighborhoods do not have garages. He showed pictures of houses that do not have garages. In order to have a place to put a shovel or a wheelbarrow, garden sheds are important. Obviously, this can be done outside of the setback areas, but in some cases the lots are small and having to comply with the setbacks is a major constraint. Reflecting on staff's expressed concern, one of the thoughts CITF has had is that perhaps there would be a size limit for a shed that might be built in a setback area.

Proposal #7 relates to public utility easements. CITF supports the idea of the alternate streetscape approach; however, after reviewing it, they have come to the conclusion that the private utility options to be put somewhere other than in front of the structure is a separate issue from the alternate streetscape.

Proposal #8, relating to Residential to Commercial conversions, also poses a value judgment in that it is a challenge between preserving residential property and allowing small-scale Mixed Use. One of the staff's suggestions was perhaps to change from 4,000 square feet to 3,000 square feet for conversion plans. In general, CITF would support this, but the problem they have is that they actually expect it to be used on a small site, not on a big site. They expect this to be somebody who starts a little business in their garage and wants to have a couple of employees. In a way, they would prefer to see something that says you can have 4,000 square feet, or you can have up to 1,000 square feet. The reason they picked professional office, by the way, in the Medium-High density zone was because of impacts. They believed that the impact would be roughly similar or actually reduced on the adjoining properties with the professional office conversion. CITF as a whole prefers to allow some other uses in Mixed-Use, as opposed to just professional offices. Another approach would be to expand the Home Occupation definition.

Proposal #9 relates to confusion between attached vs. detached. After reviewing it carefully, they concur with staff, but it was a surprise to them that this was allowed. It is not completely obvious, so perhaps there is a need to clarify the Code.

Proposal #10, relating to accessory dwelling units, is also a value judgment, as portrayed by staff. Should there be an organic, incremental level of densification, or do we hold out for the scrap-it-and-start-over sort of approach? In the historic districts, this would be particularly valuable because, hopefully, we are not going to be scrapping and starting over. Being able to add small amounts of dwelling units in various ways seems like a valuable thing. Also, if one looks at having things grow over time, it produces some diversity of housing choices. Finally, if we can incrementally grow rather than put it all in the landfill, from an energy conservation point of view we are miles ahead.

Proposal #11 relates to modifying fence height limits. Staff generally concurs with it with some concerns about the tradeoff between privacy and security vs. eyes on the street. This is particularly an issue in the downtown area, where there are a lot of pedestrians on the street. They have tried to maintain the eyes on the street but also enhance the sense of privacy.

Finally, Proposal #15 relates to the Minimum Assured Development Area (MADA) issue. They concur with staff that probably it makes sense for this to be looked at in the bigger context of the proposed natural resource review that staff has indicated. They wanted to illustrate it in their proposal, because they believe it's a big problem. It's a problem of scale – on a small lot, those setbacks start to become a substantial fraction.

Chair Gervais asked Mr. Bailey to briefly describe the CITF. Mr. Bailey said that there have been from 20-30 people who have contributed to the effort, and about a dozen people who met regularly. The composition is mainly ex-Planning Commissioners, and a couple of ex-City Councilors, an ex-County Commissioner – for the most part, people who have dealt with land use planning. All meetings have been public, with public noticing and minutes kept on line. Land use planning is an acquired taste, and it is hard to get people who do not have that experience to get excited about it. Some of the people who have worked on it also worked on the previous Land Development Code updates. To some degree, a sense of responsibility is carried forward, in that if you have “broken” something you have a responsibility to fix it. They understand that there are budgetary restraints, so they have tried to pick lower hanging fruit: things that would not be super controversial but will make a concrete difference to the community and City staff. Staff has indicated that some of the issues they have seen over and over again in terms of Lot Development Options, they might not see after resolution of the issues on the list.

Commissioner Hann asked Mr. Bailey how members maintained transparency so that ideas were not pushed that were in some one’s self-interest or to their benefit, and perhaps not in the interests of the community as a whole. For instance, in the Planning Commission, commissioners will declare any conflict of interest for a particular consideration. Mr. Bailey said that many of the members who were enthused about items were enthused because they had stumbled over the issues themselves. A number of the members are architects, designers or planners, so in many cases they have had personal experience with the issues. But the group as a whole reviewed the individual proposals, and the group decided which had merit. Some of the ideas were dropped when consensus could not be reached, such as with the parking issue. Lots of them probably had conflicts of interest; even if not in a business sense, some might have a conflict of interest simply because they had been involved in the previous Land Development Code update process.

Commissioner Hann then asked if there had been any discussion about the fact that a lot of the spaces available downtown are too large for smaller, incubating businesses, and whether it might be feasible to break up commercial space to make it affordable for smaller businesses. Mr. Bailey said that they had not, though there is some interest in having some flexibility, such as with Mixed Use occupancies.

Chair Gervais thanked the members of CITF for all of their hard work.

Bettina Schempf, Executive Director for Habitat for Humanity, said that they had submitted written testimony strongly supporting the Infill Task Force’s proposals. As a developer of affordable housing, they see the issues of making smaller lots work. There is a link between having affordable housing and a healthy economic environment. Thoughtful implementation of some of the recommendations will make it easier for affordable housing, and thoughtful increases in density will create more affordable housing opportunities. This remains a critical concern for the community.

Questions of Staff

Chair Gervais said that in addition to Lists A, B, and C, they will also need to work on Commissioner Howell’s list, included as Attachment E.

Commissioner Howell said that the City Council was considering some goals, and he asked if staff or Councilor Traber could give a summary of those that might have implications for the Planning Division Work Program. Councilor Traber said that there is one that specifically relates to land use, which he read to the Commissioners: *“By December 2011, the Council will provide direction on recommendations to strengthen access to and availability of locally-produced food and community gardens by a policy, ordinance and Land Development Code changes. By December 2012, Council will enact code and policy changes corresponding with that direction.”* There is a second one that deals with OSU which that also has some implications, and that goal is: *“Working with the OSU President*

and staff, by December 2011, the Council will create a plan to seize opportunities on parking, code enforcement, infill design, rental code, traffic design and other important issues."

Community Director (CD) Gibb said that there was also a third goal related to Economic Development efforts that CD will be supporting with some staff time. The Economic Development initiatives will evolve over time and will be a factor in the department. Councilor Traber mentioned the two goals that are most linked. The second concept, relating to OSU, will be developed over the next year. Depending on how it moves ahead, there could be a huge and important effort associated with the initiative. In terms of the food issue, CD has grant monies that helped to support staff involvement in the food effort through the County. Certainly, at least one Councilor has some specific expectations coming out of that, which might result in some Code changes that could come Planning Commission's way in the next year-and-a-half.

Councilor Traber said that the first one does have some specificity about implementing some changes within the 20-month horizon that the Planning Division Work Program will be in effect. Director Gibb added that, at this point, no-one knows the scope of it. Manager Young referred Commissioners to page 29, a discussion of items for future consideration, and noted that Item g relates to this issue.

Chair Gervais then tested how the Commissioners would like to proceed, and it was agreed that they would look at Lists A, B, and C, and discuss any items that any Commissioner thought should not move forward.

Commissioner Woodside asked whether they should also be looking at Commissioner Howell's items as they went along to see where they might need to be added. It was eventually decided that Commissioner Howell's items, as he explained it, were related to the Unidentified Planning Issues list and could be discussed in that light.

Commissioner Gervais asked for any comments relating to List A. Manager Young emphasized that this was a list that will likely have items added as they come up, and is not "carved in stone." Chair Gervais wondered if item F was similar to another item. Manager Young said it was similar to an item on List C having to do with standardizing the effective period for land use approvals. Item F relates to a disconnect between a decision's effective date and the approval date, i.e. when does that approval start. It is a minor issue, but staff would like to make it the same for every land use application.

As there were no other comments on List A, Chair Gervais asked for comments on List B. There were several items that staff had some difference of opinion on how to proceed, and the CITF has said they agree with some of the comments but continue to differ on some others. Director Gibb said that staff is not suggesting that anything be taken off the list. They all have merit to move ahead, but there will be further review and analysis of these items at a later date, involving the Planning Commission and all interested parties, before moving ahead on specific amendments.

Commissioner Hann asked if the CITF will have an opportunity to provide additional testimony to City Council when it goes to them for consideration. Director Gibb said that the City Council discussion would be framed similarly to how it was framed for the Planning Commission. These items all make sense to be a part of the package, but it should be determined whether there any additional items that should be added to the list that are key but have not been included.

Commissioner Lizut also complimented the CITF for their dedicated work on these issues. There are some disagreements, and conversations will need to be held, but these should all be moved forward.

There were no further comments on List B, so Chair Gervais asked for comments on List C. Commissioner Ridlington said that in this time of economic downturn, a lot of these items look like they are intended to expedite development at a faster rate. He does not have a problem with that, but at the

same time, he would hate to make the whole development process too easy, and repeat some of the same mistakes we might have made 30 years ago. He's okay with efficiency, but not to do things that might be a mistake. Manager Young said that the list was developed based on experience with implementing the Land Development Code. As staff, they are very much aware of the policy direction in the Corvallis Comprehensive Plan and all the other adopted documents that they work with relating to the community vision for the future of Corvallis. In working through the lists, staff has tried to balance those considerations. There is room for improvement in the Land Development Code, and these items would make a difference. Director Gibb emphasized that they were trying to hit the right mark, but certainly there will be some who believe it does not hit it. Commissioner Ridlington said that it was just a gut feeling, and though he wants to support having these items move forward he cautioned against over-facilitating development.

Chair Gervais said that she had some additional comments on List C items, but would be holding them until they come back for more detailed review at a later date.

Since there were no further comments on List C, Chair Gervais asked first for staff's comments relating to Commissioner Howell's list of items included as Attachment E. Manager Young said that item 1 relating to Land Development Code changes to allow selected Agricultural Uses in more zones is something that has already been discussed. There is a County project underway, and staff is expecting it to take a comprehensive look at this issue. Likely, there will be recommendations for changes coming out of that. It is his understanding that that project will be done this calendar year, and it is staff's preference to wait until that study is concluded.

Manager Young then asked Commissioner Howell for some clarification as to whether these items were strictly to be added to the UPI list, in which case there might not be a need for a lot of detailed discussion, since they were not intended to be part of the Work Program. Commissioner Howell said he had generated the list before he saw the staff report with the List C. His idea is that his items would be part of the UPI list so they would be on the table for selection in a future year. He generated this list before he saw List C.

Some of Commissioner Howell's items, such as Item 1 and the other items that might get blended in with staff's efforts related to protections of Significant Natural Features, could be incorporated. In response to Commissioner Howell's question related to when the work would be done on Natural Features, Manager Young said that this would be after the Work Program they are currently discussing, though there will be work done on some of the hazard issues that might help to address some of the cumulative impacts relating to natural features. Those measures, included in the current Work Program package, could help to relieve some of that pressure. Nonetheless, there will still likely be the need for tweaks down the road to the protections for Significant Natural Features.

Commissioner Howell suggested that staff comment on whether the issues on his list should be put onto the UPI list. Manager Young said that, generally, yes. Item 3, which would require an approved wetland fill permit from the Division of State Lands (DSL) prior to the land use application, would be a difficult item to accomplish, since it is not standard DSL practice. From a process standpoint, it is generally recognized that the local land use decision should be done first. Relating to Item 4, there is some legislation at the state level this year, and changes to administrative rules affecting the Transportation Planning Rule that might be helpful to this issue. Development Engineering Supervisor Jeff McConnell asked Commissioner Howell for clarification on item 6. Commissioner Howell said that, currently, above ground stormwater detention facilities are allowed in the Protected Riparian area as long as it is outside the easement area, so it can still intrude into what normally would be protected. That made sense when they wrote the Code changes, because infiltration was anticipated in the pond. In the Creekside development, the pond had to be lined, which would not allow for infiltration. Supervisor McConnell explained that there might have been some problem with how that was explained in the applicant's report. Commissioner Howell said that his concern is just how to balance

intrusion into the Riparian area if it is going to have low infiltration rate. Supervisor McConnell said that staff, in general, would be looking at the open systems as a first priority, based on the Stormwater Master Plan objectives. Staff agreed that Item 6 should remain on the list. Relating to Item 7, Manager Young said that, after talking with staff about Creekside, he believed that because of the mitigation credit there was double counting. When the trail went away, the developable area shrank by more than a one-to-one basis. Addressing Item 5 will likely address item 7.

Commissioners **agreed by consensus** that Commissioner Howell's list of items in Attachment E should be added to the UPI list.

Chair Gervais asked if there were any other items to be added to lists. Commissioner Howell said that Jim Boeder, who had to leave before offering public comment, had mentioned some items. Manager Young said that Mr. Boeder had indicated he would be submitting written testimony. Commissioner Howell said that he would at least propose to have included Mr. Boeder's items, along with an additional item that had been raised by Councilor Hervey.

Councilor's Hervey's issue related to when there is a lot division and a garage or shed gets left on the lot other than the one upon which the main structure remains, current policy requires that the accessory structure be removed from that lot. This requirement might be worth looking at, so that there might be a way of allowing accessory structures to remain as a means of preserving construction resources. Commissioner Howell proposed language for an item that could be added to the UPI list: "Consider allowing accessory buildings on lots to remain when primary use structure no longer exists, either through demolition or land division."

The three that Mr. Boeder mentioned include:

- Consider the possibility of allowing flexibility for planter strips from 6 to 12 feet in width along Neighborhood Collectors.
- Consider changes to the housing variety requirements for smaller developments between five and ten acres, such as reducing the percentage of housing variety or increasing the acreage trigger. Commissioner Howell added that Mr. Boeder was not aware of the ability to do two single, detached units on one lot and that actually might help.
- Review the West Corvallis access strategy and the Master Plan mapping that is applicable to this area, in light of current knowledge of where the Natural Features and expected development patterns are. The original map was created in the 1990's, so it might be worth another look. Manager Young said that staff recognizes that the access strategy from the 90's is dated. Through a review, it is more likely that there will be changes to local street patterns vs. changes to collector and arterial, given access management issues on Philomath Boulevard.

Commissioner Woodside referred to the first of Mr. Boeder's items, related to flexibility for planter strip widths. Since there is already some flexibility in areas where it impacts natural features, she does not see how this is warranted. Commissioner Howell related one instance related to the 49th Street Annexation, which Mr. Boeder had proposed. There were no protected natural features, and imposition of the planter strip widths along the proposed collectors would impact how lots are laid out. On some of the collectors, the traffic volumes might not warrant the full planter strip width for protection of pedestrians. Director Gibb said that what is being proposed here is a specific process for specific circumstances, and it would seem more appropriate to look at the standard for neighborhood collector streets and whether it is still appropriate to have the 12-foot planter strip width requirement. Staff said they do hear concerns related to this requirement quite a bit, and would support a general look at it. They are already granting variances to the requirement, and it certainly impacts infill development. Commissioner Howell suggested changing the language for Mr. Boeder's first item to: "Re-evaluate the appropriate width of parking strips along neighborhood collector streets." Commissioner Hann said he would support a more general approach to re-examining the issue of the streetscape. For pedestrian

safety, one way to accomplish this is wider sidewalks, not necessarily setting them back. Developers are being required to build up to the front of lots and create a new urban environment, so the planting strips make it difficult. A lot of these issues came up when the Planning Commission had discussions relating to 9th Street. There are also a lot of planting strips around the City that are not maintained and create a shabby looking environment. They need to look at the issue of what is required in terms of the streetscape and setbacks.

Manager Young said that Item D on List C looks at developing urban street standards which would envision wider sidewalks and tree wells, with no planter strips in certain areas of the City. Item F would perhaps get at a situation alluded to by Commissioner Howell, where public improvements for infill projects in established residential neighborhoods could have some flexibility in application. Commissioner Hann said the bigger consideration is to look at whether the requirements make sense in the current environment.

The Planning Commission **by consensus added** the four items proposed by Commissioner Howell, on behalf of Mr. Boeder and Councilor Hervey, to the UPI list.

Commissioner Lizut said that there had been a lot of work associated with the UPI list and he is aware that we are faced with reduced assets in the future to address these items. He handed out a graph (**Attachment B**) showing the distribution of the UPI list that showed an interesting distribution pattern in the prioritization of the projects. What it shows is excellent thought processes that have gone into doing the list.

Manager Young said that if the Commissioners approve the list, it will be brought forward as the UPI list for the next year. Commissioner Hann recalled that they had committed last year to an effort to whittle the list down, and asked whether that had happened. Director Gibb said that that had not happened, but really the effort right now should be to focus on the upcoming Work Program lists. The UPI list can be updated by staff with the new items and brought back for Planning Commission review.

Commissioner Howell pointed out that the process of discussing additions to the list was new. This process of vetting the proposals added to the list might keep the list from growing too long. It is good to register problems, but he understands that we cannot have too long a list. He supports having this screening process.

MOTION: Commissioner Howell **moved** to recommend to Council that the identified items on Lists A, B, and C be the priority Planning Division Work Program projects for the next 20 months, with additional items as appropriate based on consideration of public input, identified City Council goals, and availability of staff and community resources. The motion was **seconded** by Commissioner Woodside, and it was unanimously **passed**.

III. PLANNING COMMISSION MINUTES

A. February 2, 2011:

Chair Gervais referred to page 2, in Item c of the Staff Report, and asked that the acronym DFIRM be spelled out, or defined, in its first usage.

MOTION: Commissioner Hann moved to approve the minutes, as revised. Commissioner Woodside seconded the motion which **passed** unanimously.

B. February 16, 2011:

MOTION: Commissioner Hann moved to approve the minutes as drafted. Commissioner Woodside seconded the motion, which **passed** unanimously.

IV. OLD BUSINESS:

- A. Commissioner Ridlington commented on the FEMA changes. He said that, on a personal note, he has a neighbor who had his house changed from non-flood plain to being in the flood plain and it increased his insurance premium significantly to a much larger amount. He now understands why there were so many people interested in the issue.

V. NEW BUSINESS:

- A. Planning Manager's Update:

Manager Young said they would be starting the Planning Commission recruitments in May with newspaper ads. The terms that are coming to a close at the end of June include those of Commissioners Ridlington, Hann and Reese. Commissioner Reese needed to resign, and he is hopeful that the other two commissioners will be re-applying. May 27, 2011, is the application deadline.

The City Attorney's presentation on the levy campaign is available as a Power Point handout, and Manager Young will distribute it to the Commissioners. Councilor Traber added that the second slide is important in that it says that if volunteers advocate for the levy, they need to clarify that it is on their own time. Commissioner Howell added that it is important to clarify that you are speaking for yourself.

- B. Budget Update:

Director Gibb said that the City Manager has to bring forward a balanced budget to the Budget Commission which will happen in May. His initial recommendation that Planning Commission has already seen is still the starting point, which means some staff reductions primarily for unfilled positions and within Administrative Services staff. It is still up in the air how much further the City Manager might have to cut to get to a balanced budget.

- VI. ADJOURNMENT:** The meeting was adjourned at 9:05 p.m.



ATTACHMENT A



A-2

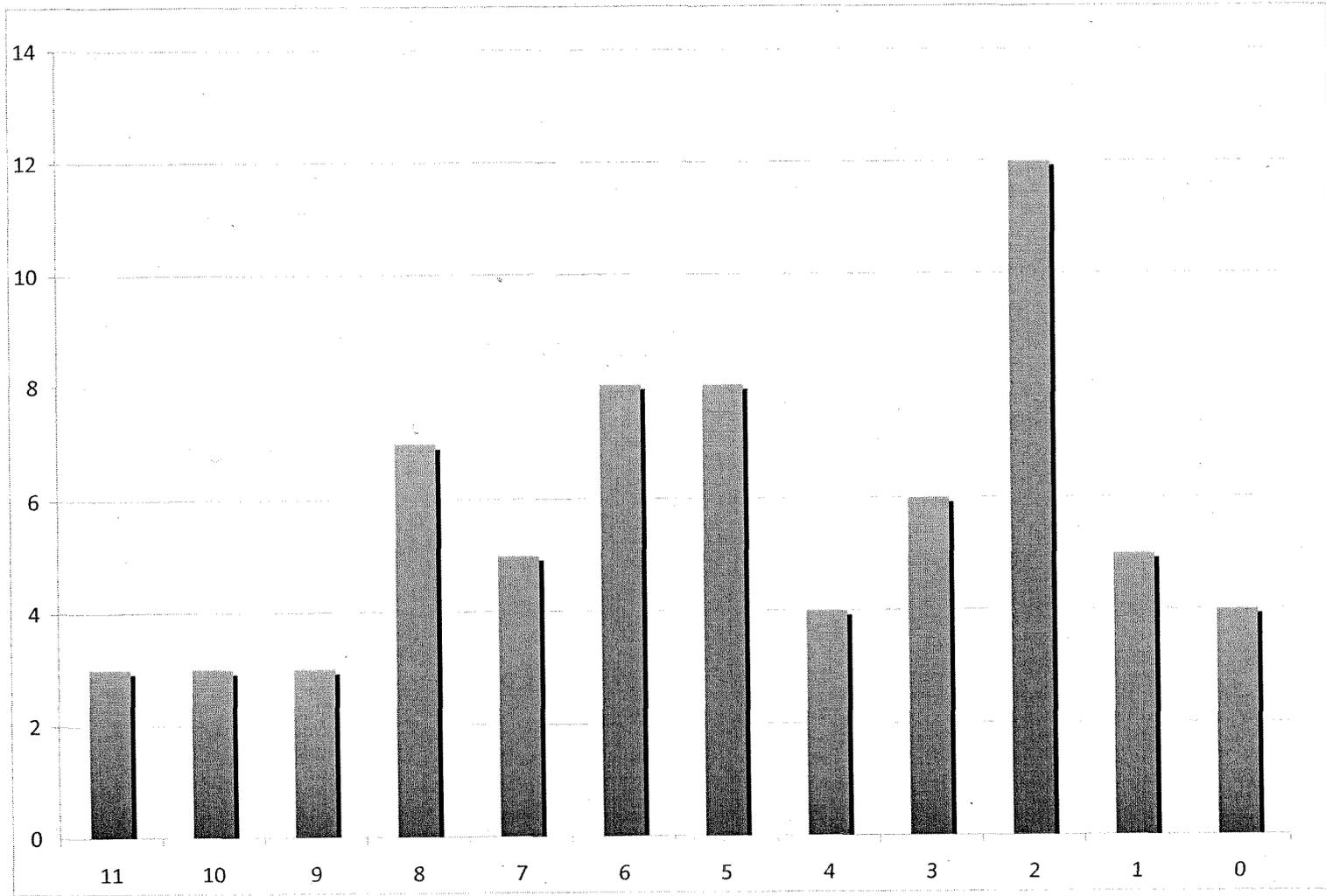


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nat 1	11				
nat 2	11	std dev			
hrc 1	10	3.08355974		11	3
ldc 2	10			10	6
ldc 3	10			9	9
ed 1	9			8	16
ii 1	9			7	21
ldc 4	9			6	29
ii 2	8			5	37
ii 3	8			4	41
ii 4	8			3	47
ldc 5	8			2	59
ldc 6	8			1	64
ldc 7	8			0	68
ldc 8	8				
ed 2	7				
ii 5	7				
ii 6	7				
ldc 9	7				
nat 3	7				
ap 1	6				
ap 2	6				
ii 7	6				
ii 8	6				
ldc 10	6				
ldc 11	6				
ldc 12	6				
ldc 13	6				
ap 3	5				
ldc 14	5				
ldc 15	5				

ATTACHMENT B-1

ldc 16	5
ldc 17	5
ldc 18	5
nat 4	5
nat 5	5
ap 4	4
ldc 19	4
ldc 20	4
ldc 21	4
ed 4	3
ldc 22	3
ldc 23	3
ldc 24	3
ldc 25	3
nat 6	3
ap 6	2
ii 10	2
ii 9	2
ldc 26	2
ldc 27	2
ldc 28	2
ldc 29	2
ldc 30	2
ldc 31	2
ldc 32	2
ldc 33	2
ldc 34	2
hrc 2	1
hrc 3	1
ldc 35	1
ldc 36	1
ldc 37	1

ii 13	0
ldc 38	0
ldc 39	0
ldc 40	0



B-4

**WATERSHED MANAGEMENT ADVISORY COMMISSION
MINUTES
March 16, 2011
DRAFT**

Present

Matt Fehrenbacher, Chair
Charlie Bruce
Michael Campana
Sheryl Stuart
David Zahler
Richard Hervey, City Council Liaison

Staff

Amber Reese, Public Works
Tom Penpraze, Public Works
Mike Hinton, Public Works
Jon Boyd, Public Works
Mark Miller, Trout Mountain Forestry

Absent

Jacque Schreck, Vice-Chair - excused
Creed Eckert

Visitors

Frank Davis, Siuslaw National Forest
Ken McCall, Siuslaw National Forest
Art Sleight
Betty Sleight
Karen Fleck Harding
Jim Fairchild

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of Agenda	X		
III. Review of February 16, 2011 Minutes			Approved
IV. Staff reports	X		
V. Visitor Propositions	X		
VI. Old Business <ul style="list-style-type: none"> • Revised Reserve Areas, Native Vegetation & Invasive Species, and Herbicides Policy 			Approved

VII. New Business <ul style="list-style-type: none"> • Fish Habitat & Stream Structure; Water Quality; and Wildlife Habitat Policy • Roads; Public Access; Fire; Neighbors (new) Policy • US Forest Service future timber harvests and the future of Rock Creek Bridge 	 X X		Approved: Aquatic Habitat Policy (formerly called Fish Habitat and Stream Structure)
VIII. Commission Requests and Reports	n/a		
IX. Adjourn			

CONTENT OF DISCUSSION

I. Call Meeting to Order/ Introductions

Chair Fehrenbacher called the meeting to order and all present introduced themselves.

II. Review of Agenda

No changes.

III. Review of Minutes

Commissioner Campana moved to approve the February 16 minutes; Commissioner Zahler seconded the motion and the minutes were approved unanimously.

IV. Staff Reports

Mr. Penpraze reported that he attended a workshop where he learned some valuable information on the management and control of false brome.

Ms. Reese reported that the annual forest tour will be held on June 8.

Ms. Reese reported that the Wildlife Habitat Enhancement Stewardship grant has been extended to February 2012.

Ms. Reese presented the Commissioners copies of the Greasy Creek report, which was prepared by the Marys River Watershed Council.

Mr. Miller reported that the tree-topping contractor has finished work in vicinity of the Rock Creek Road system and has moved to the Old Peak Road system.

V. Visitor Propositions

Visitor Jim Fairchild expressed concern regarding some of the standards and guidelines currently under review, primarily over the Fish Habitat and Stream Structure (now called Aquatic Habitat), Water Quality, and Wildlife Habitat Policy. He detailed his concerns and the Commission discussed them. Visitor Frank Davis expressed similar concerns. Visitor Karen Fleck Harding,

representing the Marys River Watershed Council, expressed the Council's concern about the wording of the water policy.

VI. Old Business

Revised Reserve Areas, Native Vegetation & Invasive Species, and Herbicides Policy

Mr. Miller presented the revised document, showing the minor changes the Commission requested at the February meeting. **Commissioner Zahler moved to adopt the document as written; Commissioner Stuart seconded the motion, and the document was adopted as presented.**

VII. New Business

Fish Habitat & Stream Structure; Water Quality; and Wildlife Habitat Policy

Mr. Miller reported that the subcommittee met to work on this set of policies. He stated that the subcommittee felt the policy is unclear. Mr. Miller presented the proposed changes, including renaming "Fish Habitat & Stream Structure" to "Aquatic Habitat." The Commission discussed other modifications that they would like to see made to the documents including some of the visitor proposition changes. Mr. Miller will bring updated text and maps to the next WMAC meeting for Commission review. As no changes to the subcommittee-modified language for the Aquatic Habitat portion of the policy were proposed, the WMAC voted to approve this portion of the policy.

Roads; Public Access; Fire; Neighbors (new) Policy

Mr. Miller presented a briefing paper on these policies.

US Forest Service future timber harvests and the future of Rock Creek Bridge

Mr. Davis reported that the process of going from planning to implementation on this project has begun. He provided details on five sales that the US Forest Service is planning. This project will include the replacement of the Rock Creek bridge. Mr. Davis explained that proceeds from the timber sales will be used to partially fund the bridge replacement. The USFS has asked the City to contribute funds. The first sale is planned for 2011, but may be delayed to treat for invasive species prior to harvest.

VIII. Commission Requests and Reports

None.

IX. Adjourn

The meeting was adjourned at 6:58 p.m.

NEXT MEETING: April 20, 2011, 5:30 p.m., Madison Avenue Meeting Room

MEMORANDUM

To: City Council Members
From: Julie Jones Manning, Mayor 
Date: April 27, 2011
Subject: Confirmation of Appointments to Advisory Boards, Commissions, and Committees

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

Bicycle and Pedestrian Advisory Commission

Glencora Borradaile
Term expires: June 30, 2011

Committee for Citizen Involvement

Will Parker
Term expires: June 30, 2012

I ask that you confirm these appointments at our next Council meeting, May 2, 2011.

MEMORANDUM

To: City Council Members
From: Julie Jones Manning, Mayor 
Date: April 28, 2011
Subject: Appointment to Parks, Natural Areas, and Recreation Board

I am appointing the following person to the Parks, Natural Areas, and Recreation Board for the term of office shown:

Marc Vomocil
Term expires June 30, 2013

As a user of City parks, Marc has a vested interest in the status of them. As a member of the Corvallis Lions Club, he has volunteered three times to help rehabilitate the locomotive in Avery Park. As a forester, he is interested in natural areas.

I will ask for confirmation of this appointment at our next Council meeting, May 16, 2011.

1034

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager *dk*

Subject: Liquor License Investigation- Laughing Planet Café, LLC

Date: April 22, 2011

The City has received an application from Richard Satnick and John Huyck owners of Laughing Planet Café LLC and dba Laughing Planet Café located at 127 NW 2nd Street, Corvallis, OR 97330. This application is for a New Outlet with a Full On Premise Sales liquor license.

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

Staff recommends the City Council authorize endorsement of this application.

Full On-Premises Sales License:

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

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager 

Subject: Liquor License Change of Ownership - RT Portland Franchise, LLC (Ruby Tuesday's)

Date: April 21, 2011

The City has received an application from Samuel E. Beall, III and Scarlett May President & Vice President of RT Portland Franchise, LLC dba Ruby Tuesday's located at 1845 NW 9th Street Corvallis, OR . This application is for a **Change of Ownership with a Full On-Premise Sales Liquor License**.

An affirmative recommendation has been received from the Police Department.

Staff recommends the City Council authorize endorsement of this application.

¹

Full On-Premises Sales License

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

*** * * MEMORANDUM * * ***

APRIL 20, 2011

TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: APRIL 20, 2011, CITY LEGISLATIVE COMMITTEE WORKING NOTES

1. Call to Order

The meeting was called to order by Mayor Manning at 7:30 am, with Councilors Brauner and O'Brien in attendance. Also present were Parks and Recreation Director Emery and City Manager Nelson. Councilor Brown was absent.

2. Parks and Recreation Department Bills of Interest

Director Emery reviewed the attached matrix and provided copies (also attached) of House Bill 2865. This Bill extends immunity to private property owners who allow public trails on their lands. It is relevant to Corvallis, based upon an effort by the City, County, and Greenbelt Land Trust to connect the trails system. Following discussion, the Committee unanimously recommends City Council support the concept illustrated in House Bill 2865. *[Ms. Emery was informed following the meeting that the Bill was amended to include only cities above 500,000 population; Portland.]*

The remainder of the Bills were information and are being monitored.

[Following the meeting, Ms. Emery checked on the status of House Joint Resolution 0029, which is a voter-referral measure that would reduce lottery income dedicated to parks and natural resources. Ms. Emery confirmed there was a February 22, 2011, public hearing; and it is unknown whether further action will occur.]

3. Other

Mayor Manning will be re-contacting Representative Gelser, urging support for the business energy tax credit (BETC) bills coming forward for House consideration.

4. Next Meeting

The next meeting is scheduled for 7:30 am on Wednesday, May 4, 2011, in the Cornell Meeting Room. Department presentations are completed.

6. Adjournment

The meeting adjourned at 7:50 am.

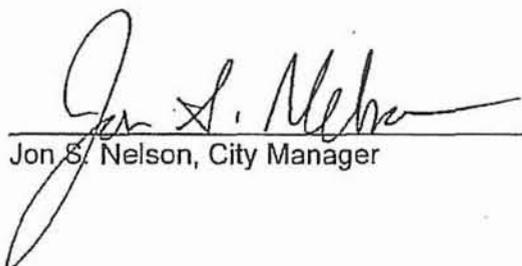
MEMORANDUM



To: Legislative Committee
From: Karen Emery, Parks and Recreation, Director *KE*
Date: March 31, 2011
Subject: Parks and Recreation Bills of Interest

Attached is a summary of bills be considered by the 2011 State Legislature that are being monitored by the Parks and Recreation Department and the Oregon Recreation and Parks Association.

Review and Concur:


Jon S. Nelson, City Manager

Attachment: Parks and Recreation Legislative Bills of Interest

Parks and Recreation 2011 Legislative Tracking

Bill #	Title	Summary	Committee	Activity
HB 2644	Pop Tax	Imposes excise tax on sale of sugar-sweetened beverages and concentrates. Allows local governments to impose taxes on same beverages and provides for agreements between local governments & Dept. of Revenue for implementation of taxes. 40% rev. to Healthy nutrition programs; 20% Health Promotion Fund; 20% finance PE & 10% Community based health programs.	Revenue	Monitoring
HB 2865	Rec Immunity for Trails	Extends immunity to owner of land for allowing public entry upon land for using public trails. Clarifies language & conforms language to form and style requirements.	Agriculture & Natural Resources	Public Hearing 2/23/11 ORPA supports
HB 3109	Ecosystem Services	Expands state policy relating to ecosystems. Adds ecosystem services to principles guiding state land use program. Directs Governor's office to facilitate review of state conservation plans. Directs Institute for Natural Resources to provide information to local governments, state agencies, federal agencies and conservation organizations in order to assist in development of integrated ecosystem services methodologies. Authorizes state agencies to allow	Energy, Environment and Water	Monitoring

Health Promotion
Containers not fountain

Encourages access & connections to private properties.

Helps joint trails & landowners

Recommend "Concept of" + support for 11/16/10/11
HB 2865

		use of credits for ecosystems services as compensatory mitigation. Specifies circumstances under which state agency may purchase credits for ecosystem services.		
HB 3157	Adopt a River Invasives Removal	Permits removal of invasive species under Oregon Adopt-a-River Programs	Energy, Environment and Water	Monitoring Public Hearing held 3/31/11
HJR0029	M 76 Referral	Proposes amendment to Oregon Constitution modifying amount of lottery income dedicated to funding parks and natural resources and authorized uses of lottery income dedicated to funding parks and natural resources. Directs Legislative Assembly to submit to vote of people question of continuation of dedication of lottery income to parks and natural resources at regular general election 2034. refers proposed amendment of people for their approval or rejection at special election held May 2011.	Energy, Environment & Water	Public Hearing held 2/22/11. ORPA opposes. <i>Monibe</i>
SB 004	Physical Education K-8	Requires school districts to ensure that physical education or recess time is available each school day for students in kindergarten through grade 8. Requires school district to ensure that number of students in kindergarten through grade 8 who are engaged in at least 60 minutes	Education and Workforce Development	Monitoring

[Karen to update me.]

- Grant in the works for after school program -

Parks and Recreation 2011 Legislative Tracking

		of physical education each school day increases each school year. Encourages school districts to enter into partnerships with parks and recreation and with other community organizations. Directs Department of Education to establish annual list that recognizes effort of schools, school districts and child care facilities that implement exemplary policies related to physical activity and nutrition.		
SB 0541	Hotel Tax Definitions	For purposes of local transient lodging taxes, expands definition of 'tourism promotion' to include maintaining public health, safety and welfare of residents and tourists in connection with tourism and of 'tourism-related facility' to include improvements on or adjacent to unimproved scenic and historic areas and open spaces intended substantially for use by tourists.	Finance and Revenue	Monitoring ←

House Bill 2865

Sponsored by Representative GARRETT; Representative GREENLICK, Senator BURDICK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Extends immunity to owner of land for allowing public entry upon land for using public trails. Clarifies language and conforms language to form and style requirements.

A BILL FOR AN ACT

1
2 Relating to landowner liability for public use of land; creating new provisions; and amending ORS
3 105.672, 105.676, 105.682, 105.688, 105.692 and 105.696.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 105.672, as amended by section 1, chapter 52, Oregon Laws 2010, is amended
6 to read:

7 105.672. As used in ORS 105.672 to 105.696:

8 (1) "Charge":

9 (a) Means the admission price or fee requested or expected by an owner in return for granting
10 permission for a person to enter or go upon the owner's land.

11 (b) Does not mean any amount received from a public body in return for granting permission for
12 the public to enter or go upon the owner's land.

13 (c) Does not include the fee for a winter recreation parking permit or any other parking fee of
14 \$15 or less per day.

15 (2) "Harvest" has *[that]* **the** meaning given **that term** in ORS 164.813.

16 (3) "Land" includes all real property, whether publicly or privately owned.

17 (4) "Owner" means the possessor of any interest in any land, such as *[the]* a holder of a fee title,
18 a tenant, a lessee, an occupant, *[the]* a holder of an easement, *[the]* a holder of a right of way or a
19 person in possession of the land.

20 (5) **"Public trail" means a trail or path, including a worn trail or path over compacted**
21 **earth and a trail or path covered with wood chips, gravel, pavement or other similar mate-**
22 **rial, that is:**

23 (a) **Located on public property, private property or an unimproved public right of way**
24 **over private property; and**

25 (b) **Open to the public.**

26 *[(5)]* (6) *["Recreational purposes"]* **"Recreating"** includes, but is not limited to, outdoor activities
27 such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor ed-
28 ucational activities, waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic
29 or scientific sites or volunteering for any public purpose project.

30 *[(6)]* (7) "Special forest products" has *[that]* **the** meaning given **that term** in ORS 164.813.

31 *[(7)]* (8) "Woodcutting" means the cutting or removal of wood from land by an individual who

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 has obtained permission from the owner of the land to cut or remove wood.

2 **SECTION 2.** ORS 105.676 is amended to read:

3 105.676. The Legislative Assembly hereby declares it is the public policy of the State of Oregon
4 to encourage owners of land to make their land available to the public for *[recreational purposes]*
5 **recreating**, for gardening, for woodcutting, **for using public trails** and for *[the harvest of]* **har-**
6 **vesting** special forest products by limiting *[their]* **the owners'** liability toward persons entering
7 *[thereon for such]* **the land for those** purposes and by protecting *[their]* **the owners'** interests in
8 their land from *[the extinguishment of any such interest or the]* **extinguishment or** acquisition by the
9 public of any right to *[use or continue the use of such]* **enter or continue entering** the land for
10 *[recreational purposes,]* **recreating, for** gardening, **for** woodcutting, **for using public trails** or *[the*
11 *harvest of]* **for harvesting** special forest products.

12 **SECTION 3.** ORS 105.682 is amended to read:

13 105.682. (1) Except as provided by subsection (2) of this section[,] and subject to the provisions
14 of ORS 105.688, an owner of land is not liable in contract or tort for any personal injury, death or
15 property damage that arises out of *[the use of]* **entry on** the land for *[recreational purposes,]* **recre-**
16 **ating, for** gardening, **for** woodcutting, **for using public trails** or *[the harvest of]* **for harvesting**
17 special forest products when the owner of land either directly or indirectly permits any person to
18 *[use]* **enter** the land for *[recreational purposes,]* **recreating, for** gardening, **for** woodcutting, **for**
19 **using public trails** or *[the harvest of]* **for harvesting** special forest products. The limitation on li-
20 ability provided by this section applies *[if]* **when** the principal purpose for entry upon the land is for
21 *[recreational purposes,]* **recreating, for** gardening, **for** woodcutting, **for using public trails** or *[the*
22 *harvest of]* **for harvesting** special forest products, and **the limitation** is not affected *[if]* **because**
23 the injury, death or damage occurs while the person entering land is engaging in activities other
24 than *[the use of the land for recreational purposes]* **recreating, gardening, woodcutting, using public**
25 **trails** or *[the harvest of]* **harvesting** special forest products.

26 (2) This section does not limit the liability of an owner of land for intentional injury or damage
27 to a person *[coming onto]* **entering** land for *[recreational purposes,]* **recreating, for** gardening, **for**
28 woodcutting, **for using public trails** or *[the harvest of]* **for harvesting** special forest products.

29 **SECTION 4.** ORS 105.688, as amended by section 2, chapter 52, Oregon Laws 2010, is amended
30 to read:

31 105.688. (1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided
32 by ORS 105.682 apply to:

33 (a) All land, including but not limited to land adjacent or contiguous to any bodies of water,
34 watercourses or the ocean shore as defined by ORS 390.605;

35 (b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures on
36 the land described in paragraph (a) of this subsection;

37 (c) All paths, trails, roads, watercourses and other rights of way *[while being used by a person*
38 *to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest pro-*
39 *ducts,]* that are on land adjacent to the land that the person intends to *[use for recreational*
40 *purposes,]* **enter for recreating, for** gardening, **for** woodcutting, **for using public trails** or *[the*
41 *harvest of]* **for harvesting** special forest products, and that have not been improved, designed or
42 maintained for the specific purpose of providing access for *[recreational purposes,]* **recreating, for**
43 gardening, **for** woodcutting, **for using public trails** or *[the harvest of]* **for harvesting** special forest
44 products; and

45 (d) All machinery or equipment on the land described in paragraph (a) of this subsection.

1 (2) The immunities provided by ORS 105.682 apply to land if the owner transfers an easement
2 to a public body to use the land.

3 (3) Except as provided in subsections (4) to (7) of this section, the immunities provided by ORS
4 105.682 do not apply if the owner makes any charge for permission to use the land for [*recreational*
5 *purposes,*] **recreating, for** gardening, **for** woodcutting, **for using public trails** or [*the harvest of*]
6 **for harvesting** special forest products.

7 (4) If the owner charges for permission to use the owner's land for one or more specific recre-
8 ational purposes and the owner provides notice in the manner provided by subsection (8) of this
9 section, the immunities provided by ORS 105.682 apply to any use of the land other than the activ-
10 ities for which the charge is imposed. If the owner charges for permission to use a specified part
11 of the owner's land for recreational purposes and the owner provides notice in the manner provided
12 by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of
13 the owner's land.

14 (5) The immunities provided by ORS 105.682 for gardening do not apply if the owner charges
15 more than \$25 per year for the use of the land for gardening. If the owner charges more than \$25
16 per year for the use of the land for gardening, the immunities provided by ORS 105.682 apply to any
17 use of the land other than gardening. If the owner charges more than \$25 per year for permission
18 to use a specific part of the owner's land for gardening and the owner provides notice in the manner
19 provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the re-
20 mainder of the owner's land.

21 (6) The immunities provided by ORS 105.682 for woodcutting do not apply if the owner charges
22 more than \$75 per cord for permission to use the land for woodcutting. If the owner charges more
23 than \$75 per cord for the use of the land for woodcutting, the immunities provided by ORS 105.682
24 apply to any use of the land other than woodcutting. If the owner charges more than \$75 per cord
25 for permission to use a specific part of the owner's land for woodcutting and the owner provides
26 notice in the manner provided by subsection (8) of this section, the immunities provided by ORS
27 105.682 apply to the remainder of the owner's land.

28 (7) The immunities provided by ORS 105.682 for [*the harvest of*] **harvesting** special forest pro-
29 ducts do not apply if the owner makes any charge for permission to use the land for [*the harvest*
30 *of*] **harvesting** special forest products. If the owner charges for permission to use the owner's land
31 for [*the harvest of*] **harvesting** special forest products, the immunities provided by ORS 105.682 apply
32 to any use of the land other than [*the harvest of*] **harvesting** special forest products. If the owner
33 charges for permission to use a specific part of the owner's land for harvesting special forest pro-
34 ducts and the owner provides notice in the manner provided by subsection (8) of this section, the
35 immunities provided by ORS 105.682 apply to the remainder of the owner's land.

36 (8) Notices under subsections (4) to (7) of this section may be given by posting, as part of a re-
37 ceipt, or by [*such*] other means [*as may be*] reasonably calculated to apprise a person of:

38 (a) The limited uses of the land for which the charge is made, and the immunities provided under
39 ORS 105.682 for other uses of the land; or

40 (b) The portion of the land the use of which is subject to the charge[,] and the immunities pro-
41 vided under ORS 105.682 for the remainder of the land.

42 **SECTION 5.** ORS 105.692 is amended to read:

43 105.692. (1) An owner of land who either directly or indirectly permits any person to use the
44 land for [*recreational purposes,*] **recreating, for** gardening, **for** woodcutting, **for using public trails**
45 or [*the harvest of*] **for harvesting** special forest products does not give that person or any other

1 person a right to continued use of the land for those purposes without the consent of the owner.

2 (2) The fact that an owner of land allows the public to use the land for [*recreational purposes,*]
 3 **recreating, for** gardening, **for** woodcutting, **for using public trails** or [*the harvest of*] **for har-**
 4 **vesting** special forest products without posting, fencing or otherwise restricting use of the land does
 5 not raise a presumption that the [*landowner*] **owner of land** intended to dedicate or otherwise give
 6 over to the public the right to continued use of the land.

7 (3) [*Nothing in this section shall be construed to*] **This section does not** diminish or divert any
 8 public right to use land for recreational purposes **that was** acquired by dedication, prescription,
 9 grant, custom or otherwise existing before October 5, 1973.

10 (4) [*Nothing in this section shall be construed to*] **This section does not** diminish or divert any
 11 public right to use land for woodcutting **that was** acquired by dedication, prescription, grant, cus-
 12 tom or otherwise existing before October 3, 1979.

13 **SECTION 6.** ORS 105.696 is amended to read:

14 105.696. ORS 105.672 to 105.696 do not:

15 (1) Create a duty of care or basis for liability for personal injury, death or property damage
 16 resulting from the use of land for [*recreational purposes,*] **recreating,** for gardening, for
 17 woodcutting, **for using public trails** or for [*the harvest of*] **harvesting** special forest products.

18 (2) Relieve a person [*using*] **entering** the land of another for [*recreational purposes,*] **recreating,**
 19 **for** gardening, **for** woodcutting, **for using public trails** or [*the harvest of*] **for harvesting** special
 20 forest products from any obligation that the person has to exercise care in use of the land in the
 21 activities of the person or from the legal consequences of failure of the person to exercise that care.

22 **SECTION 7.** The amendments to ORS 105.672, 105.676, 105.682, 105.688, 105.692 and 105.696
 23 by sections 1 to 6 of this 2011 Act apply to causes of action that arise on or after the effective
 24 date of this 2011 Act.

25

Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director 

Date: April 27, 2011

Subject: Formal Findings and Disposition regarding the stormwater plan and related grading associated with the Brooklane Heights Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00018, SUB06-00007)

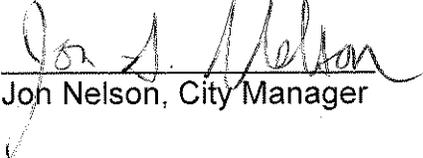
On April 4, 2011, the Council deliberated and approved the proposed stormwater plan and associated grading, subject to conditions of approval and adoption of Formal Findings. The Council asked staff to prepare Formal Findings to be reviewed during a subsequent City Council meeting. Formal Findings and a Notice of Disposition are enclosed with this memorandum.

The Council is asked to adopt the Formal Findings, and the following Motion is recommended:

Motion

I move to adopt the Formal Findings and approve the proposed stormwater plans and associated grading plans for the Brooklane Heights Conceptual and Detailed Development Plan, and Tentative Subdivision Plat (PLD06-00018, SUB06-00006), including the Conditions of Approval in the March 11, 2011, Staff memorandum to City Council, as revised by Council during deliberations on this matter.

Review and Concur


Jon Nelson, City Manager

CITY COUNCIL NOTICE OF DISPOSITION

ORDER: 2011-019

- CASE:** Brooklane Heights Planned Development
(PLD06-00018, SUB06-00007)
- REQUEST:** Approval of proposed storm water treatment facilities and associated grading as required by Conditions of Approval 20 and 27 in City Council Order #2010-007.
- APPLICANT/OWNER:** Stephen Schaberg
2535 SW Whiteside Drive
Corvallis, Oregon 97333
- LOCATION:** The 25.88 acre site is located northwest of Brooklane Drive and north of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site consists of one parcel which is identified on Benton County Assessor's Map 12-5-01 C as Tax Lot 1000.

On September 17, 2007, the City Council approved, with conditions, a Conceptual and Detailed Development Plan and Tentative Subdivision Plat (Order #2007-111). This decision was appealed to the Oregon Land Use Board of Appeals (LUBA), where it was remanded to City Council for further consideration. On March 2, 2009, the City Council considered the LUBA remand, and approved the request with conditions (Order #2009-007). This decision was appealed to LUBA, and remanded to the City Council. On February 1, 2010, the City Council considered the issues on remand, and in response to the remand, the Council amended Conditions of Approval #20 and #27 (Order #2010-007). This decision was also appealed to LUBA, and the decision to approve the application subject to Conditions of Approval was affirmed.

On March 21, 2011, the City Council held a duly-advertised public hearing to consider proposed storm water treatment facilities and associated grading plans as required by Conditions of Approval #20 and #27. The public hearing was closed on March 21, 2011, but the written record was held open until 5:00 PM on March 28, 2011. The City Council deliberated on the request during its noon meeting on April 4, 2011. The Council voted to approve the proposed stormwater facilities and associated grading plans subject to adoption of Formal Findings and conditions of approval, including Conditions of Approval from the decision in Order #2010-007.

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

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 2300 NW Walnut Blvd.

Julie Manning,
Mayor, City of Corvallis

Signed: May 2, 2011

Appeal Deadline: May 23, 2011

Expiration Dates, if Not Appealed:

Conceptual and
Detailed Development Plan: May 23, 2014

Tentative Subdivision Plat: May 23, 2013

CONDITIONS OF APPROVAL

The City Council applied the following conditions to the approval of the Stormwater Plan and related grading associated with the Brooklane Heights Conceptual and Detailed Development Plan, and Tentative Subdivision Plat (PLD06-00018, SUB06-00006). Exhibits referenced in the Conditions of Approval are in the March 11, 2011, Staff Memorandum to City Council. In addition to the following Conditions of Approval, the Conditions in City Council Order #2010-007 apply. If there are conflicts between the two sets of Conditions, the following Conditions shall prevail.

1. **Consistency with Plans** - Development shall comply with the applicant's narrative and plans in **Exhibit II**, except as modified by the conditions of approval below. Development shall also comply with all previous conditions of approval for the proposed development, unless modified by the conditions of approval below.
2. **Public Improvements** - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public storm drainage facilities. Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.90.
3. **Drainageway Easement** - Concurrent with the final plat, the open channels shall be placed in Drainageway Easements. The easement shall be per LDC 4.5.80.d.3 with a minimum easement width equal to the drainage channel width plus 1.5 times the width plus 5 ft on each side of the channel. Channel width + 2((1.5 x channel width) + 5') = 12' + 2((1.5 x 12') + 5') = 58 ft.
4. **Stormwater Detention** - Stormwater detention facilities shall be designed in accordance with Appendix F of the City's Stormwater Master Plan. Stormwater detention facilities shall be designed to capture runoff so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year through 10-year, 24-hour design storms. Detention facilities shall be designed in accordance with the criteria as established in the most recent version of the King County Surface Water Design Manual. The City will assume maintenance responsibility two years after final construction approval by the City and upon passing an inspection by City inspectors to ensure the facility has been properly maintained and the facility is operating as designed. The site developer/owner shall provide a maintenance bond to the City that shall remain in effect until the facilities are accepted by the City and the warranty period is terminated.
5. **Stormwater Quality** - Stormwater quality facilities shall be designed in accordance with Appendix F of the City's Stormwater Master Plan. Stormwater quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility

during the water quality design storm of 0.9 inches in 24 hours, using the NRCS Type 1A distribution curve. Water Quality facilities shall be designed in accordance with the criteria as established in the most recent version of the King County Surface Water Design Manual. The City will assume maintenance responsibility two years after final construction approval by the City and upon passing an inspection by City inspectors to ensure the facility has been properly maintained and the facility is operating as designed. The site developer/owner shall provide a maintenance bond to the City that shall remain in effect until the facilities are accepted by the City and the warranty period is terminated.

6. **Utility Easements** - Concurrent with the final plat, all public utilities, facilities, and access to facilities that are located outside of public Right of Way shall have permanent easements placed around them. The minimum width of an access easement is 15 feet. All-weather road(s) shall provide maintenance vehicle access to the facilities and the control structures.

7. **Tree Mitigation** - The applicant shall plant 14 trees around the large detention vault in Tract B as shown in drawing 1.11 of the application (**Exhibit II.15**). Fourteen additional large-canopy trees, caliper size 3-inches or above, shall be planted in the open space between Badger Place and Wolverine Drive, and a maintenance plan shall be put in place and bonded to ensure their survival for two years. Two large canopy, native trees shall be planted near the Tract C storm line in the northeast corner of the site. Prior to planting, the precise location and species of mitigation trees shall be reviewed and approved by the City's Urban Forester.

**THE CITY COUNCIL
OF THE CITY OF CORVALLIS**

**FINDINGS – BROOKLANE HEIGHTS CONCEPTUAL AND DETAILED
DEVELOPMENT PLAN / TENTATIVE SUBDIVISION PLAT**

In the matter of City Council decision to approve the Stormwater Plan and related grading associated with a Conceptual and Detailed Development Plan / Tentative Subdivision Plat.)))))))	PLD06-00018 / SUB06-00007
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PREAMBLE

The matter before the Corvallis City Council is a decision regarding the compliance of proposed stormwater facilities and associated grading with Conditions of Approval 20 and 27 of City Council Order #2010-007 regarding the Brooklane Heights Conceptual and Detailed Development Plan, and Tentative Subdivision Plat.

The subject site is located northwest of Brooklane Drive, northeast of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site is composed of Tax Lot 1000 from Benton County Assessor's Map 12-5-10C. The current owner of the property is Stephen J. Schaberg. The subject site is currently undeveloped, except for an underground sanitary sewer line that runs along the western and southwestern boundary and a small gravel access road that enters the site near its southwest corner. At the time the original application was submitted, the site was zoned PD(RS-3.5) (Low Density Residential with a Planned Development Overlay). Approximately 10.98 acres of the site (42%) will be retained as open space and set aside in 4 common tracts.

The Brooklane Heights Conceptual and Detailed Development Plan, and Tentative Subdivision Plat land use application has received conditional approval by the City Council (Order Numbers 2007-111, 2009-007, and 2010-007) to create 45 residential lots and 4 common tracts within 25.88 acres of land. Each of the City Council decisions to approve the application were appealed to LUBA. The first and second decisions were remanded by LUBA to the City Council. The third decision, which modified Conditions of Approval numbers 20 and 27 in order to respond to the LUBA remand of Order #2009-007, was affirmed by LUBA. In affirming the decision, LUBA upheld the City Council decision to approve, with conditions, the Brooklane Heights land use application.

In summary, Condition of Approval 20 of City Council Order #2010-007, requires review of proposed stormwater quality facilities, through a public hearing process, to determine

if the facilities are consistent with Comprehensive Plan policy 4.11.12, comply with criteria outlined in Appendix F of the Corvallis Storm Water Master Plan, and comply with the criteria outlined in the King County, Washington, Surface Water Design Manual. Condition 27 of Order #2010-007 requires grading, in areas not previously approved to be graded, to be reviewed through a public hearing process to determine if the grading is consistent with Comprehensive Plan policy 4.6.7, regarding hillside development.

On March 1, 2011, the applicant submitted materials, including a document titled *Brooklane Heights Storm Water Analysis and Design Corvallis, Oregon* that contains the applicant's response to Conditions of Approval 20 and 27. As required by City Council Order #2010-007, the City Council held a public hearing to evaluate the submitted materials for compliance with Conditions of Approval 20 and 27. The public hearing on this matter was held on March 21, 2011, and a request to leave the record open for seven days was granted. The applicant waived their right to seven additional days to respond to written testimony submitted after the close of the public hearing. On April 4, 2011, the City Council deliberated and approved the proposed stormwater plans and associated grading subject to revised conditions of approval and adoption of Formal Findings.

Applicable Review Criteria

The applicable legal criteria governing review of this application are those referenced in Conditions of Approval 20 and 27 of City Council Order #2010-007. These Conditions of Approval require consistency with criteria in applicable portions of the Corvallis Stormwater Master Plan (CSWMP), and Comprehensive Plan policies 4.11.12 and 4.6.7.

FINDINGS AND CONCLUSIONS RELATING TO THE CITY COUNCIL DECISION TO APPROVE THE STORM WATER PLANS AND ASSOCIATED GRADING AS PART OF THE BROOKLANE HEIGHTS CONCEPTUAL AND DETAILED DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION PLAT (PLD06-00018 / SUB06-00007)

1. The Council notes that on February 3, 2010, The Council approved, via Order #2010-007, the Brooklane Heights Conceptual and Detailed Development Plan, and Subdivision Plat, subject to 28 Conditions of Approval. The Council notes that this decision was appealed to LUBA by petitioners, Boucot et. al. The Council notes that on July 15, 2010, LUBA affirmed the Council decision to approve the Brooklane Heights project as conditioned.
2. The Council notes that on March 1, 2011, the applicant submitted materials, including a document titled *Brooklane Heights Storm Water Analysis and Design Corvallis, Oregon* that contains the applicant's response to Conditions of Approval 20 and 27 of Council Order #2010-007. As required by these conditions of approval, The Council held a public hearing to evaluate the submitted materials for compliance with said conditions.

The Council notes that it limited the scope of its public hearing to evaluating compliance of the proposed stormwater plan and associated grading (Stormwater Plan) with Conditions of Approval 20 and 27 of Order #2010-007, which approved the Conceptual and Detailed Development Plan and Tentative Subdivision Plat. The Council accepts and adopts those findings made in the staff report to the City Council, dated March 11, 2011, that support approval of the Stormwater Plan. The Council adopts as findings the written arguments made by the applicants regarding the Stormwater Plan, including the information in the Brooklane Heights Stormwater Analysis and Design document submitted by the applicants on March 1, 2011. The Council adopts as findings those portions of the Minutes of the City Council hearings dated March 21 and April 4, 2011, that demonstrate support for approving the Stormwater Plan. The Council specifically accepts and adopts as findings the rationale given during deliberations in the April 4, 2011, meeting by Council Members expressing their support for approving the Stormwater Plan. The Council rejects statements made during deliberations in the April 4, 2011, meeting by Council Members expressing opposition to the proposed Stormwater Plan. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "supplemental findings") supplement and elaborate on the findings contained in the materials noted above, *all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.*

3. The Council notes that at the time the original application (PLD06-00018, SUB06-00006) was submitted for review, the City had adopted and implemented the Comprehensive Plan, and the Oregon Land Conservation and Development Commission acknowledged the plan on June 26, 2000. The Council was aware that the 1993 Land Development Code, even with amendments, predated and did not fully implement the 2000 Comprehensive Plan. Article 51 of the Comprehensive Plan set out how the City would resolve conflicts between the Land Development Code and the Comprehensive Plan during this time between acknowledgment of the Comprehensive Plan and implementation of the new LDC that was developed to implement the new Comprehensive Plan. Section 51.5.a of the Comprehensive Plan specifically sets out how the decision maker is to review discretionary land use decisions during the time when the new Comprehensive Plan and the old Land Development Code were in place. "Specifically, policies from this Comprehensive Plan shall be used as part of the appropriate review criteria for Planned Development, Conditional Development, Lot Development Option, Extension of Service, Appeals, and Vacation applications." The Council notes that according to this same section, "[w]here the current Land Development Code refers to Comprehensive Plan policies as review criteria for land use applications, whether by general reference to the Comprehensive Plan or by a reference to a specific policy, the appropriate hearing authority shall use applicable policies from this

Comprehensive Plan." The Council finds that not all Comprehensive Plan Policies are applicable criteria. The Council finds that part of its role as the decision maker is to determine which policies are applicable.

4. The Council notes that the record contains all information needed to evaluate the proposed Stormwater Plan for compliance with Conditions of Approval 20 and 27 of Order #2010-007. These Conditions include requirements to demonstrate consistency with applicable portions of the Corvallis Stormwater Master Plan (SWMP) and Comprehensive Plan policies 4.11.12 and 4.6.7.

The Council notes that City Staff evaluated the proposed Stormwater Plan to determine if it could be constructed to applicable standards in the 1993 LDC. The Council notes that City Staff determined that the proposal complied with all applicable standards of the LDC. The City Council notes that compliance with LDC standards may indicate that the Stormwater Plan complies with applicable SWMP and Comprehensive Plan policies 4.11.12 and 4.6.7. However, the Council finds that the purpose of this Council review is to determine if the proposed Stormwater Plan independently complies with the requirements of Conditions of Approval 20 and 27. The Council notes that neither of these Conditions references LDC standards or criteria. Consequently, The Council finds that compliance with LDC standards and criteria is not required to satisfy Conditions of Approval 20 and 27.

Condition of Approval 20

5. The Council notes that Condition of Approval 20 of Order #2010-007 states:

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

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

All water quality facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for two years after acceptance by the City. The maintenance agreement shall be executed prior to acceptance of public improvements and

shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for stormwater facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the warranty for storm water quality facilities is terminated.

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

Comprehensive Plan Policy 4.11.12

6. The Council notes that Condition of Approval 20 in City Council Order 2010-007 requires the applicant to submit stormwater quality plans to be reviewed during a public hearing process for consistency with CCP 4.11.12. The Council notes that CCP 4.11.12 states:

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

The Council notes that CCP 4.11.12 gives direction regarding the impacts of development on water patterns and water quality. The Council finds that Comprehensive Plan policy 4.11.12 does not require new development upslope of wetlands to avoid any or all change to pre-development water patterns and water quality. Rather, this policy requires new development to *minimize* interference with pre-development water patterns and to *minimize* detrimental changes in water quality. The Council notes that the Staff Report provided analysis of the proposal's compliance with CCP 4.11.12 on pages 17 - 19, and the applicant provided analysis of the same in Exhibit II.307-311 of the Staff Report. The City Council finds that the application materials and staff report provided sufficient information and analysis for the Council to understand the impacts of the proposed stormwater facilities on water patterns and water quality as required by CCP 4.11.12.

Water Patterns

7. The Council notes that The Brooklane Heights development site is located on a hillside northwest of Brooklane Drive. The area abutting the site to the north and west is developed with low density residential neighborhoods. Adjacent to the south of the subject site, Brooklane Drive is developed with single detached homes. Southeast of these homes and Brooklane Drive, is a wetland area. Currently storm water run-off from the subject site flows to a drainage ditch at the base of the hill,

north of the abutting private alley. From that point, it is directed through public storm lines and into the wetland.

The Council notes that currently water from the site is not treated or detained. As part of the Brooklane Heights development, the applicant proposes to install water quality and detention facilities. Stormwater on the site will be directed into stormwater pipes and overland drainage areas to underground detention vaults. After being treated to standards in the Corvallis Stormwater Master Plan, the water will enter existing public storm lines and be released in a wetland below the site, on the east side of Brooklane Drive.

8. The Council notes that, in summary, the topography of the site creates three drainage areas which the applicant refers to as the West, Central and East basins. The western portion of Wolverine Drive generally follows the west basin, and water on this portion of the site will drain into existing streets such as Wolverine Drive, where it will flow into pipes and be directed to the detention vault under Wolverine Drive, near Brooklane Drive. The Council notes that, according to the applicant, the Central basin contains a spring, which will be preserved for overland flow using a constructed swale. The Council notes that Condition of Approval 3 of this decision, requires this swale to be within a drainage easement. The Council finds that construction of the swale in this area, and within the required drainage easement will help ensure existing drainage patterns in this area are preserved, consistent with CCP 4.11.12.
9. The Council notes that water from the center of the site, Buckeye Place, and lots along Buckeye Place, will be directed into the Central basin, where it will flow through the improved swale to the large detention vault south of Badger Place. The Council notes that the East basin, which is in the northeast corner of the site was originally planned to be developed with a constructed swale. The Council notes that in the most recently submitted materials this swale is proposed to be replaced with an underground pipe. In both instances, the water would be directed to existing public facilities installed within the abutting Brooklane Park Estates development, and into the adjacent wetland. The Council finds that using a pipe rather than a constructed swale minimizes the area disturbed by grading, while effectively directing stormwater runoff to the public stormwater system. The Council finds that doing so on this site minimizes interference with water patterns discharging to wetlands, as it maintains the existing discharge pattern.
10. The Council notes that streets, constructed swales, and pipes are proposed to be placed within areas that naturally collect runoff. The Council finds that placing these facilities in areas that naturally collect runoff helps to maintain natural drainage patterns of the development site, thereby minimizing interference with water

patterns discharging to wetlands. The Council finds that minimizing interference with water patterns discharging into wetland is consistent with CCP 4.11.12.

11. The Council notes that the proposed stormwater facilities include three detention vaults, which are designed so that post development water runoff rates from the site match pre-development rates for two through ten year 24-hour storm events. The Council finds that by installing a stormwater facility that matches pre-development stormwater runoff rates, the proposal minimizes interference with water patterns discharging into wetlands, consistent with CCP 4.11.12.
12. The Council notes that all water from the development site will be directed into existing stormwater lines which drain at 2 points into the wetland east of Brooklane Drive. The Council notes that new outfall points are not proposed or required. The Council finds that by using existing pipes, rather than installing new pipes in new locations, the locations of water entering the wetland will not be changed by the proposal. For this reason, the Council finds that the proposed development minimizes interference with water patterns discharging into wetlands, consistent with CCP 4.11.12.

Water Quality

13. The Council notes that water quality facilities are proposed to be installed with each of the three detention vaults. The Council notes that the water quality treatment plan includes three components: pre-settling facilities integrated with each of the detention vaults, flow control structures in the detention vaults, and a media based filtration system. The Council notes that the SWMP requires water quality facilities to remove at least 70% of Total Suspended Solids. The Council notes that the proposed water quality facilities are designed to remove at least 80% of Total Suspended Solids entering the facilities. The Council finds that by removing at least 70% of Total Suspended Solids from stormwater, the proposed water quality facilities will minimize detrimental changes in water quality discharging into wetlands, consistent with CCP 4.11.12.
14. The Council notes that Condition of Approval 20 of Order #2010-007 requires the design for water quality facilities to include a landscape plan that details all landscaping essential to ensure the proper function of the water quality facilities. The Council notes that landscaping is proposed around the large detention vault in Tract B. The Council notes that all water quality facilities will be placed below ground. The Council finds that because all water quality facilities will be below ground, landscaping is not required to ensure the proper functioning of the facilities, and the proposed water quality facilities will minimize detrimental changes in water quality discharging into wetlands, consistent with CCP 4.11.12.

15. Given the above, Council finds the proposed Stormwater Plan is consistent with CCP 4.11.12 as required by Condition of Approval 20, because the Stormwater Plan minimizes interference with water patterns discharging to wetlands, and the Stormwater plan minimizes detrimental changes in water quality for waters discharging to wetlands.
16. The Council notes that in addition to demonstrating consistency with CCP 4.11.12, Condition of Approval 20 also requires the application to comply with applicable standards in Appendix F of the Corvallis Stormwater Master Plan, and criteria outlined in the King County, Washington, surface Water Design Manual. The Council notes that information in the application and in the March 11, 2011, Staff Report provide sufficient information and analysis to understand if the proposal complies with applicable standards in Appendix F of the Corvallis Stormwater Master Plan, and criteria outlined in the King County, Washington, surface Water Design Manual. The Council notes that pages 8-17, and 19-22 of the Staff Report provide analysis of the proposal for compliance with the SWMP, based on the information provided by the applicant, which is found in Exhibit II of the same Staff Report. The Council finds that the application has demonstrated compliance with the aforementioned standards and criteria, as required by Condition of Approval 20.
17. In summary, the Council finds the proposed Stormwater Plan complies with the requirements of Condition of Approval 20 of City Council Order #2010-007 for the following reasons:
 - The applicant submitted a Stormwater Plan with information required by Condition of Approval 20;
 - The Stormwater Plan was reviewed through a public hearing process and The Council has found the plan to be consistent with CCP 4.11.12;
 - The proposed Stormwater Plan demonstrates compliance with applicable criteria in Appendix F of the SWMP and criteria outlined in the King County, Washington, Surface Water Design Manual. The submitted materials include a water quality analysis that contains a discussion on the feasibility of implementing infiltration during both the wet and dry seasons;
 - The applicant proposes to dedicate all water quality facilities that are part of the public storm drainage system to the City, and per Condition 20 will enter into a maintenance agreement as specified in Condition 20; and
 - The proposed public water quality facilities are underground systems that do not require landscaping to ensure their proper functioning.

Condition of Approval 27

18. The Council notes that Condition of Approval 27 of Order #2010-007 states:

27. Lot Grading and Structures -Mass grading shall be limited to the areas shown on the grading plan identified as Drawing X – Brooklane Heights Grading and Tree Preservation Plan, and Drawing Y – Brooklane Heights Cut/Fill Analysis (Exhibits D.1, 2). Cuts and fills in the areas permitted to be mass graded shall not exceed the measurements shown in Drawing Y. All mass graded areas, as shown in Drawing Y shall be engineered and constructed such that retaining walls are neither required nor used.

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

The Council notes that Condition 27 requires the applicant to submit grading plans for grading in areas not approved for mass grading, to be evaluated through a public hearing process to determine consistency with Comprehensive Plan policy 4.6.7. The Council notes that to install the proposed stormwater facilities some grading is proposed in areas not previously approved for grading. The Council finds that it is required to review grading in these areas for consistency with CCP 4.6.7. The Council notes that analysis of the proposal's compliance with CCP 4.6.7 is found in the Staff Report on pages 22-27, and the applicant provided analysis of the same in Exhibit II.307-311 of the Staff Report. The City Council finds the application materials and Staff report provide sufficient information and analysis to evaluate the proposal's consistency with CCP 4.6.7.

Comprehensive Plan Policy 4.6.7

19. The Council notes that CCP 4.6.7 states:

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

- A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.
- B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.
- C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.

- D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.
 - E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.
 - F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.
 - G. Demonstrate a concern for the view of the hills as well as the view from the hills.
 - H. Provide landscaping that enhances the identified open space resources.
 - I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.
20. The Council notes that prior approvals of the Brooklane Heights Conceptual and Detailed Development Plan and Tentative Subdivision Plat approved mass grading on much of the site, including all streets and detention pond areas. Condition of Approval 27 in City Council Order 2010-007 required the applicant to submit grading plans for individual lots and other non-mass graded areas to be reviewed during a public hearing process for consistency with CCP 4.6.7. The Council notes that grading is required to install the proposed stormwater facilities and access to the large detention vault in Tract B. Parts of these facilities are outside of the previously approved mass-graded areas and require review during a public hearing process for consistency with CCP 4.6.7. The Council notes that areas where grading is required for the current proposal, but are outside of the mass-graded areas include the constructed swale east of Buckeye Place and north of Badger Place, portions of Tract B where the large detention vault is proposed, the access to the detention vault within Tract B, connecting segments of the previously approved swale in the northeast corner of the site (this swale is now proposed to be a below-ground pipe), and portions of storm lines running through the southern edge of the lots below Badger Place. The Council notes that, other than these areas, the proposed pipes, vaults, and water quality units would be placed within streets where mass-grading has already been approved.
21. The Council notes that grading associated with the proposed Stormwater Plan differs somewhat from the previously approved mass grading plan. Specifically, the open channel drainageways between Buckeye Place and Badger Place are larger than previously approved in order to allow a higher level of protection from erosion. The detention pond on the north side of Badger Place has been removed, and the detention pond on the south side of Badger Place has been replaced with a detention vault. The Council notes that the remainder of the Stormwater Plan

locates facilities within the Right of Way or in areas where the finished grade over the utilities will comply with the previously approved mass grading plan.

22. The Council notes that prior City Council review of the Conceptual and Detailed Development Plan found the application was consistent with CCP 4.6.7, except for non-mass graded areas. Therefore, the Council's evaluation of the proposed Stormwater Plan only considered grading associated with proposed stormwater facilities that are outside of previously approved mass graded areas. The Council notes that all other grading that was not previously approved or that is not approved through this hearing process, such as grading on specific lots, will be required to be reviewed through a future public hearing process to determine consistency with CCP 4.6.7, as required by Condition of Approval 27 of Order #2010-007. Given the above, the Council finds it is only required to evaluate the currently proposed grading, occurring outside of previously approved mass graded areas, for consistency with CCP 4.6.7. The Council finds it is not required to evaluate or re-evaluate the entire development proposal or grading that is not currently being proposed, for compliance with Condition of Approval 27 or CCP 4.6.7.
23. The Council notes that the Central detention vault is located where part of the vault is within an area that was approved for mass grading, and part of the vault is within an area that was not approved for grading in prior decisions. The Council notes that the area where the northeast detention pipe is proposed has received prior approval for grading, but additional grading on each end of the pipe is required to connect pipes to the rest of the stormwater system. The Council notes that CCP 4.6.7 applies to areas previously approved to be graded and areas currently proposed to be graded.

The Council finds that past City Council decisions have determined that areas approved for mass grading are consistent with CCP 4.6.7. As explained in the findings below, Council finds the proposed grading, to install the Central detention vault complies with CCP 4.6.7 because the vault is placed below ground and to the geotechnical report recommendations, thereby fitting the topography of the hillside and ensuring hillside stability. The Council finds that grading to install the central detention vault complies with CCP 4.6.7 because its placement below ground and near the bottom of the hillside, in conjunction with proposed and conditioned tree planting, preserves visually significant slopes and demonstrates a concern for views to, and from, the hills.

As explained in the findings below, Council notes that the grading for the proposed stormwater pipe in the northeast corner of the site follows the natural contours of the site, the pipe will be below ground, and it will be covered with soil, and revegetated. The Council finds the grading and installation of the pipe comply with CCP 4.6.7, because it fits the topography of the site, aligns with the site's natural

contours, preserves visually significant slopes, demonstrates a concern for the view of, and from, the hill, and minimizes soil disturbances.

24. The Council notes that the first sentence of CCP 4.6.7 states: *"In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:"* and lists nine objectives that the Land Development Code should accomplish with respect to hillside development. The Council notes that these policy objectives were used as review criteria because the application was submitted under the 1993 LDC, which did not contain specific criteria for hillside development. The Council finds that each objective of CCP 4.6.7 was considered by the Council when evaluating the proposed Stormwater Plan for compliance with Condition of Approval 27.

The Council notes that in the Staff Report and City Council deliberations, the term Significant Tree was used. Council notes that as used in the Staff Report and as used by The Council, a Significant Tree is one with a diameter of at least 8-inches at breast height, as defined in the 1993 LDC. The Council notes that past decisions on the Brooklane Heights project used the term Significant Tree as defined in the 1993 LDC. The Council finds that using the term Significant Tree is useful because it maintains a common vocabulary through the multiple reviews and decisions associated with the Brooklane Heights project. The Council finds that use of the term Significant Tree does not imply a requirement to comply with 2006 LDC standards regarding Significant Trees. The Council finds that LDC provisions are not in, or referenced by Conditions of Approval 20 and 27 of City Council Order #2010-007.

25. The Council notes that CCP 4.6.7.A states:
- A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.

The Council notes that the Tract B swales would be located in a natural depression. The Council finds that locating the swales in this location respects the natural topography of the hillside and takes advantage of existing hydrological flows.

The Council notes that the applicant has submitted multiple geotechnical reports that show that the soils and geological structure of the site are stable, with a low potential for landslides or instability, as long as the geotechnical report's recommendations are followed. The Council finds that the proposed facilities are designed consistent with the geotechnical report recommendations.

The Council notes that the Tract B detention vault, including the required access drive, are located between two lots included in the approved mass grading plans. After grading, these lots will be at an elevation of approximately 280 ft and will slope

towards the area for the detention vault, which has a low point of approximately 255 ft. The vault will be placed in this lower elevation area between the two lots, and will be designed so that the top of the vault will be at an elevation of about 270 ft. The greatest amount of fill (approximately 15 ft) would be placed on the south side of the vault, and some fill material would be placed between Badger Place and the north edge of the vault for road fill. The vault and access initially require a larger area to be disturbed than would be required for the originally approved detention ponds. However, at completion, the entire vault will be below grade except for its top, which will be even with finished grade and will serve as a vehicle turn around and access point into the vault.

The Council notes that the storm lines proposed in the lots south of Badger Place, extending from Buckeye Place, and in the northeast corner of the site, require ground disturbance to install the pipes. Once installed, the finished grade will be the same as the previously approved grading plan.

The Council finds that impacts to the site's natural topography are minimized by placing the stormwater facilities below ground, and re-vegetating over storm lines. The Council finds that the site's natural hydrological flows are incorporated into the stormwater system by placing the Tract C swales in a naturally occurring depression and by returning the soil over storm lines to match previously existing grades. The Council finds that the proposed large detention vault conforms with the recommendations of the geotechnical report, ensuring hillside stability after development. For these reasons, the Council finds that the proposal is consistent with CCP 4.6.7.A.

26. The Council notes that CCP 4.6.7.B states:

B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.

The Council notes that the Brooklane Heights site is on a hillside. The subject site does not reach to the hill's upper portions, which have been previously developed with single family homes. Consequently, the Council finds that the proposed stormwater facilities have no impact on ridgelines.

The Council notes that all proposed stormwater facilities except for part of the Tract B detention vault would be underground. As such, the Council finds that the proposed facilities will not have a significant visual impact upon slopes or ridgelines.

The Council notes that the detention vault and access in Tract B would be installed near the bottom of the hill, but could potentially be visible from some off-site locations, and the removal of 14 Significant Trees to construct the vault and drive would cause some change to the appearance of the hill. The Council notes that to

mitigate for the tree removal and the detention vault's potential visual impact, the applicant proposes to plant 14 trees around and near the vault. The Council notes that Condition of Approval 7 requires 14 additional, large canopy, native species trees to be planted to mitigate for the removal of the 14 trees near the Tract B detention vault. Additionally, fill will be placed at a 2:1 slope south of the vault and planted with several rows of shrubs that are expected to reach a mature height of at least 6-ft. The Council finds that the mitigation trees and the landscaping south of the vault will screen off-site views of the vault and buffer views of the access drive.

Given the above reasons, the Council finds that the proposed stormwater facilities preserve the most visually significant slopes and ridgelines, consistent with CCP 4.6.7.B.

27. The Council notes that CCP 4.6.7.C states:

C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.

The Council notes that the most significant natural features on the site are tree groves and Significant Trees, which include several trees with diameters greater than 20 inches. The Council notes that previous applications approved by The Council stated that site contains approximately 454 Significant Trees, and that approximately 400, or 88%, would be preserved. Most Significant Trees are within open space tracts that will not be developed except to install the proposed stormwater facilities. The tracts account for 42%, or 11 acres of the 26 acre site. The proposed stormwater facilities require the removal of 15 trees, including 14 near the large detention vault. One Significant tree, in the northeast corner of the site, originally expected to be preserved, is proposed to be removed to install the storm line between Wolverine Drive and the private alley abutting the south side of the development site. The Council finds that this tree would very likely have had to have been removed under the approved plans which included a 15-ft wide swale in the same area. The Council notes that during deliberations the Council revised the staff recommended Condition of Approval 7 to include a requirement to plant 14 additional, large canopy, native species, trees on the site. The Council notes that as revised, Condition of Approval 7 requires a total of 16 large canopy, native trees to be planted on the site to mitigate the loss of the 15 large canopy trees that would be removed to install the proposed stormwater facilities. The Council notes that these mitigation trees are in addition to the 14 new trees the applicant proposes to plant around the Central detention vault in Tract B. The Council finds that application of Condition of Approval 7, as revised by The Council, results in conformance with CCP 4.6.7.C.

The Council finds that, consistent with the approved site plan, the protected tree groves on the site will continue to be preserved. The Council finds that as proposed and conditioned, removed trees will be replaced with new trees, and the majority of Significant Trees (85%) on the site will be preserved.

The Council notes that the subject site contains open grassy areas, some of which abut tree groves or contain trees. The Council finds that the stormwater facilities would have minimal impacts on the presence or health of these grassy areas as swales would be constructed in existing drainage areas, and storm lines would be buried with the finished grade, revegetated, and returned to current grade.

The Council finds that, as proposed and conditioned, the tree groves on the site will be preserved, removed trees will be replaced with mitigation trees, and only minor impacts from grading associated with stormwater facilities will occur to grassy areas containing trees or near wooded areas.

For the above reasons, the Council finds that the proposed stormwater facilities preserve the site's most significant natural features, consistent with CCP 4.6.7.C.

28. The Council notes that CCP 4.6.7.D states:

D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.

The Council notes that past Council decisions have found that the project, as a whole, is consistent with CCP 4.6.7.D, including the location of streets and mass graded areas. The Council notes that the location of approved streets, which follow natural contours, and areas for mass grading are not proposed to change. Some cuts and fills are required to install the proposed stormwater facilities. The Tract C swales near Buckeye Place follow the site's natural contours, as does the Tract C storm line in the northeast corner of the site. Cuts associated with the storm line in Tract C are less than required to install the previously approved 15-ft wide swale. Installation of the large Tract B detention vault and access drive requires fill with lesser amounts of digging. The Council notes that once installed, the vault will be entirely below ground except for its top, which will be used as a vehicle turn-around area. All other stormwater facilities will be placed in streets where mass grading has been approved, or if outside of approved mass graded areas, cuts will be returned to existing grade.

The Council finds that the grading associated with the stormwater facilities is aligned with the natural contours of the site's terrain, minimizing cuts and fills, consistent with CCP 4.6.7.D.

29. The Council notes that CCP 4.6.7.E states:

- E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.

The Council notes that some soil disturbance and removal of vegetation is necessary to install properly functioning systems that will manage stormwater on the site. *The Council finds that the applicant's proposal minimizes soil disturbance by replacing the previously approved, 15-ft wide swale in the northeast corner of the site, with an underground pipe.* The Council finds that the proposed pipe requires significantly less ground disturbance to install compared to a swale.

The Council notes that all storm lines will be below ground, and the finished grade will match existing grade. Fill is required around the large detention vault and access. The fill will either be paved over in the case of the driveway, or revegetated. The Council finds that covering the soil after grading minimizes disturbances to soil.

The Council notes that a total of fifteen Significant Trees are proposed to be removed. The Council notes that the applicant proposes to replant 14 trees near the Tract B detention vault, and that Condition of Approval 7 requires the applicant to plant a total of 16 large canopy, native trees on the site to mitigate for the removal of the Significant Trees. The Council finds that as proposed and conditioned, the application minimizes removal of native vegetation from the site.

The Council notes that the applicant proposes to construct the stormwater systems *during summer months.* The Council finds that constructing the stormwater facilities during summer months will minimize the potential for sediment and sediment-laden waters from being created, and is consistent with CCP 4.6.7.E.

Based on the above, the Council finds the proposal is consistent with CCP 4.6.7.E.

- 30. The Council notes that CCP 4.6.7.F states:

- F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.

The Council notes that the stormwater facilities are required to comply with City and State erosion control standards through the NPDES 1200-C construction permit. The Council finds that complying with these standards ensures that sediment and sediment filled water do not leave the site during and after construction.

The Council notes that typical erosion control methods required to comply with City and State erosion control standards include use of silt fences, silt screens around drainage structures, vegetation, and mulching slopes. The Council finds that these

techniques, noted by the applicant, will minimize erosion caused by installing the stormwater facilities. The Council finds that once installed, the stormwater facilities will minimize surface water runoff, and will detain and treat stormwater runoff in a manner that complies with applicable standards in the Corvallis Stormwater Master Plan.

Given the above, the Council finds that the proposed stormwater facilities will be constructed in a way that minimizes erosion, and once installed, will minimize surface water runoff and related soil erosion, consistent with CCP 4.6.7.F.

31. The Council notes that CCP 4.6.7.G states:

G. Demonstrate a concern for the view of the hills as well as the view from the hills.

The Council finds that the tree groves are the most distinctive features of the subject site. The Council notes that under the approved plans, these groves and a majority of Significant Trees would be protected by placing them within open space tracts. Areas of the site without tree groves would be developed with streets and single detached homes.

The Council notes that the proposed stormwater facilities would be placed below ground. The Council finds that because the facilities would be below ground views of and from the hill would not be affected by the stormwater facilities. The Council notes that the top of the large detention vault would be level with finished grade and it, and the access drive, would be visible from certain locations on the development site and possibly from certain areas off site. The Council finds that the visual impact of the top of this vault and access drive would be equivalent to views of a driveway serving one of the proposed houses. The Council finds that this visual impact would be reduced by the existing tree canopy below the vault, the proposed landscaping south of the vault, and the mitigation trees proposed to be planted around the vault. The Council finds that the placement of the vault below ground, surrounded by existing or proposed vegetation, demonstrates a concern of views to and from the hill.

The Council notes that installing the storm line in the northeast corner of the site requires one tree to be removed, but as conditioned at least two new trees will be planted in this area. The Council notes that the drainage swale in Tract B follows natural contours and depressions. The Council finds that by designing the swale to follow natural contours, its visual impact on the site will be minimized.

Given the above, the Council finds the proposed stormwater Plan is consistent with CCP 4.6.7.G.

32. The Council notes that CCP 4.6.7.H states:

H. Provide landscaping that enhances the identified open space resources.

The Council notes that the open space resources on the site are within open space tracts, which are characterized by tree groves. The Council notes that the tracts would not be developed, except for the proposed stormwater facilities. The tree groves and Significant Trees in the tracts are proposed to be preserved, except for trees that need to be removed to install stormwater facilities. To mitigate for the 15 trees that would be removed to install the stormwater facilities (14 near detention vault and 1 in Tract C), the applicant proposes to plant 14 trees, and Condition of Approval 7 would require 16 additional, large canopy, native trees to be planted. The Council notes that large shrubs are proposed to be planted on the slope south of the large detention vault.

The Council finds that as proposed and conditioned, the proposed landscaping, including the trees and shrubs, would enhance the development site and open space resources, consistent with CCP 4.6.7.H.

33. The Council notes that CCP 4.6.7.I states:

I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.

The Council notes that irrigated landscaping is proposed around the large detention vault in Tract B, and as conditioned, two native species trees would be planted in Tract C near the northeast corner of the site. Other than this, the proposed detention facilities would not be landscaped. The Council finds that the proposed landscaping will not increase the risk of fire on an improved property spreading to wildland habitat. Consequently, the Council finds that the proposal conforms to CCP 4.6.7.I.

34. As described above, and in detail in the application materials, the Council finds that the proposed stormwater facilities and associated grading respect the natural topography of the site; protect significant aspects of the hillside, such as tree groves and views; and minimize erosion, surface water runoff, and soil disturbances. Thus, the proposal is consistent with CCP 4.6.7.

35. Based on the above findings, the Council finds that the proposed Stormwater Plan complies with Condition of Approval 27 for the following reasons:

- The applicant has not proposed to change the areas previously approved by City Council to be mass graded. Approved Mass graded areas are shown most clearly in Drawing Y - Brooklane Heights Cut/Fill Analysis;

- The applicant proposes grading outside of areas not approved for mass grading and has submitted information regarding this proposal to be reviewed through a public hearing process to determine consistency with CCP 4.6.7;
- The above analysis finds that the proposed grading outside of areas approved for mass grading is limited to what is necessary to install stormwater facilities, and this grading and the stormwater facilities are consistent with CCP 4.6.7.

Public Testimony

36. The Council notes that several persons testified, either orally or in writing, regarding the proposed Stormwater Plan and other matters. The Council notes that all testimony was considered. The Council notes that some testimony included correspondence and testimony that was submitted regarding prior decisions on the Brooklane Heights land use project. The Council finds that testimony and materials that were submitted in response to past applications, and not specifically addressing the proposed Stormwater Plan and the grading required by that plan, are either not persuasive or are not relevant.
37. The Council notes that testimony in opposition to the proposal was given during the public hearing stating that grading plans have not been submitted; the largest and best tree on the site is proposed to be removed; the proposal will destroy habitat rather than enhance or protect habitat as required by CCP 4.6.7; and, the Central detention vault could be moved lower on the slope to protect the 48-inch diameter Oak tree proposed for removal.

The Council rejects the claim that grading plans have not been submitted, and finds that grading plans for the Stormwater Plan, showing 1-ft contours and multiple cross sections of the proposed facilities were included in the application materials. The Council notes that City Staff reported to Council that other large diameter trees, including two trees with 48-inch diameter trees are planned to be preserved on the site. The Council notes that individual trees on the site were not ranked to determine which tree was the “best”. The Council notes that the area where the Central detention vault can be located is very limited, and that multiple factors were considered by the applicant in selecting its placement.

The Council finds that, as conditioned, the proposed detention vault satisfies requirements of Conditions of Approval 20 and 27, and the resultant tree removal is consistent with CCP 4.6.7. The Council notes that ground disturbing activities and vegetation removal will occur as a result of installing the proposed stormwater facilities. The Council notes, that except for the direction in CCP 4.6.7.I to “Design

developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat", there is no requirement in either CCP 4.6.7 or 4.11.12 to enhance habitat. The Council finds that as Conditioned, the proposal complies with CCP 4.6.7 and 4.11.12.

38. The Council notes that two pieces of written testimony were submitted by Rana Foster. Each letter asked City Council several questions and made several observations regarding the proposed Stormwater Plan. The Council notes that this testimony was reviewed and considered. The Council finds that the questions asked or statements made were either answered or addressed by information in the record, or were not pertinent to the issue of whether or not the proposed Stormwater Plan was consistent with the requirements in Conditions of Approval 20 and 27.
39. The Council notes that testimony asserts that the application includes incomplete information regarding lot grading, and states that an overall development grading plan should be submitted at the same time as the Stormwater Plan.

The Council notes that neither Condition of Approval 20 nor 27 of City Council Order #2010-007 require all of the remaining lot grading plans to be submitted with the Stormwater Plan. The Council notes that residential subdivision applications are evaluated to determine if the existing or proposed public stormwater system can accommodate stormwater generated from proposed lots. The Council finds that the Brooklane Heights application has designed their stormwater system accordingly, based on conservative estimates of the volume of stormwater that would be directed into the public system from impervious surface areas on all proposed lots. The Council finds that the stormwater impacts resulting from individual lot development and grading have been accommodated by the proposed stormwater system. The Council finds that it is not required, or necessary, to concurrently review grading plans for all areas not previously approved to be graded to determine that the proposed Stormwater Plan complies with Conditions of Approval 20 and 27.

40. The Council notes that testimony asserts that the Stormwater Plan is insufficient because it does not address the exact location of the water pipes on lots. The Council notes that the location of all proposed pipes is shown in the Stormwater Plan. The Council notes that, where required due to the site's topography, private pipes located at the backs of lots are proposed, and are shown in the Stormwater Plan. Those pipes will be used for private lot drainage, such as roof down-spouts. The Council notes that, typically, water from impervious surfaces on individual lots is collected and piped to weep holes in the curbs. However, in some cases, lots on the downhill side of streets cannot drain to the street. Those lots, in this proposal, will require an individual connection to the proposed pipes located at the back of the lots and the connection will be reviewed with Building Permits for individual home construction. The Council notes that calculations used in developing the proposed

stormwater plan accounted for water from the entire site, including lots. The Council finds that information provided by the applicant demonstrates that the proposed Stormwater Plan complies with the requirements of Condition of Approval 20.

41. The Council notes that testimony was submitted that states that the proposed use of a detention vault rather than two detention ponds is a major change in the site plan and grading for the entire site should be considered now, rather than deferred to a future public hearing. The Council notes that the proposed Stormwater Plan provides significantly more detail than the schematic Stormwater Plan last reviewed by Council. The Council finds that the proposed Stormwater Plan complies with the requirements of Condition of Approval 20 and 27. The Council finds that neither Condition of Approval 20 nor 27 require all grading to be reviewed concurrent with the proposed Stormwater Plan. The Council notes that a limited amount of grading is proposed to install the proposed stormwater system. The Council finds that the proposal complies with the requirements of Condition of Approval 27.
42. The Council notes that testimony was submitted stating that the proposed landscaping around the large detention vault in Tract B does not sufficiently mitigate for the proposed removal of 14 large canopy trees in this area. Testimony states that proposed landscaping is not consistent with CCP 4.6.7.G and "H" because the landscaping consists of non-native species, does not preserve views of the hillside or enhance open space resources. The Council notes that in approving the Stormwater Plan, it applied Condition of Approval 7 which, in addition to the 14 new trees proposed by the applicant, requires 16 large canopy, native species, trees to be planted on the site. The Council finds that as conditioned, the proposal is consistent with CCP 4.6.7, including sections "G" and "H".
43. The Council notes that testimony asserts that to install the detention vault in Tract B (Central vault) requires removal of the largest Oregon White Oak on the site, and this does not comply with LDC Section 4.2.20.c, which states: "Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development". The Council notes that the compliance with LDC Section 4.2.20.c is not a requirement of either Condition of Approval 20 or 27 of City Council Order #2010-007. The Council finds that it is not necessary to comply with LDC Section 4.2.20.c to comply with Conditions of Approval 20 or 27.

The Council notes that preservation of significant natural features, such as tree groves, woodlands, and specimen trees is encouraged in CCP 4.6.7.D. The Council notes that in addition to the referenced large White Oak proposed to be removed, there are several other large diameter trees on the site that are planned to be preserved, including two other 48-inch diameter trees. The Council notes that, as previously proposed and approved, approximately 88% of Significant Trees

would be preserved, and most of these trees are located within open space Tracts that will only be developed with stormwater facilities. The Council finds that the proposed Stormwater Plan does not reduce the amount of area, or change the areas, that would be within tracts. The Council notes that as proposed approximately 85% of Significant Trees will be preserved, primarily in open space tracts. The Council finds that trees planted as required by Condition of Approval 7 and as proposed by the applicant, adequately mitigate the removal of Significant Trees resulting from installation of the proposed stormwater facilities. The Council finds the proposal is consistent with CCP 4.6.7 because it preserves significant natural features such as the site's tree groves and a majority of the site's large diameter trees.

The Council notes that the proposed detention vault is an essential component of the Stormwater Plan. The Council notes that the Central detention vault, including the associated water quality facility and piping, has a limited area where it can be placed, because it needs to be down slope and downstream of the development and above the public storm drain inlet provided by Brooklane Park Estates. The Council finds that because of the limited area where the Central detention vault can be located, it is reasonable to expect that a certain number of trees must be removed to install the proposed stormwater facilities. The Council finds that only trees that would be directly impacted by the installation of stormwater facilities are proposed to be removed with this application. As such, the Council finds that significant natural features such as trees groves and large diameter trees are being preserved, consistent with CCP 4.6.7.D.

44. The Council notes that testimony asserts that the proposed Stormwater Plan, which requires the removal of 15 Significant Trees is not consistent with Condition of Approval 5 of Order #2010-007. The Council notes that Condition of Approval 5 states as follows:

5. Tree Preservation and Planting – Prior to issuance of any permits, the applicant shall submit a report by a certified arborist that identifies all significant trees proposed to be removed in this application. Identified trees shall include those identified in the arborist report submitted with the subject application (Attachments S and R.55 of the May 25, 2007, staff report to the Planning Commission) trees impacted by construction of the pedestrian path between Badger Place and Wolverine Drive, trees impacted by construction of the stormwater swale in the north portion of the site, and trees potentially impacted by construction and use of the detention ponds in Tracts B and C.

Unless approved for removal through this application, trees in Tracts A, B, C, and D, as identified in the approved Revised Tentative Subdivision Plat shall be preserved unless a tree is determined to be a hazard tree, or its removal is necessary to protect the health and longevity of an Oregon White Oak tree. Prior

to removal of any tree a certified arborist's report shall be submitted to the Community Development Department for review, and trees shall only be removed if the City's Urban Forester concurs with the analysis and recommendations in the arborist's report.

Regarding the pedestrian path, stormwater swale, and ponds, the arborist's report shall detail methods to preserve as many significant trees as possible in or adjacent to these site components. The applicant shall follow tree preservation methods outlined by the arborist. Unless already approved for removal, (any) significant trees may be removed only if a certified arborist recommends removal and the City Forester concurs with the arborist's recommendation.

The arborist's report shall also illustrate all trees approved/proposed to be preserved. To ensure protection of trees, there shall be no cutting, filling, trenching, nor compaction of the soil under tree canopies and to a minimum distance of 5 feet outside the canopy's dripline, consistent with Section 4.2.20.c of the Land Development Code. To assure this protection, a minimum 5-foot high construction fence (constructed of metal chain link, and supported by metal posts sunk into the ground) shall be installed 5 feet outside the canopy's dripline for all trees to be preserved, prior to any excavation and grading of the development site. An exception may occur upon inspection and a recommendation by a certified arborist.

Existing trees, including trees on adjacent properties with driplines within 10 feet of the subject site, and construction protection fences shall be illustrated on all site plans submitted for excavation, erosion control, PIPC, and building permits. Tree protection plans shall be submitted to the City for review and approval, and tree preservation fencing shall be installed and inspected, prior to issuance of any excavation and grading, erosion control, PIPC, or building permits.

The Council finds that preservation of Significant Trees as defined by the LDC is not required in order to comply with the requirements of Conditions of Approval 20 and 27 of City Council Order #2010-007. The Council finds that evaluation for compliance with other Conditions of Approval is not within the purview of the Council decision, which is limited to determining compliance with Conditions 20 and 27. However, in response to public testimony, the Council notes that the applicant submitted an arborist report as part of the original land use application identifying Significant Trees on the subject site, including trees proposed to be removed. The Council notes that the first paragraph of Condition of Approval 5 requires the applicant to submit a second arborist report, which would also identify trees that would be impacted by the construction of the pedestrian path between Badger Place and Wolverine Drive, trees impacted by construction of the stormwater swale in the north portion of the site, and trees potentially impacted by construction and use of the detention ponds in Tracts B and C. The Council notes that the second paragraph of Condition of Approval 5 contemplates removing Significant Trees if a tree is a hazard tree, or its removal is necessary to protect the health and longevity of an Oregon White Oak tree.

The Council finds that Condition of Approval 5 does not prohibit the removal of all Significant Trees not identified for removal in the first arborist report, rather, Condition of Approval 5 contemplates situations when additional Significant Trees may need to be removed. One such situation is the removal of trees impacted by the installation of stormwater facilities. The Council finds that the proposal to remove Significant Trees to install stormwater facilities is consistent with Condition of Approval 5.

The Council notes that the updated arborist report is required prior to the issuance of permits. The Council notes that other than land use permits, the applicant has not submitted applications for grading and excavation and Building Permits. Therefore, the Council finds that an updated arborist report is not required as part of the proposed Stormwater Plan to comply the application is in compliance with Condition of Approval 5, or Condition 20 and 27.

45. The Council notes testimony asserts that the application is not consistent with CCP 4.6.7, sections "A", "C", and "D". The Council rejects this claim, and as described in findings above, finds that the proposal, as conditioned, is consistent with CCP 4.6.7. In summary, and with respect to CCP 4.6.7.A, "C" and "D", the Council finds as follows:

The Council finds that impacts to the site's natural topography are minimized by placing the stormwater facilities below ground, and re-vegetating over storm lines. The Council finds that the site's natural hydrological flows are incorporated into the stormwater system by placing the Tract C swales in a naturally occurring depression and by returning the soil over storm lines to match previously existing grades. The Council finds that the proposed large detention vault conforms with the recommendations of the geotechnical report, ensuring hillside stability after development. For these reasons, the Council finds that the proposal is consistent with CCP 4.6.7.A.

The Council finds, nearly 85% of Significant Trees will be preserved, and 42% of the site will be placed in tracts that contain tree groves. These tracts will not be developed except to install the proposed stormwater facilities. The Council finds that by preserving 85% of Significant Trees, protecting tree groves, the proposal is consistent with CCP 4.6.7.C.

The Council notes that past Council decisions have found that the project, as a whole, is consistent with CCP 4.6.7.D, including the location of streets and mass graded areas. The Council notes that the location of approved streets, which follow natural contours, and areas for mass grading are not proposed to change. Some cuts and fills are required to install the proposed stormwater facilities. The Tract C swales near Buckeye Place follow the site's natural contours, as does the Tract C

storm line in the northeast corner of the site. Cuts associated with the storm line in Tract C are less than required to install the previously approved 15-ft wide swale. Installation of the large Tract B detention vault and access drive requires fill with lesser amounts of digging. The Council notes that once installed, the vault will be entirely below ground except for its top, which will be used as a vehicle turn-around area. All other stormwater facilities will be placed in streets where mass grading has been approved, or if outside of approved mass graded areas, cuts will be returned to existing grade.

The Council finds that the grading associated with the stormwater facilities is aligned with the natural contours of the site's terrain, minimizing cuts and fills, consistent with CCP 4.6.7.D.

46. The Council notes that testimony asserts that the proposed Stormwater Plan is not consistent with CCP 4.11.12 because rainfall that might normally infiltrate soils will be diverted into the proposed stormwater management system and will eventually be deposited into the wetland below the site. The Council notes that testimony states that this will have negative impacts on hillside hydrology and wetland hydrology by de-watering the hillside and increasing the volume of water entering the wetland. The Council notes that testimony regarding the proposed Stormwater Plan does not state what the negative impacts to the hillside or wetland would be.

The Council notes that CCP 4.11.12 requires interference with water patterns discharging to wetlands to be minimized, but does not prohibit development from altering water patterns. The Council finds that any changes in water volume entering wetlands are the result of the proposed development as a whole, and not the result of the stormwater facilities, which are the subject of the current review. Detention facilities will ensure that water from the 2-through 10 year storm events will be discharged at pre-development rates for the 24-hour design storms. The Council finds that the proposed facilities are designed to minimize interference with water patterns discharging into wetlands consistent with CCP 4.11.12.

47. The Council notes that testimony was received stating that the proposed Stormwater Plan is insufficient because it does not address the exact location of water pipes on lots.

The Council notes that the location of all necessary stormwater system pipes (other than pipes that may be required with development on individual lots) have been shown in the Stormwater Plan, including information about pipe sizes. Where required due to the site's topography, private pipes located at the backs of lots are proposed and shown. Those pipes will be used for private lot drainage, such as roof down spouts. The Council notes that, typically, water from impervious surfaces on individual lots is collected and piped to weep holes in the curbs. In many cases,

lots on the downhill side of streets cannot drain to the street. Those lots, in this proposal, will require an individual connection to the proposed pipes located at the back of the lots and the connection will be reviewed with the Building Permits. Calculations used in developing the proposed stormwater plan accounted for water from the entire site, including lots. The Council finds that the information provided by the applicant demonstrates that the proposed stormwater plan complies with applicable standards in Appendix F of the Stormwater Master Plan, as required by Condition of Approval 20.

48. The Council notes that testimony listed other Comprehensive Plan policies that are applicable to the evaluation of the proposed Stormwater Plan. Policies listed include CCP 4.2.C, 4.6.C, 4.10.8, 4.10.9, and 4.10.E. The Council notes that the proposal is being evaluated for compliance with Conditions of Approval 20 and 27, and that neither of those Conditions of Approval reference the aforementioned policies, therefore, those policies do not apply to the subject proposal. The Council finds that the only Comprehensive Plan policies that apply to the subject proposal are CCP 4.6.7 and 4.11.12.
49. The Council notes that testimony was received stating that the proposal is not consistent with CCP 4.6.7.A because cuts and fill up to 20 feet are proposed. The Council notes that CCP 4.6.7 does not restrict cuts and fills to a specific depth. The Council finds that, consistent with CCP 4.6.7, impacts to the site's natural topography are minimized by placing the stormwater facilities below ground, and re-vegetating over storm lines. The Council finds that, consistent with CCP 4.6.7, the site's natural hydrological flows are incorporated into the stormwater system by placing the Tract C swales in a naturally occurring depression and by returning the soil over storm lines to match previously existing grades. The Council finds that the proposed Central detention vault in Tract B conforms with the recommendations of the geotechnical report, ensuring hillside stability after development, consistent with CCP 4.6.7. In balance, the Council finds the proposed Stormwater Plan, including the subsurface vault, is consistent with CCP 4.6.7.
50. The Council notes that testimony asserts that the proposal does not sufficiently address CCP 4.6.7.E because the proposal does not provide information about grading on lots outside of the area approved to be mass graded. The Council notes that Condition of Approval 27 requires grading on those lots to be evaluated through a future public process for consistency with CCP 4.6.7. The Council notes that grading in areas outside of approved mass grading areas that is associated with the Stormwater Plan is included in the current proposal. City Council finds that proposed grading is consistent with CCP 4.6.7. Council finds that lot grading plans are not required to be evaluated concurrent with review of the Stormwater Plan.

51. The Council notes that testimony raises concerns that house styles with steep rooflines do not fit the hillside topography and are inconsistent with CCP 4.6.7. The Council finds that issues related to housing type and design have been decided and are outside of the scope of the current review, which is limited to evaluating the Stormwater Plan for compliance with Conditions of Approval 20 and 27.
52. The Council notes that testimony raises concerns about the proposed stormwater system to control water runoff during a major storm event. The Council notes that testimony raises concerns that increased volumes of water entering the wetland would flood adjoining private properties. The Council finds that the record does not contain compelling evidence supporting the assertion that increases in the volume of water entering the wetland will cause adjoining private properties to flood.

The Council notes that the proposed Brooklane Heights development is largely in an undeveloped state, and the drainage coming off of the land represents the natural drainage patterns. With respect to Brooklane Park Estates, the Council notes that when Brooklane Park Estates was developed there were problems associated with the drainage coming off of the Brooklane Heights property because the Brooklane Park Estates developers did not account for the drainage off of the hillside above them. The Council notes that additional grading/ditching was done on the north side of the access road behind Brooklane Park Estates to address the drainage from the hillside and this has, for the most part, addressed the issues.

The Council notes that development of Brooklane Heights will intercept a portion of the stormwater from the subject site and direct it into engineered drainage facilities. Those facilities will direct the water into existing public storm drainage pipes located within Brooklane Park Estates. The Council finds that the quantity of undirected surface water coming off the hillside into Brooklane Park Estates will not increase and is expected to be lessened.

53. Council notes that testimony was submitted stating that the proposed Stormwater Plan is not consistent with Condition of Approval 1 from City Council Order #2007-111 which first approved the Brooklane Heights Conceptual and Detailed Development Plan. The Council notes that Condition of Approval 1 of each Council approval, requires the applicant to develop according to what is approved. The Council notes that since its first approval, aspects of the original plans have been revised, as have Conditions of Approval. The Council notes that Condition of Approval 1, regarding the proposed Stormwater Plan, requires the applicant to install the stormwater system as proposed. The Council finds that the Condition of Approval 1 from Order #2010-007 requires all other aspects of the development to be constructed as approved. The Council finds that the Conditions of Approval in Order #2010-007 replaced earlier Conditions of Approval. The Council notes that if it were not possible to provide a more detailed Stormwater Plan with this

application it would not be possible to comply with the requirements in Conditions of Approval 20 and 27, which are part of Order #2010-007, the decision approving the Brooklane Heights land use application affirmed by LUBA. The Council finds that the proposal is not required to be consistent with Conditions of Approval from decisions prior to the decision in Order #2010-007. The Council finds that the proposed stormwater plan must be installed consistent with how it is currently proposed and conditioned, and it must comply with applicable Conditions of Approval in Order #2010-007.

The Council notes that testimony asserts that the areas previously shown with cuts and fills are not shown on the subject proposal; therefore, the Council cannot tell if the proposed grading plans conform to the approved plans. The Council notes that previously approved grading is shown in drawings of the proposed Stormwater Plan. Council finds that these drawings are consistent with the previously approved plans. The Council notes that review of grading plans is limited to grading outside of previously approved areas and associated with the proposed stormwater facilities, as required by Condition of Approval 27. The Council finds that the proposed grading complies with the requirements of Condition of Approval 27.

54. The Council notes that testimony asserts that the proposed plans do not comply with Condition of Approval 19 from Order #2010-007. Council notes that testimony does not state precisely why the Stormwater Plans are not believed to comply with Condition of Approval 19, though testimony alludes to the fact that the use of *detention vaults rather than ponds is the reason for the purported inconsistency*. Council notes that Condition of Approval 4 has been applied to the Stormwater Plan in recognition of the fact that Condition of Approval 19 referred to detention ponds, and not vaults. Condition of Approval 4 ensures that the proposed stormwater facilities detain water so that post development stormwater run-off rates match pre-development rates for the 2-year through 10-year 24-hour design storm. This minimizes interference in water patterns discharging to wetlands, consistent with CCP 4.11.12.

The Council finds that as Conditioned, the decision to approve the Stormwater Plan is consistent with the previous decisions approving the Brooklane Heights Conceptual and Detailed Development Plan, and Tentative Subdivision Plat

55. The Council notes that testimony was submitted raising concerns that a jurisdictional wetland on the site was not shown in the proposed Stormwater Plan and that the central detention vault and constructed swales would be within the wetland area. Testimony also asserts that placing vaults where proposed violates codes related to structures in drainageways as noted in the 2007 staff report to the Planning Commission regarding the Brooklane Heights project.

The Council notes that since the referenced 2007 staff report was released, the proposal has been revised, and the revised proposal has been approved by Council. The Council notes that the applicant does not state which codes are violated, so Council cannot specifically address this concern raised in testimony. The Council finds that as proposed, the Stormwater Plan complies with all applicable codes and standards as required by Condition of Approval 20.

The Council notes that the subject site does not have any locally protected wetlands. When the application was first submitted, there were no known state or federally regulated wetlands on the site. Some hydric soils are present in the northeast portion of the site, and therefore, Condition of Approval 6 was applied to the 2007 Council decision on the application. No local protection was placed on this potential wetland area (the area with identified hydric soils) as part of the 2007 City Council decision.

The Council notes that Condition of Approval 6, which has been part of every City Council decision, requires the applicant to submit a wetland determination report indicating the presence of wetlands. As required, the applicant hired a consultant to determine the presence of wetlands on the site. Through this evaluation, a strip of land near the center of the site was identified as a wetland. This is in approximately the same area as where the proposed constructed drainage swale and Central detention vault would be located.

The Council notes that in its 2009 decision approving the Conceptual and Detailed Development Plan, and Tentative Subdivision Plat (Order #2009-007), the Council considered the presence of the noted wetland. In approving the application The Council found that in obtaining a wetland delineation, the applicants were fulfilling requirements of Condition of Approval 6. The Council found that wetlands on the subject site are governed by the Department of State Lands. The Council finds that, based on the its 2009 decision, and Condition of Approval 6, development may occur in the wetland, subject to compliance with applicable state and federal wetland regulations.

The Council notes that in its 2009 decision it considered the proposal to develop in the central drainageway. The Council found that the drainageway, which has been delineated as a wetland, must be encroached upon to allow appropriate development of the property. The Council found that construction of the proposed public street, in combination with provision of public utilities and associated public utility easement, allows the continuance of the drainageway with no negative impact to its function.

The Council finds that the 2009 findings regarding City regulation of wetlands and development within the drainageway are applicable and are incorporated as findings regarding the proposed Stormwater Plan.

The Council finds that the presence of an identified wetland will not have any impact on the ability of the proposed stormwater system to function as designed, nor would wetland mitigation associated with developing in the delineated wetland area have an impact on the stormwater system. The Council notes that at the time the time Geotechnical reports for the Brooklane Heights proposal were written the area was not specifically called a wetland, but the conditions were present and accounted for in the report recommendations. The Council finds that the proposed stormwater facility is consistent with geotechnical reports, which took into consideration the site's surface and subsurface conditions. The Council finds that impacts to the identified wetland area have been adequately considered by prior Council decisions, and have no bearing on the satisfaction of Conditions of Approval 20 and 27, which are the subject of this land use review. The Council notes that prior to issuance of grading and excavation permits, Condition of Approval 6 in Order #2010-007 requires the applicant to submit documentation from the Department of State Lands verifying that site development and wetland mitigation plans comply with all local, State and Federal wetland regulations. The Council notes that this Condition of Approval means that grading and fill activities within the delineated wetland will require permits from the Department of State Land and the Army Corps of Engineers. The Council finds that as conditioned, development may occur within the delineated wetland area.

56. The Council notes that testimony asserts that the proposed Stormwater Plan does not meet the LUBA requirements as specified. Council notes that the Brooklane Heights development proposal has been approved by The Council and appealed to LUBA multiple times. The most recent approval is Order #2010-007, which was affirmed by LUBA. The Council notes that the proposed Stormwater Plan has been submitted for review by The Council as required by Condition of Approval 20 of Order #2010-007. The Council notes that, other than complying with the requirements of Condition of Approval 27, LUBA did not place any requirements or restrictions on the design of stormwater facilities. The Council finds that the proposed Stormwater Plan complies with Condition of Approval 27.

The Council notes that testimony was received stating that the soils on the site may be subject to slumping over time, which would damage homes built on the site. The Council notes that the applicant has submitted two Geotechnical reports that provide recommendations for site preparation, foundation design and construction, and pavement construction. The Council finds that the proposed stormwater facilities are designed consistent with the recommendations in the Geotechnical reports.

57. The Council notes that testimony asserts that statewide standards define slopes with grades steeper than 15% undevelopable. City Council finds that this assertion is not true, and development may occur on slopes equal to or greater than 15%.

Summary Conclusion

The City Council is the body charged with responsibility for evaluating the proposed Stormwater Plan and associated grading through a public hearing process as required by Conditions of Approval 20 and 27 of City Council Order #2010-007. The City Council considered evidence supporting and opposing the application, and finds that the proposal, as conditioned, adequately addresses the review criteria and is found to be consistent with the City's Comprehensive Plan and Stormwater Master Plan. The City Council also finds that the proposed Stormwater Plan is consistent with the approved Conceptual and Detailed Development Plan / Tentative Subdivision Plat application (PLD06-00018/SUB06-00006). The City Council finds that Conditions of Approval are necessary to achieve compliance with the applicable criteria, and the conditions adequately address impacts related to the development. Therefore, as conditioned, the City Council approves the proposed Stormwater Plan as part of the approved Conceptual and Detailed Development Plan / Tentative Subdivision Plat application (PLD06-00018/SUB06-00006).

Julie Manning,
Mayor

Date

MEMORANDUM

DATE: April 26, 2011
TO: Mayor and City Council
FROM: Ken Gibb, Community Development Director 
RE: Economic Development Commission's Recommendation for EZ Phase III Expansion

I. Background:

The City Council had forwarded to the Economic Development Commission (EDC), the question of whether to prioritize an additional expansion of the Enterprise Zone (EZ) in the economic development work program. The Commission discussed the possible expansion of the Enterprise Zone (referred to as a Phase III expansion) at both their March 28th and April 11th meetings. As a result of these discussions, the Commission has unanimously recommended to the City Council that Phase III EZ expansion not be a priority at this time but be a consideration for future inclusion in the Economic Development Work Program. Attachment A includes the Commission's recommendation as reflected in the April 11 meeting minutes.

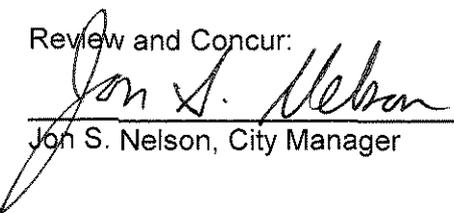
II. Discussion:

The Commission's discussions included a review of two staff reports that related to status of the current EZ areas, the process of establishing the zone, potential benefits as well as the resources required. These reports are included in Attachment B. As noted in the staff reports and Commission discussion, there are considerable resource demands associated with the remaining multiple scattered industrial sites located within the Urban Growth Boundary

III. Requested Action

It is recommended that the City Council accept the Economic Development Commission recommendation that Phase III Enterprise Zone expansion not be a priority at this time but would be considered at a future date for inclusion in the economic development work program.

Review and Concur:


Jon S. Nelson, City Manager

Attachments

VI. ENTERPRISE ZONE EXPANSION RECOMMENDATION TO CITY COUNCIL

Mr. Gibb reviewed the memorandum prepared for this item, including the scope, major tasks, a rough estimate of the costs, and suggested four (4) possible options for the Commission's recommendation to the City Council. Mr. Nelson added that Phase I took approximately 500 hours of staff time and over one (1) year to complete, Phase II, an easier component, took over 300 hours of staff time with a major part of the work done by the Chamber Coalition. He stated that Phase III, having a greater number of non-contiguous parcels may add a greater number of issues, and is likely to be more difficult and time consuming to process. Mr. Nelson added that staff is not aware of any community having success in extending the EZ across the entire UGB.

The Commission agreed that there appeared to be no rush to expand the EZ at this time, that at a future opportunity, as part of a future work program, they would like to discuss the expansion, the application criteria and look for opportunities to streamline the process.

Action: Commissioner Lampton moved that the Economic Development Commission recommend to the City Council that Phase III EZ expansion be considered at a future date for inclusion in the economic development work program. Commissioner Dixon seconded the motion and it passed by unanimous vote.

IV. REFINEMENT/PRIORITIZATION OF ECONOMIC DEVELOPMENT OBJECTIVES AND SUCCESS MATRIX

Ms. French stated that she and Commissioner Rung met as planned and, using the previous draft, prepared this draft of the objectives that identifies three (3) major goals: 1) Optimizing Existing Major Assets, Recruiting Targeted Traded Sector Icons, and Organic Growth (Promote Local Business). The Commission agreed that these are the three (3) main goals and that they are inclusive. The Commission's discussion included the following comments on the next steps in this process:

- What does the output look like; the columns (swim lanes) are elements of the plan with a goal statement for each one, which probably won't have equal weight.
- Concern with identifying goals as targeted objectives because the implication is that when they've been met the game is over. Need to build in a sustainability aspect so that the "how" does not need to be revisited, it is built into the economic culture.
- Need to move out of the "swim lane" concept as the goals are all connected; need to think about how these are overlapping and not be constraint with the particular targets.
- Economic Development is not limited by our resources; there is a need to identify the types of support businesses need to become established and to succeed.
- Perhaps a brainstorming session around the whats will help clarify the goals so that they can then be prioritized.
- While these concepts are a part of the broad synthetic plan, an Annual Plan must be broken into more manageable bites, such as, "this year's objective is to recruit one iconic company to Corvallis in this or that receptor. In order to do that we need the following economic incentives, infrastructure, mentoring and knowledge, etc".

The Commission began discussion of the "whats" for Organic Support, and identified several types of economic development support that businesses need and how that might be provided.

MEMORANDUM

TO: Economic Development Commission
FROM: Ken Gibb, Community Development Director
DATE: April 7, 2011
SUBJECT: Enterprise Zone Phase III Expansion Follow-up

Issue:

The EDC discussed the staff memorandum and background material related to the possible expansion of the Benton/Corvallis Enterprise Zone at the March 28 meeting. The topic is returning to the Commission agenda as an action item.

Discussion:

Commissioners requested that staff bring back an estimate of the resources required to analyze and prepare a request to expand the current geographic boundaries of the EZ to include all of the remaining industrially designated lands within the Corvallis UGB. This is referred to as the Phase III expansion.

In the prior memorandum, Staff described the cost of this work to be in the tens of thousands of dollars in staff time etc. There are many variables that will impact the scope (and cost) of the project including State requirements to qualify a site and the degree of public process necessary if certain properties are included.

It is estimated that there are approximately 150 individual parcels in the remaining balance of 340 acres of privately owned industrially designated land within the Corvallis UGB. This acreage is scattered throughout the UGB compared with the more contiguous industrial areas in the Phase I and II EZ areas. Several of these sites are near lower intensity uses such as residential neighborhoods.

Major tasks associated with the Phase III expansion proposal include:

- Mapping and Census analysis around individual industrial tracts
- Property descriptions for the individual properties proposed to be included in Phase III that meet State requirements
- Outreach to owners of properties proposed to be included in Phase III along with communication to surrounding property owners/neighborhoods
- Interaction with Business Oregon in addressing EZ application requirements

- Statutory required meetings with local taxing jurisdictions hosted by the Benton County Board of Commissioners and City Council. This will include public comment opportunities
- Packaging of a final product for State consideration

Staff's best estimate of time frame for developing an application is nine months and an investment of approximately 1000 hours of staff time. The cost of staff resources and associated out of pocket expenses is projected to be in the \$50,000 range. As stated by City Manager Nelson in a previous meeting, Staff is unaware of any community having success in extending the EZ across the entire UGB. He remains concerned that the resource and time investment will not be cost effective.

Options:

Staff identified options include:

1. Recommend that Phase III EZ expansion is a high priority economic development work program item that should receive staff time and financial resources in the short term.
2. Recommend that Phase III EZ expansion is a not a priority for the economic development work program now or in the foreseeable future.
3. Recommend that Phase III EZ expansion be considered at a future date for inclusion in the economic development work program.
4. Recommend Option 3 with the caveat that property owners will be surveyed for interest in the EZ prior to initiating a blanket inclusion process.

Requested Action:

The Commission is requested to review this information along with the prior memorandum and associated background information and make a recommendation to the City Council.

MEMORANDUM

TO: Economic Development Commission
FROM: Ken Gibb, Community Development Director
DATE: March 23, 2011
SUBJECT: Enterprise Zone Phase III Expansion Discussion

Issue:

As discussed at the last meeting, the City Council has forwarded the question of whether the Benton County/Corvallis Enterprise Zone (EZ) should be expanded to all industrially zoned areas within the Corvallis Urban Growth Boundary (UGB) to the Economic Development Commission.

Background:

Attachment 1 is a memorandum from City Manager Jon Nelson and Chamber Director Marcy Eastham to the City Council. The Chamber is currently the contracted EZ manager. As noted in the memorandum, the local EZ designation began with the creation of an EZ in South Corvallis in 2008. As shown in Attachment 2, the original South Corvallis EZ consisted of 1,322 acres on land located west of Highway 99.

In 2010, the City and County considered the expansion of the EZ to additional or all industrially designated land within the UGB. Late in 2010, the decision was made to expand the EZ to industrially designated areas near and including the Hewlett Packard campus and the Sunset Research Park in southwest Corvallis. Together the additional areas totaled 453 acres in size. The question of whether to expand to all industrially zoned areas was postponed at that time.

Please note that communication over time has different references to the various phases of the EZ. For the purposes of this discussion, Phase I is the original South Corvallis EZ, Phase II includes the approved expansion to the H-P area and Sunset Research Park and Phase III is the consideration of the expansion to include some or all remaining industrially designated land within the Corvallis UGB.

In brief, enterprise zones in Oregon are designed to encourage private business investment by providing property tax relief for 3-5 years on new plant construction and equipment. Attachment 3 is a summary of the program provided by Business Oregon, the State's economic development agency.

The State's rules for creation and amendment of EZs are provided in Attachment 4. Local communities are allowed to further qualify eligible businesses for EZ benefits. In Benton County/Corvallis, in order to qualify for EZ property tax relief, a project must fit into one of seven product/service categories and address one or more sustainability goals related to business practices, design, operations and facilities. Attachment 5 includes the standard EZ application form along with the local criteria.

Attachment 6 includes the October 2010 State approval of the expanded Benton/Corvallis Enterprise Zone along with background information and maps and County and City resolutions.

At this point, two local companies have taken advantage of the Benton/Corvallis Enterprise Zone, both constructing multi-million dollar buildings in South Corvallis. NaturalPoint designs and manufactures optical tracking systems, PC gaming inputs and hands free, ergonomic mouse alternatives and occupied its new facility in early 2011. To date, two new jobs have been created with the company anticipating more to come. T.Gerding Construction completed construction of a \$2 million+ LEED designed corporate headquarters at the Airport Industrial Park in 2010 and has created one additional job. The company notes that in the current construction environment, the EZ has helped incentivize the new building investment and maintain current employment levels.

On a state-wide level, Business Oregon reports that the Enterprise Zone program has created 30,000 plus jobs and more that \$3 billion in private investment since 1985 in the 59 local EZs.

Finally, for background purposes, Attachment 7 is a synopsis of Oregon Business Development Incentives that includes local Enterprise Zones.

Discussion:

The issue at hand is whether Benton County and the City of Corvallis should consider an additional expansion of the EZ to include some or all of the remaining balance of industrially zoned lands within the Corvallis UGB. These areas total approximately 369 acres in size and are located at many scattered sites throughout the Corvallis area (we will have a map showing these areas available at the upcoming meeting).

Some reasons that have been previously identified for including all eligible industrial areas in the EZ include:

- Expanding the menu of location options for prospective companies who may wish to make investments
- Creating "an even playing field" among owners of industrial property relative to the public incentives available to attract private investment

Concerns that have been discussed about the further expansion of the EZ include:

- Concerns that including all areas is not a strategic approach and “dilutes” the focus of the local incentive program
- The amount of additional work to go through the analysis, mapping and other work associated with qualifying additional areas is not on the Chamber (as the EZ manager) and City’s work program and budget. Cost of this work is estimated to be in the tens of thousands of dollars
- Consideration of some of the additional industrial areas may generate questions and concerns from nearby residents about the role of the City in incentivizing industrial development projects in their neighborhood

The EDC is being asked to make a recommendation on whether an EZ Phase III expansion should be considered at this time and the relative priority for the community’s economic development work program

Requested Action:

This information is being provided for initial EDC review at this time. A future agenda will include an action item for the Commission.



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PROCLAMATION

Enhancing Community Livability Celebrating 50 Years of the Peace Corps

May 11, 2011

- WHEREAS, Our community's well-being is enhanced by the efforts of citizens, every day, in a variety of ways; and
- WHEREAS, The community wishes to celebrate and honor the efforts of our neighbors in Enhancing Community Livability; and
- WHEREAS, The Peace Corps has, throughout its history, worked to promote peace and understanding worldwide while assisting in vital community development and education work in 139 countries; and
- WHEREAS, Oregon ranks fourth in the nation per capita for Peace Corps volunteers, with 246 currently serving; and
- WHEREAS, More than 70 returned Peace Corps volunteers currently live in the Corvallis area and are continuing their commitment to community service; and
- WHEREAS, Oregon State University has sent more than 1,200 graduates to the Peace Corps, more than any other university in the state, with 47 OSU graduates currently serving; and
- WHEREAS, The Peace Corps will celebrate its 50th anniversary on May 11, and continues to fulfill its mission of service.
- NOW, THEREFORE, I, Julie Jones Manning, Mayor of the City of Corvallis, do hereby proclaim **May 11, 2011**, as **Peace Corps Day** in the City and encourage people throughout Corvallis to join with current and former Peace Corps volunteer members to enhance community livability locally and worldwide.

Julie Jones Manning, Mayor

Date

A Community That Honors Diversity



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PROCLAMATION

NATIONAL HISTORIC PRESERVATION MONTH

MAY 2011

WHEREAS, Historic preservation is an effective tool for encouraging economic development, revitalizing neighborhoods, fostering local pride, and maintaining community character, while enhancing livability; and

WHEREAS, Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, It is important to understand and celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped our community and nation; and

WHEREAS, "*Celebrating America's Treasures*" is the theme for National Historic Preservation Month 2011, co-sponsored by the Historic Resources Commission, the Benton County Historic Resources Commission, and the National Trust for Historic Preservation, and supported by the State Historic Preservation Office and many volunteers;

NOW, THEREFORE, I, Julie Jones Manning, Mayor of the City of Corvallis, Oregon, do hereby proclaim **May 2011** as **National Historic Preservation Month** and call upon citizens of Corvallis to join their fellow citizens across the United States in recognizing and participating in this special observance.

Julie Jones Manning, Mayor

Date



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PROCLAMATION

OLDER AMERICANS MONTH

MAY 2011

- WHEREAS,** 9,578 citizens aged 65 and older make their home in Benton County; and
- WHEREAS,** The older adults in Corvallis are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and
- WHEREAS,** The Corvallis Parks and Recreation Department provides 580 programs for older adults annually, hosting 10,120 participants and supporting 6,800 volunteer hours at the Chintimini Senior Center; and
- WHEREAS,** The Corvallis Parks and Recreation Department, in partnership with the Senior Foundation of Benton County, Senior Council of Benton County, and Cascades West Council of Governments, provides healthy aging programs, scholarship assistance, and access to daily meals; and
- WHEREAS,** The older adults in Corvallis should be commended for their roles in creating and bolstering the fiber of our community and nation; and
- WHEREAS,** Our community can provide that recognition and respect by enriching the quality of life for older Americans by
- ★ Increasing their opportunities to remain in their communities as active and engaged citizens,
 - ★ Providing services, technologies, and support systems that allow seniors to foster and maintain connections within the community, and
 - ★ Emphasizing the value of elders by publically recognizing their contributions to the diversity, strength, and unity of our community.

NOW, THEREFORE, I, Julie Jones Manning, Mayor of Corvallis, Oregon, do hereby proclaim **May 2011** as **Older Americans Month** and urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

Julie Jones Manning, Mayor

Date

A Community That Honors Diversity



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PROCLAMATION
DRINKING WATER WEEK

MAY 1 - 7, 2011

WHEREAS, WATER is a basic, vital, life-giving component of all life on Earth; and

WHEREAS, Less than 1% of all known WATER on Earth is available to supply the needs of humans and all other creatures and plants that share the planet; and

WHEREAS, Human health and happiness require an abundant supply of safe drinking WATER; and

WHEREAS, Corvallis Water Utility provides citizens of Corvallis with a dependable supply of safe drinking WATER and expects to do so far into the future; and

WHEREAS, Every citizen should appreciate our WATER resource, protect it from pollution, and practice wise WATER use and conservation.

NOW, THEREFORE, I, Julie Jones Manning, Mayor of Corvallis, Oregon, do hereby proclaim the week of **May 1 - 7, 2011**, as **Drinking Water Week** in the City and encourage all Corvallis citizens to learn about drinking WATER and act to protect it.

Julie Jones Manning , Mayor

Date



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PROCLAMATION

PUBLIC SERVICE RECOGNITION WEEK

May 2 - 6, 2011

WHEREAS, Every day, more than 300 million Americans are served by public employees providing a wide range of services; and

WHEREAS, Corvallis is served by more than 400 municipal employees; and

WHEREAS, Many municipal employees take not just jobs, but oaths, and risk their lives serving as police officers and firefighters; others maintain the City's infrastructure; keep clean water flowing through our taps and our sanitation facilities intact; maintain beautiful parks and numerous safe recreation facilities; serve our senior citizens; provide a variety of library services and programs; and perform plan reviews and inspect buildings and proposed developments. Still, others serve both the internal and external needs of the organization by preparing strategic long-range plans and annual budgets; ensuring fair and equitable employment practices and a healthy work environment; providing administrative support to maintain a coordinated and smooth operation; ensuring equal treatment under the law; and responding to citizens' requests for information and other inquiries – all to serve residents' desires for community livability; and

WHEREAS, Without these public employees at every level, there could be no continuity in a democracy such as ours which regularly changes its leaders and elected officials.

NOW, THEREFORE, I, Julie Jones Manning, Mayor of Corvallis, Oregon, do hereby proclaim **May 2 - 6, 2011**, as **Public Service Recognition Week** in the City and urge all citizens to acknowledge the accomplishments and contributions of public employees at the Federal, State, County, and City levels – and particularly our local municipal employees.

Julie Jones Manning, Mayor

Date



Office of the Mayor

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PROCLAMATION

Enhancing Community Livability Celebrating the Founding of Beta Sigma Phi

April 30, 2011

WHEREAS, Our community's well-being is enhanced by the efforts of citizens, every day, in a variety of ways; and

WHEREAS, The community wishes to celebrate and honor the efforts of our neighbors in Enhancing Community Livability; and

WHEREAS, Beta Sigma Phi, an international women's social, cultural, and service organization, has provided meaningful opportunities for leadership and service throughout its 80-year history; and

WHEREAS, Beta Sigma Phi has grown to include more than 165,000 members representing over 20 countries around the world; a group of women who raise funds and donate time and effort to many charitable organizations locally and internationally, with special emphasis on disaster relief efforts, breast cancer research, and scholarships; and

WHEREAS, The members of Beta Sigma Phi support these efforts through local community service activities; and

WHEREAS, The badge of the organization signifies life, learning, and friendship by its Greek symbols, Beta Sigma Phi; and

WHEREAS, Beta Sigma Phi will celebrate its founding on April 30, and continues to fulfill its mission of service.

NOW, THEREFORE, I, Julie Jones Manning, Mayor of the City of Corvallis, do hereby proclaim **April 30, 2011**, as **Beta Sigma Phi Day** in the City and encourage people throughout Corvallis to join with current and former members to enhance community livability locally and worldwide.

Julie Jones Manning, Mayor

A Community That Honors Diversity

Louie, Kathy

4/20 - M/CC - FYI, K

From: Rep Gelser [gelser.rep@state.or.us]
Sent: Wednesday, April 20, 2011 3:54 PM
To: Louie, Kathy
Subject: RE: Message from Corvallis Mayor Julie Jones Manning (Legislative Input)

Dear Kathy,

Thanks so much for letting me know the Council's position on these bills.

Unfortunately, it appears that HB 3165 will not receive further consideration this session. HB 3383 is also now dead, and will not receive further consideration this session.

Best wishes!
Sara

Representative Sara Gelser
Deputy Democratic Whip
Co-Chair, House Education Committee
House District 16 (Corvallis/Philomath)
503-986-1416
rep.saragelser@state.or.us

From: Louie, Kathy [mailto:Kathy.Louie@ci.corvallis.or.us]
Sent: Wednesday, April 20, 2011 10:20 AM
To: Sen Morse; Rep Gelser
Cc: Mayor and City Council; lludwig@orcities.org; Nelson, Jon
Subject: Message from Corvallis Mayor Julie Jones Manning (Legislative Input)

RE: CORVALLIS CITY COUNCIL LEGISLATIVE INPUT (HB 3165 and HB 3383)

Greetings from Corvallis!

- o At our April 18, 2011 City Council meeting, the City Council took positions on two bills.
 - **SUPPORT HB 3165.** This bill provides local government a "seat at the table" with agriculture, flood control, recreation, fish, and industrial interests regarding dam allocation of impoundment water.
 - **OPPOSE HB 3383.** The City Council is concerned that this bill shifts commercial classes of solid waste costs to residential classes.

The City Legislative Committee working notes are attached for your information. Thanks for all you do.

Julie Jones Manning
Mayor
City of Corvallis

COUNCIL REQUESTS

FOLLOW-UP REPORT

APRIL 28, 2011

1. Regulating Door-to-Door Solicitors (Raymond)

In the 1950s, the City of Corvallis, like many other cities in the United States relied upon an ordinance, a variation of the "Green River Ordinance," to prevent unwanted solicitors from contacting community members at their homes. The "Green River Ordinance" prevented door-to-door solicitors from making contact at a premises without prior invitation. The "Green River Ordinance" was ultimately struck down by the United States Supreme Court as unconstitutional due to a violation of an individual's freedom of speech. As a result, the City of Corvallis has been without an ordinance which regulates solicitors engaged in door-to-door sales.

Solicitors are not currently licensed; and the City is usually unaware of the activity, unless complaints are received by the Police Department about activities that give rise to citizen or community concern. Additionally, there is no regulation of their activities, unless a solicitor should commit a violation of law. In most cases where police are called to incidents involving solicitors, they have left prior to police arrival and can be difficult or impossible to locate. This makes complaint investigation extremely laborious.

In late-1999, concerns were raised throughout the community related to the actions and activities of solicitors while they are conducting business within the City. Primarily, the concerns related to those solicitors who travel from residence to residence selling various consumer goods, magazine subscriptions, or other items. Those actions by some solicitors, including unorthodox trade practices and serious violations of law, compelled citizens to seek assistance from the Police Department in arriving at a solution to regulate the actions and practices of door-to-door solicitors conducting business in Corvallis.

In early-2000, the Corvallis Police Department was asked to draft a City Ordinance requiring the licensing of solicitors. For a variety of reasons and after much deliberation the City Council decided not to pursue an ordinance licensing or otherwise regulating solicitors in Corvallis.

2. Downtown Transit Center Remodel (Nelson)

The remodel of the transit concessionaire building to a public restroom is completed. The restroom opened Friday, April 22 at 7:00 am. The operating hours of the restroom are 5:00 am to 2:30 am Monday through Saturday (closes at 2:30 am Sunday). The restroom is cleaned twice each day, and a security company checks on it each morning after it closes. The outside of the building has video cameras recording activities near the door and in the transit center. So far, there have been no operating issues.



Jon Nelson
City Manager

Councilor Schmidt opined that the request is suitable, and he endorses it. He noted that BCHS has possession of the building and wants to proceed, and he looks forward to seeing the Collection in the new facility.

RESOLUTION 2000-23 passed unanimously.

C. Human Services Committee - May 18, 2000

1. Neighborhood Dispute Resolution Services (NDRS) Third Quarter Report

Councilor Barlow-Pieterick stated that the NDRS report has, historically, not met its goal. HSC determined that the NDRS is necessary, and additional discussions will be conducted with Community Outreach, Inc., concerning continuance of the services.

It was moved, seconded, and unanimously passed to accept the Neighborhood Dispute Resolution Services third-quarter report.

2. Regulation of Solicitors (Information)

Councilor Barlow-Pieterick reported that this issue was held over for Council discussion and direction. The issue was presented to HSC by the Corvallis Police Department (CPD) on the premise that licensing of solicitors would increase public safety. He said HSC recognized that there may be value in licensing solicitors but wanted Council direction about investing staff time in developing licensing legislation.

Councilor Griffiths said she had mixed feelings concerning the issue and was leaning more toward not licensing solicitors. She expressed concern that the legislation would encourage more solicitors. Personally, she would like no solicitors in the City, but she recognized that such a restriction is illegal. She was unsure whether the proposed regulations would address the size of "no soliciting" signs and said she would like to keep the legislation simple. She noted that no data is available to support the supposition that licensing of solicitors would result in more soliciting. She said she did not like the solicitation hours that would be allowed under the proposed legislation.

Councilor Peters reported that he spoke against the proposal during the HSC meeting. He does not think it will accomplish the CPD's objective, nor that it will stop solicitation. He favors giving CPD the tools it needs to do its job, but not to the extent of the proposed legislation. He opined that the legislation might give people a false sense of security. He questioned the fairness of the proposed legislation, noting that other businesses are not required to be licensed. He said he would support legislation regulating the hours of soliciting and enforcing posted "no soliciting" signs.

Councilor Schmidt concurred. He speculated that out-of-town solicitors could say they did not know about the licensing requirement.

Mayor Berg noted that some solicitors approach houses with the intent of committing burglary or assault crimes. She said there is currently no way to track solidictors.

Councilor Beilstein stated that the City does not have even minimal regulations concerning soliciting. He said he would prefer more complex, complicated, and comprehensive legislation. He opined that "no soliciting" signs and soliciting hours should be enforceable.

Councilor Grosch said he concurred with some of Councilor Peters' comments and agreed that CPD should have some tools to enforce community safety. He said he had not seen the proposed legislation but would like to review it.

Councilor Peters noted that the proposed legislation was included in the staff report presented to HSC and attached to the HSC minutes in the meeting packet. He agreed with Mayor Berg that crimes have been committed by people posing as solicitors. He opined that it is the responsibility of CPD to investigate crimes as they occur. He suggested that the proposed legislation is one of many tools available to CPD but affects a small portion of the community's population.

Councilor Barlow-Pieterick reported that Committee discussions with staff indicated that there would be some value in the proposed legislation. He opined that professional solicitors will know they must register. If registration is not required, there is no way to track illegal solicitors. He speculated that many of the details of the proposed legislation could be argued or challenged, but the Committee wants Council direction concerning staff pursuing the legislation.

Councilor Wogaman said he concurred with some of the points made. He expects that registration requirements would decrease solicitation. He would like staff to explore development of legislation.

Councilors Tomlinson and Howell concurred with staff exploring development of legislation.

Mayor Berg noted that solicitation legislation would not apply to political candidates.

3. Hazard Tree Legislation

Councilor Barlow-Pieterick reported that Parks and Recreation Director Moyer presented the Committee with a proposed modification to the current hazard tree policy, noting that the current policy is ineffective. The proposed modification would allow the City to remove hazardous trees in the City right-of-way at City expense, without the need for property owner permission.

commented that, if the report were yearly, it would come to the Committee after the contract is signed for the upcoming year so suggested contract changes would have to be delayed until the following year. Mr. Nelson suggested presenting the services following the third quarter. Ms. Roskowski said that the contract period could be set so it can be reviewed before the budget process each year. More discussion on this idea will be presented during the next review.

The Committee unanimously recommends that Council accept the Neighborhood Dispute Resolution Services Third Quarter Report.

II. Regulation of Solicitors (Attachment)

Ms. Roskowski presented the staff report and explained that staff is bringing to the Committee a proposed ordinance to regulate solicitations by for-profit solicitors. She pointed out that there has been no ordinance regulating this type of activity on private property since the 1950's. She noted that, the ordinance was ruled unconstitutional because it was constitutionally vague.

Ms. Roskowski said that, in the past several years, Corvallis has experienced an increase in the number of complaints received and, also, in crimes related to door-to-door solicitation. She said that, as a result, it staff has researched methods to better regulate solicitation. She explained that the ordinance would be preventative.

Ms. Roskowski advised that the ordinance would provide a permit/license process that would require solicitors to apply for a license and have a background check. She said this background check would assure a higher level of safety and discourage people from coming to Corvallis to commit crimes.

Ms. Roskowski pointed out that the report provides an overview of issues the Committee might wish to consider. She noted it identifies community support for this type of regulation. She said staff talked with people from the non-profit sector who might be affected as well as people from the business community; it also includes research from ten Oregon cities of similar size.

Ms. Roskowski reviewed the elements of the proposed legislation as follows:

- ▶ Definition of "solicit" and "solicitor",
- ▶ Permitting process,
- ▶ Application fee of \$25.00,
- ▶ Exemptions,
- ▶ Requirements for an ID badge,
- ▶ Background investigation process,
- ▶ Reasons for denial,
- ▶ Appeal process,
- ▶ Non-transference of license,
- ▶ Hours and days soliciting allowed,
- ▶ Signs for non-soliciting, and
- ▶ Classification of violation.

Human Services Committee

May 18, 2000

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Ms. Roskowski explained that the application fee reflects the costs of processing a permit and includes review and criminal history check, but does not include the cost of enforcement or appeal of a permit denial.

Councilor Barlow-Pieterick inquired if the legislation covered solicitor conduct. Lieutenant Sassaman replied that conduct is covered in the ordinance and Ms. Roskowski remarked that the background check would include contacting the Attorney General regarding the company's practices. Councilor Beilstein expressed his belief that conduct can be addressed by the trespass laws. He stated that it is legal to enter a person's property, if it is not posted; however, once a person is asked to leave, he or she is trespassing if the person doesn't leave. Ms. Roskowski stated that all solicitors are required to obey all laws and engage in sound business ethics. She said that, if a solicitor does not practice sound conduct and the citizen requests that the person leave and then calls the police, it is difficult to investigate because no information regarding the person or the company is available.

Councilor Barlow-Pieterick asked whether, when the solicitor receives his ID badge, will she know what is considered appropriate conduct and whether the City would assist solicitors in understanding what is allowable. Ms. Roskowski replied that, with all permits and licenses issued by the Police Department, the rules are reviewed and training is provided.

Councilor Peters voiced his concerns about the proposed ordinance. He maintained that the legislation would not prevent solicitors from coming to your door. He said they will come with or without a license. He pointed out that non-profit organizations and campaigners will be able to solicit door-to-door with no identification or registration. He said that, if a person were going to commit a crime, the person could claim he was with a church or school and did not need a license. He questioned whether it is an issue of fairness when other businesses do not need a license.

Lt. Sassaman replied that licensing would be a preventative tool. He pointed out that people who would come into the community to commit a crime might call to see if there is a license required. If they know there is no license required, they will come in and commit a variety of crimes; if they know that there is a license required, it might deter them from coming into the community. Lt. Sassaman explained a licensing program provides the ability to investigate cases and pursue violators. Ms. Roskowski noted that observance is another investigative tool; if there is not a visible permit, that can determine if there is probable cause for further investigation. She explained that, generally, a citizen does not want to pursue criminal prosecution against the violator and, therefore, the tool for enforcement becomes whether they are licensed.

As a result of discussion, Mr. Nelson proposed sending the issue to Council to see if there is enough interest for staff and Committee to continue to work on the legislation. He voiced concern about staff continuing to work on this issue if there is no general support from the entire Council.

The following is a summary of Councilor Beilstein's concerns and opinions:

The only complaints he has received regarding door-to-door solicitors are

from elderly people who feel intimidated by them. For that reason, he opined that a reworded ordinance and "no soliciting" signs would ease the concerns of the elderly. In response to his inquiry, Lt. Sassaman replied that, in the research he had done, there was no indication of the origin of the term "Green River Ordinance". Councilor Beilstein noted that Albany's ordinance states that farmers selling farm produce are exempt from the license requirement. He suggested exempting people who sell newspaper subscriptions. He noted that the hours (9:00 am to 9:00 pm) seemed like a reasonable time period to allow door-to-door solicitation. He said he favored the license fee which would cover staff time involved in issuing the permits.

In response to Councilor Beilstein's question, Lt. Sassaman said that a business is considered private property and would, therefore, be included in the ordinance. Councilor Beilstein questioned the need to protect businesses and opined that a business should accept a solicitor walking in trying to sell merchandise. He expressed his belief that it is more important to protect residences than private property.

Councilor Beilstein commented that, if exemptions for various groups are allowed, it should be based on the "charitable" status of the organization. He opined that it could create problems if a charitable organization is using paid employees to solicit. He felt it could be used as a "front" to scam citizens.

Councilor Beilstein discussed the following issues in the summary of the proposed ordinance:

Item #4-B: Delivering goods or services ordered by the resident - he said this would involve phone solicitations and noted he would like the ordinance to prohibit the practice of "phone farming" which eliminates the need for a license.

He expressed his opposition to a solicitor being an employee of a charitable organization.

In referring to Item #10, Councilor Beilstein questioned the wisdom of restricting soliciting on holidays and Sundays. He opined that that is the most likely time that people would be home. He commented that, if the hours were 9:00 am to 9:00 pm on weekdays days, then it actually means they could only solicit from approximately 5:00 pm to 9:00 pm because people would already be at work by 9:00 am.

Councilor Beilstein questioned what an unclassified misdemeanor meant in Item #12. Lt. Sassaman explained it means it is a Class C misdemeanor which is the lowest level of misdemeanors.

Councilor Beilstein proposed including the Municipal Code provisions on "Posting and Distributing Handbills" in the ordinance. He said he has noticed that handbills are placed on vehicles at OSU and inquired if it would be difficult to enforce at OSU. Lt. Sassaman replied that the City does not normally patrol on campus.

As a result of Councilor Beilstein's comments regarding the placing of handbills on private and public property, Mr. Nelson inquired if there was an exemption for campaign handbills. Lt. Sassaman replied that there is not.

In response to Councilor Beilstein's question, Ms. Roskowski replied that begging is a violation of Municipal Code section 5.03.080.150 and, if a complaint is received, the Police will usually try to just talk to the person and explain that he or she is in violation of the Code. Councilor Beilstein commented that, as he understood the proposed ordinance, it does not address begging.

Councilor Beilstein expressed his belief that John & Phil's Toyota is in violation of Municipal Code 5.03.100.040 - Selling on Public Ways. He pointed out that they have goods for sale on the public right-of-way.

Mr. Nelson remarked that in many communities the requests to regulate soliciting come from businesses as a result of itinerant door-to-door salespeople that come into a community and do not have the investment that regular businesses do.

Mr. Nelson proposed that Councilor Barlow-Pieterick inform the full Council of the discussion and different points of view before additional time is spent on this issue. Staff needs to know if there is enough support to merit the effort.

Councilor Beilstein requested that Councilors contact members of HSC with their comments and suggestions on this issue if there is sufficient support, his inclination is for HSC to continue the discussion.

For information only.

III. Hazard Tree Legislation (Attachment)

Mr. Moye presented the staff report, stating that Council has previously authorized the Parks and Recreation Department to remove hazardous trees from public rights-of-way at the City's expense. He explained that Parks and Recreation is using the same process as in the past. The property owner receives a notice and is given 30 days to comply. After the 30 days, a lien is placed on the property for non-compliance. Mr. Moye reported that the process was not working well due to the time and expense involved. He said the policy change allows removal of the hazardous trees in the right-of-way at City expense. However, he commented that the change in policy would not eliminate the option of placing a lien on

Memorandum

May 8, 2000

To: Human Services Committee

From: Pamela Roskowski, Chief of Police 

Subject: Solicitation in the City of Corvallis - Proposed Ordinance

ISSUE

This report discusses a proposed addition to Corvallis Municipal Code Chapter 5.03 regarding Solicitation in the City of Corvallis. Council action is required.

BACKGROUND

In the 1950's, the City of Corvallis, like many other cities in the United States relied upon an ordinance, a variation of the "Green River Ordinance," to prevent unwanted solicitors from contacting community members at their homes. The "Green River Ordinance" prevented door-to-door solicitors from making contact at a premises without prior invitation. The "Green River Ordinance" was ultimately struck down by the United States Supreme Court as unconstitutional due to a violation of an individual's freedom of speech. As a result, the City of Corvallis has been without an ordinance which regulates solicitors engaged in door-to-door sales.

Solicitors are not currently licensed and the City is usually unaware of the activity unless complaints are received by the Police Department about activities that give rise to citizen or community concern. Additionally, there is no regulation of their activities unless a solicitor should commit a violation of law. In most cases where police are called to incidents involving solicitors, they have left prior to police arrival and can be difficult or impossible to locate. This makes complaint investigation extremely difficult.

Concerns have been raised throughout the community related to the actions and activities of solicitors while they are conducting business within the City. Primarily, the concerns relate to those solicitors who travel from residence to residence selling various consumer goods. Recent actions by some solicitors, including unorthodox trade practices and serious violations of law, have compelled citizens to seek assistance from the Police Department in arriving at a solution to regulate the actions and practices of door-to-door solicitors conducting business in Corvallis. Behaviors of migrant solicitors in Corvallis include blocking open doors from being shut, attempting to force their way into private residences and other criminal acts of Burglary, Rape and Assault.

DISCUSSION

In recent years, issues related to the sales tactics utilized by some solicitors have surfaced. Sudden appearances at the door and aggressive sales can be somewhat disarming to the citizen. The tactics, which are endless in variety, appear to be designed to break the ice with the citizen and draw them into listening to the sales promotion. In 1998, there were several incidents where Corvallis citizens were concerned enough to call the police fearing the solicitors involved were acting in a suspicious manner. These situations can and do lead to the loss of peace and security the citizen should expect while at home.

An additional concern is related to individuals who are not actually solicitors, but who purport to be such for the purpose of gaining entry into the citizen's home. In these types of incidents, the individual may be attempting to determine the type of personal property that exists in the home for the purpose of furthering a present or future criminal act. Currently, the public has no way of determining whether or not an individual is legitimate. In 1998 and 1999, there were incidents involving solicitors which resulted in a felony criminal assaults. In 1998, two traveling door-to-door solicitors physically attacked a Corvallis resident over money (\$2 dollars.) The victim sustained life threatening injuries and to date lives with permanent brain damage. In 1999, a traveling door-to-door solicitor attempted to sell cleaning products to a mentally disabled women. Using the ploy of needing to use her restroom, he gained entry to her home where he forcibly raped the woman.

The practice of requiring door-to-door solicitors to be licensed by the City dissuades criminal activity by increasing the ability to identify, locate and apprehend offenders. Such an ordinance, coupled with continued community education efforts, provides enhanced public safety measures for the community. Currently, the City of Corvallis Municipal Codes and Oregon Revised Statutes regulate the posting and distribution of handbills, trespassing, begging and selling on public ways (attachment A), but do not regulate solicitation on private property.

QUESTIONS TO BE CONSIDERED BY COUNCIL

Among questions to be considered when establishing an ordinance to manage door-to-door solicitors are the following:

- 1. Is it appropriate for Government to limit and/or manage door-to-door solicitors in Corvallis?**

The City has a public safety interest in managing solicitors through a permit process. Such a process does not restrict free trade interests or civil liberties.

- 2. Do existing Corvallis Municipal Ordinances' adequately address the interests of the City in limiting access to private residences and businesses from solicitors?**

Current Corvallis Municipal Ordinances (CMO); Posting of Handbills, Trespassing, Begging and Selling on Public Ways adequately address the sales of goods and services on public property. However, there is no regulation related to solicitation on private property.

3. What can the City do to reduce criminal behavior of solicitors?

The City of Corvallis can determine who solicits in the City by creating an ordinance requiring door-to-door solicitors to obtain a permit from the City. The permit process would supply the City with necessary information and authority to conduct a background check, and the means to locate the company and/or individual solicitor if a need arose. The permit process itself discourages criminals from using the ruse of door-to-door solicitation as a means to case potential crime victims by putting them on notice that Police will conduct a background check and also verify their identity prior to issuing a license. Further Police will have the authority to investigate complaints of persons soliciting without a permit.

4. What can citizens do to protect themselves from door-to-door solicitors if they don't want them at their door?

Citizens can place a "no trespassing" sign on their property which can mitigate solicitors coming onto their premises. Citizen can educate themselves with the "solicitors" brochure from the Police Department which provides tips on legitimate and fraudulent solicitors (attached.) Citizens do not have to open their door to persons unknown to them and may call the police department to investigate what appears to suspicious activity on their premises.

5. Are there any legal conditions prohibiting a Municipal Ordinance from regulating solicitors?

There exists no legal conditions prohibiting Municipalities from creating an ordinance setting condition for local solicitations.

6. Would an ordinance requiring licensing of solicitors negatively impact groups such as Girl Scouts, Boy Scouts, 509J students from selling door-to-door?

The proposed ordinance would exempt non-profit federal tax exempt status organizations. Therefore, as an example, groups such as Girl Scouts, Boy Scouts, 509J students and religious organizations would not be negatively affected by the ordinance.

7. Is there community support for regulating solicitors in Corvallis?

Staff has discussed the draft ordinance with the Corvallis Chamber of Commerce, the Downtown Corvallis Association, 509J School District and the Benton District Boy Scout Council. The draft ordinance has the full support of the 509J School District and the Downtown Corvallis Association. The Boy Scouts of America have said that they do not foresee such an ordinance conflicting with their fund raising activities locally. They have a policy of remaining neutral on issues that they perceive as political and therefore neither

Bend

The City of Bend does not have a Municipal Ordinance managing solicitation in the City.

Eugene

The City of Eugene Municipal Ordinance establishes Uniform Business Practices and Commercial Solicitor Regulations which regulate door-to-door solicitors. The following apply:

- a. A solicitor over the age of 18 must carry identification giving particulars on agent and company and display identification when requested.
- b. The solicitor must provide a receipt to the customer and must reduce the sales transaction to writing and provide a copy to the customer.
- c. No licensing fees are charged.

Gresham

The City of Gresham does not have a Municipal Ordinance regulating door-to-door solicitation. The City of Gresham's Municipal Ordinance is specific to businesses residing within the City limits and transient merchants selling precious gems.

Lake Oswego

The City of Lake Oswego Municipal Ordinance requires the following for door-to-door solicitors:

- a. The Ordinance only allows for door-to-door solicitations to occur between the hours of 9:00am and 9:00pm.
- b. The Ordinance also allows for citizens to post a "no solicitation" sign which restricts solicitors from entering upon the premise.
- c. Exemptions to the ordinance apply to officers, employees or agents of a governmental entity while performing activities within the scope of their office, employment or agency.

Medford

The City of Medford Municipal Ordinance requires the following:

- a. Any person may post a "no solicitors" sign on private property only, thereby restricting access to their residence.
- b. There is no other restrictions associated to solicitors.

Salem

The City of Salem Municipal Ordinance requires the following for door-to-door solicitors:

- a. The Ordinance requires solicitors to be licensed at a cost of \$59.50.
- b. Door-to-door solicitations can only occur between the hours of 8:00am and 9:00pm.
- c. Exempt from the ordinance are those who sell products produced by themselves (farmers produce), vendors of newspapers and those who are selling items which will be used by the business (ie: selling chocolate chips to a yogurt store for use on the yogurt.)

Springfield

The City of Springfield Municipal Ordinance requires the following for door-to-door solicitors:

- a. The Ordinance requires a solicitors license that must be possessed and displayed while soliciting door-to-door.
- b. The licensing fee is \$20 per year.
- c. Requires a background check on applicants seeking a license.
- d. Solicitation may only occur between the hours of 10:00am and 9:00pm.
- e. Solicitors may not enter upon a premises posted with a sign stating "no solicitors."
- f. The Ordinance provides exemptions from licensing for officers, employees or agents of a governmental entity while performing activities within the scope of their office, employment or agency, and for and juveniles who are not working in direct employment of a firm, company or association.

Tigard

The City of Tigard Municipal Ordinance requires all persons engaged in sales to pay a business tax, which includes door-to-door solicitors. The business tax is determined by the number of employees working for a business. 1-10 employees equals \$55; 11-50 employees equals \$110; and 51 or more employees equals \$220.

PROPOSED ORDINANCE

The draft ordinance 5.03.025.010 Solicitation, provides the following conditions for door-to-door solicitation in the City of Corvallis (Attachment B). The following identifies the key points of the proposed ordinance.

1. Defines the terms "solicit" and "solicitor" as the activity and the persons engaged in the activity of entering upon premises for the purpose of seeking to obtain orders for the purchase of goods or services of any kind, character or description for any kind of consideration.
2. Sets forth an application and permitting process through the Police Department requiring the following:
 - a. Name, description, addresses and telephone numbers, both permanent and local, of

- the applicant and any solicitors that will be soliciting in the City.
- b. A color photograph taken within 60 day of application.
 - c. A copy of a photo identification, issued by a government agency or other verifiable source, for every solicitor that will covered by the license.
 - d. A brief description of the nature of business and the goods/or services to be sold.
 - e. The local address(s) of any solicitors during the period of time they are soliciting within the corporate limits of the City.
3. At the time of application, the applicant will pay a fee of \$25.00, to defray the administrative costs of application and licensing. The effective term of any license will be for one year from the date the license is approved.
 4. Exempt from the licensing and fee requirements are:
 - a. A person or organization calling upon business firms soliciting orders for goods or services which are regularly used by the business firm in their regular course of business.
 - b. A person or organization delivering goods or services ordered by the resident.
 - c. An organization that has obtained federal tax exempt status as a non-profit organization. This exemption further applies to agents representing the organization. An example of an exempt organization or person are: Boys/girl scouts, public schools, churches)
 5. All solicitors requiring a license are required to wear, while engaged in the business of soliciting, in a conspicuous location on the outer garment, an identification badge issued by the City that will contain the following information:
 - a. Name, date of birth and address of the solicitor.
 - b. A photograph of the solicitor.
 - c. The name, address, and phone number of the organization the solicitor is representing, if applicable.
 - d. The type of goods or services being offered.
 - e. A waiver stating: "City of Corvallis Registered Solicitor" and "This badge does not indicate an endorsement by the City of Corvallis for any product or service."
 - f. The beginning and expiration dates of the license.

The identification badge is, and remains, the property of the City of Corvallis and solicitors are required to return the identification badge to the City of Corvallis Police Department within 10 calender days of the expiration of the solicitors license under which the identification badge was issued.

A City of Corvallis Police Officer may seize the identification badge issued by the City from any solicitor whom the officer has reasonable grounds to believe has violated any of the provisions of the ordinance.

6. A background investigation will be conducted of every applicant including:
 - a. Criminal history check.
 - b. Check the Attorney General's office for convictions for unlawful trade practices.
 - c. Check consumer complaints filed with consumer protection organization.

 7. A license to solicit in Corvallis may be denied or revoked for any of the following reasons:
 - a. Fraud or misrepresentation in the application.
 - b. Fraud or misrepresentation in the course of soliciting while licensed in the City.
 - c. Judicial determination that the applicant, within the preceding three years, has engaged in an unlawful trade practice
 - d. Conviction of the applicant for any offense which would indicate the applicant would reasonably represent a risk to the peace and/or security of the community while engaged in the business of soliciting.
 - e. Failure to abide by any requirement of this chapter.
 - f. Conducting business of soliciting in an unlawful manner or in such a manner so as to constitute a menace to the health, safety, or general welfare of the public.
 - g. Violation of any Corvallis Municipal Ordinance covered under Article 5.03 (i.e., noise, alcohol & drugs, assault, prohibited acts, offenses against property, public ways and weapons.)

 8. Any person aggrieved by the denial or revocation of the license shall have the right to appeal to the City Manager.

 9. No license shall be used at any time by any person other than the one to whom it is issued. No license may be transferred.

 10. No solicitor will engage in soliciting during the hours and days as follows:
 - a. Between the hours of 9:00pm and 9:00am
 - b. On any Federal, State, or Municipal Holiday.
 - c. On any Sunday.

 11. No solicitor will enter upon a premises where a sign is posted near the entrance to the premises giving notice that the occupant does not desire solicitors on the premises. Such signs will have the minimum requirements as follows:
 - a. Bear the working "No Solicitors" or "No Soliciting"; and
 - b. Have letters that are a minimum of 1.5 inches in height; and
 - c. Be designed so that the words stand out in sharp contrast to the background.

 12. A violation of any section of this chapter is an unclassified misdemeanor.
-

FISCAL IMPACT

Table 1, depicts the direct costs of processing a solicitation permit and includes application/license review and criminal history check. The hours were assessed based on information provided by staff. The costs of enforcement of the ordinance and or appeal of a permit denial are not included here. These activities are not expected to generate significant staff work beyond the capacity of current resources.

Solicitor Permit Costs

Personal Services	Average Time	Costs
Secretary III	.25 hours	\$5.40
Police Lieutenant	.25 hours	\$10.62
P.D. Supplies		\$5.00
P.D. Administrative Overhead	7%	\$1.15
Total		\$22.17*

* Calculated using FY 99/00 payroll costs

In order to fully recover direct and indirect expenses, the solicitation permit fee should be established at \$25.00.

OPTIONS

Options for Council consideration include:

1. Take no action and continue not regulating solicitation on private property.
2. Adopt some other option identified by Council.
3. Adopt the proposed Corvallis Municipal Code ordinance.

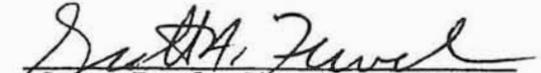
RECOMMENDATION

Staff recommends option #3.

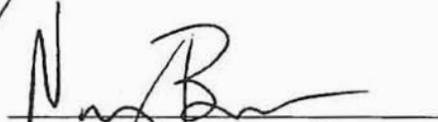
Review and Concur:



Jon S. Nelson, City Manager



Scott Fewel, City Attorney



Nancy Brewer, Finance Director

attachments:

- A. Existing Applicable City and State Law Summary
- B. Proposed Solicitation Ordinance

EXISTING APPLICABLE CITY AND STATE LAW SUMMARY

The City of Corvallis Municipal Codes and Oregon Revised Statutes regulate the posting and distribution of handbills, trespassing, begging and selling on public ways, but do not regulate solicitation on private property. Following are summaries of the codes and state statutes currently in place.

City of Corvallis Municipal Code 5.03.030 - Posting and Distributing of Handbills

The City of Corvallis Municipal Posting and Distribution of Handbills Code restricts the placing of handbills on public and private premises and on vehicles. Only with prior authorization from the resident may a person distribute handbills on private property. No person may distribute on public

property, except a public officer. A resident may post a sign ("No Trespassing", "No Peddlers or Agents", "No Advertisement", or similar notice) near the entrance of the premises of individuals not wanting handbills or other material left on the property.

This ordinance is specific to the posting of handbills only and does not address solicitors. Violation of the handbill code is an infraction of law resulting in a fine ranging from \$50 to \$100.

City of Corvallis Municipal Code 5.03.090.060 - Trespass

The City of Corvallis Municipal Trespass Code states that no person shall enter or remain unlawfully in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrance is not otherwise licensed or privileged to do so; or to fail to leave a premises that are open to the public after being lawfully directed to do so by the person in charge.

This ordinance becomes applicable if a solicitor traveled beyond walking to and from the front door of a residence. Clearly the trespassing ordinance becomes effective if a solicitor failed to leave a premises after being lawfully directed to do so by the person in charge.

Violation of the trespass code is a misdemeanor violation of law resulting in arrest and fines ranging from \$156 to \$500.

Oregon Revised Statute 164.245 & 164.255 - Criminal Trespass I & II

The Oregon Revised Statutes Trespass Code prohibits persons from entering and remaining

Chapter 5

Attachment B

Chapter 5.03

Solicitation

- Article 5.03.025.005 Purpose
- Article 5.03.025.020 Soliciting
- Article 5.03.025.030 Application
- Article 5.03.025.040 License Fees
- Article 5.03.025.050 Exemptions
- Article 5.03.025.060 Exhibition of Identification Required
- Article 5.03.025.070 Background Investigation
- Article 5.03.025.080 License Revocation/Non Issuance of License
- Article 5.03.025.090 Transfer of License
- Article 5.03.025.100 Hours of Solicitation
- Article 5.03.025.110 No Soliciting Signs
- Article 5.03.025.120 Penalty

5.03.025.005 Purpose

The purpose hereof is to permit and encourage, legitimate and safe door-to-door sales of consumer goods upon private property. The City finds that regulation of door-to-door solicitors is necessary to ensure legitimate business practice and protect the privacy rights of individual citizens.

5.03.025.010 Soliciting

No person, or organization, shall engage in soliciting as defined in this chapter, within the corporate limits of the City, without first obtaining a license as herein provided.

5.03.025.020 Definitions

For the purpose of this chapter the terms "solicit" and "Solicitor" will refer to the activity and the persons engaged in the activity of entering upon premises for the purpose of :

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, food stuffs, services of any kind, character or description whatever, for any kind of consideration whatever: or
- (2) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication
- (3) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication.

5.03.025.030 Application

Any solicitor, under this chapter, must file with the City Police Department, a sworn application, in writing, on a form to be furnished by that department, which shall give the following information:

- (1) The name, description, addresses and telephone numbers, both permanent and local, of the applicant and any solicitors that will be soliciting in the City. If the applicant is an

organization the legal name, description, address, and phone number of the organization and the person empowered by the organization to take responsibility for the actions of solicitors while they are working in the City.

(2) A color photograph, taken within the 60 days immediately prior to application, showing the shoulders and head of each solicitor who will be soliciting within the corporate limits of the City. The photograph will contain the image of the head and shoulders of the solicitor in clear detail and shall be two inches by two inches in size.

(3) A copy of photo identification, issued by a government agency or other verifiable source, for every solicitor that will be covered by the license.

(4) A brief description of the nature of business and the goods and/or services to be sold.

(5) The local addresses of any solicitors during the period of time they are soliciting within the corporate limits of the City. If the location is unknown at the time of application then the location is to be provided to the City Police Department prior to issuance of license.

5.03.025.040 License Fees

At the time of application the applicant will pay a fee, to be determined by the City, to defray the administrative costs of application and licensing. The effective term of license will be for one year from the date the license is approved.

5.03.025.050 Exemptions

The provisions of this chapter requiring a license, license application and fee shall not apply to any of the following:

(1) A person or organization calling upon business firms soliciting orders for goods or services which are regularly used by the business firm in their regular course of business; or

(2) A person or organization delivering goods or services ordered by the resident; or

(3) An organization that has obtained federal tax exempt status as a non-profit organization.

This exemption further applies to agents representing the organization.

5.03.025.060 Exhibition of Identification Required

All solicitors requiring license under this section shall be required to wear, while engaged in the business of soliciting, in a conspicuous location on the outer garment, an identification badge issued by the City that will include the following information:

(1) The name, birth date, and address of the solicitor

(2) A photograph of the head and shoulders of the solicitor.

(3) The name, address, and phone number of the organization the solicitor is representing, if applicable.

(4) The type of goods or services being offered.

(5) A waiver stating: "City of Corvallis Registered Solicitor" and "This badge does not indicate an endorsement by the City of Corvallis for any product or service".

(6) The beginning and expiration dates of the license.

The identification badge is, and remains, the property of the City of Corvallis and solicitors are required under this section to return the identification badge to the City of Corvallis Police Department within 10 calendar days of the expiration of the solicitors license under which the identification badge was issued..

Any City of Corvallis Police Officer may seize the identification badge issued by the City from any solicitor whom the Officer has reasonable grounds to believe has violated any of the provisions of Corvallis Municipal Ordinance #5.03.025.080.

5.03.025.070 Background Investigation

Prior to issuance of license the Police Department will conduct a background investigation on persons and organizations who have made application to solicit within the corporate limits of the City of Corvallis. The background investigation will include the following:

- (1) Criminal history check to determine if convictions exist for violations of law where the solicitor has engaged in conduct that represents a risk to the peace and/or security of the community; and
- (2) A check of the records of the Attorney General for conviction for unlawful trade practices; and
- (3) A check of consumer complaints filed with consumer protection organizations.

5.03.025.080 License Revocation/Non Issuance of License

(A) Process for Application Review.

(1) Upon the applicant's payment of the necessary fee and submission of a completed application, an application review shall commence and include the following:

- (a) Review of the application to determine it's compliance with sections 5.03.025.030 through 5.03.025.060 of this Code;
- (b) A background investigation as outlined in section 5.03.025.070 of this Code.

(2) After a review of the registration application to determine it's compliance with section 5.03.025.080 of this Code, the City Police Department shall either issue a license, or notify the person registering that the license cannot be granted. The notice of denial will specifically delineate what information or explanation has not been furnished as required before a license can be issued, or why the license cannot be issued pursuant to the criteria contained in section 5.03.025.080.

(3) Any denial of a license or revocation of a license shall be in writing and shall state the reason for the denial or revocation.

(B) A license to solicit within the corporate limits of the City of Corvallis may be denied or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application
- (2) Fraud or misrepresentation in the course of soliciting while licensed in the City.
- (3) Judicial determination that the applicant, within the preceding three years, has engaged in an unlawful trade practice as defined in ORS 646.608.
- (4) Conviction of the applicant for any offense which would indicate the applicant would reasonably represent a risk to the peace and/or security of the community while engaged in the business of soliciting.
- (5) Failure to abide by any requirement of this chapter.
- (6) Conducting business of soliciting in an unlawful manner or in such a manner so as to constitute a menace to the health, safety, or general welfare of the public.

(7) Violation of any Corvallis Municipal Ordinance covered under Article 5.03.030 (Noise), Article 5.03.040 (Alcohol and Drugs), Article 5.03.060 (Assault), Article 5.03.080 (Prohibited Acts), Article 5.03.090 (Offenses Against Property), Article 5.03.100 (Public Ways), Article 5.03.120 (Weapons), during the period for which the license is issued.

(C) Appeal

(1) Any person aggrieved by the denial or revocation of license shall have the right to appeal. The appeal shall be taken by filing with the City Manager, within 10 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for appeal.

(2) The City Manager shall appoint a hearings officer and set a time and place for the hearing of the appeal. The hearing shall be set within 7 days of receipt of the request. Notice of the hearing shall be given to the appellant in the same manner as notice of revocation

(3) At the hearing the aggrieved party may contest:

(a) The results of the background investigation.

(b) A finding that the application does not comply with sections 5.03.025.030 through 5.03.025.060 of this Code; and/or

(c) The decision to revoke or deny a license based on either a) or b) above.

(4) The decision and order of the hearings officer shall be final and conclusive.

(5) If the aggrieved party does not appear at the scheduled hearing, the hearings officer shall enter an order supporting the decision of the Chief of Police.

5.03.025.090 Transfer of License

No license shall be used at any time by any person other than the one to whom it is issued, and such license is not valid for any purpose other than is specifically stated in the license application.

5.03.025.100 Hours of Solicitation

No solicitor will engage in soliciting during the hours and days as follows:

(1) Between the hours of 9:00pm and 9:00am.

(2) On any Federal, State, or Municipal holiday.

(3) On any Sunday.

5.03.025.110 No Soliciting Signs

No solicitor will enter upon premises where a sign is posted near the entrance to the premises giving notice that the occupant does not desire solicitors on the premises. Such sign to meet minimum requirements as follows:

(1) Bear the wording "No Solicitors" or "No Soliciting"; and

(2) Have letters that are a minimum of 1.5 inches in height; and

(3) Be designed so that the words stand out in sharp contrast to the background.

5.03.025.120 Penalty

A violation of any section of this chapter is an Unclassified Misdemeanor.

Chapter 8.03

Fees Chapter

Article 8.03.300

Solicitation License Fee

- 1) The fee applicable to the processing of a solicitor's license shall be paid by the applicant at the time the application is presented to the City and shall be as follows:
 - a) Original solicitor's application - \$25.00

Are there legitimate solicitors ?

Yes, remember the rules of solicitation and use common sense. There are many organizations that solicit money for legitimate charities, Fund raisers and those that have items for sale.

Legitimate solicitors do not mind lots of questions. There are several service organizations that solicit our support. They will generally be in pairs if going door-to-door. Ask a solicitor for personal identification and/or business identification prior to continuing with any discussions or transaction. Ask for the phone number of the organization, the solicitor's supervisors name and phone number. A legitimate business will have this information with them and will gladly provide it to you.

Remember, if you are not sure, call the Attorney General's consumer hotline or the Corvallis Police Department for information.

What should I do if I need to raise money through soliciting ?

1. Call the Attorney General's hotline number and determine if you need to register with their office prior to conducting any solicitations.
2. Follow the 30 second rules listed in this brochure.
3. Have printed material available for consumers to examine.
4. List a phone number on the hand-out material so people may call you or the organization.
5. Do not use hard sales techniques. If a consumer says "no", walk away.
6. Be prepared and willing to answer a lot of questions.



Solicitation In Corvallis



Corvallis Police Department
Crime Prevention Division:
(541)757-6863

What should I know about solicitations ?

Oregon Law requires door-to-door sales agents and telemarketer's to tell consumers, in the first 30 seconds of a sales pitch, their name, the name of the company they represent and what they are selling and how much it costs. They must also ask consumers if they are interested in hearing a presentation.

Door-to-door: If consumers ask a sales person to leave at anytime during the presentation, they must do so immediately.

Telemarketer's: If consumers tell a caller they are not interested, they must hang up immediately. If you tell a telemarketer not to call again, a second phone call from the same telemarketing company can cost the telemarketer up to \$25,000 in civil penalties.

Mail: Federal sweepstakes law states you do not have to send a company money to receive a prize.

What is Solicitation ?

When someone contacts you attempting to get your business through a sweepstakes, a contest, items for sale or donations. These are people whom you did not contact first. They are contacting you.

How am I contacted ?

- > By phone:
 - * Telemarketers
 - * Charities
- > By mail:
 - * Sweepstakes
 - * Contests
 - * Business deals
- > Door-to-door:
 - * Items for sale
 - * Home repair

The Top 10 Fraud Prevention Tips

- ① Be cautious of business deals, contests or sweepstakes offers either through the mail or over the telephone which require personal information, i.e. name, SSN, credit card numbers, bank account numbers or money up front.
- ② Never buy anything over the phone unless you initiate the call.
- ③ Shop in your own backyard. Decide what products you want and find through local merchants.
- ④ Never make a buying decision based upon emotion. Don't let a sales person convince you to "do it for the children".
- ⑤ Before buying from a business, find out: The age of the business, where it is located and for how long, check the Better Business Bureau or Attorney General's Office for complaints and legitimacy of business.
- ⑥ Never buy anything from a door-to-door salesperson (magazines, vacuum cleaners, cleaning products etc...)
- ⑦ Never make a buying decision at the time of the sales pitch. Have your own 3-day rule before buying. If the offer is good today, it will be good in 3 days.
- ⑧ Before making a charitable contribution, ask for and review written financial reports of the charity to find out where your money is going. Verify this information with your Secretary of State's Office.
- ⑨ Ask advice from a friend or family member before deciding to buy something through a solicitor.
- ⑩ The most successful fraud pitch in the United States today is: CONGRATULATIONS, YOU'VE WON! Don't fall for it.

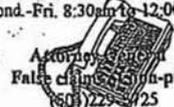
Federal sweepstakes law states you do not have to send a company money to receive a prize.

Who do I call with questions ?

Corvallis Police Department:
Records Division (541)757-6924
Crime Prevention (541)757-6863
Detective Division (541)757-6975

Attorney General's
Consumer Hotline
(503)378-4320
Mond.-Fri. 8:30am to 12:00(noon)

Attorney General's
False Claims Unit
(503)225-9225



**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
Regulating Door-to-Door Solicitors	Raymond	04-18-11	05-10-11	Boldizsar	CCR 04-28-11	
Downtown Transit Center Remodel	Nelson	04-25-11	04-26-11	Rogers	CCR 04-28-11	

MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director 

DATE: April 8, 2011

SUBJECT: Cable Franchise Renewal Process

ISSUE

The City's cable TV franchise agreement with Comcast expires January 1, 2013.

BACKGROUND

A cable franchise agreement provides a non-exclusive authorization for a company to make reasonable and lawful use of the public rights-of-way within the city to construct, operate, maintain, reconstruct, rebuild, and upgrade a cable TV system for the purpose of providing cable TV service to the community. Agreements establish requirements for the placement of cable TV facilities within the rights-of-way and within limits set by the City which are reasonably related to the City's role in protecting the public health, safety, and welfare. Normally, in exchange for the benefits and privileges granted under a cable franchise and in consideration of permission to use the City's right-of-way, franchisees pay a franchise fee equal to 5% of the gross revenues they earn from their services within the franchise area. In addition cable franchisees pay a negotiated fee to support public, education and government (PEG) access television channels.

The City and Comcast have agreed to an informal cable renewal process pursuant to Section 626(h) of the Cable Communications Policy Act of 1984, as amended. The informal process allows for a flexible timeline and the opportunity to negotiate a new cable agreement based on the community's future cable-related needs.

It is important to note that the cable franchise does not regulate the provision of internet or telecommunication services. The City's Telecommunications Ordinance 99-26 regulates telecommunications (Comcast voice services).

The first step in the informal cable renewal process is a community needs assessment. The assessment is conducted to determine the future cable-related needs of the community and gathers input from interested parties on how cable services such as PEG access can benefit the city. Components of the ascertainment generally involve public meetings and surveys. Interested parties include educational institutions, key community groups, government agencies and technical consultants.

Another common component of the needs ascertainment is the review of the cable operator's performance. This may include an audit of the company's compliance with the current agreement, a technical evaluation of the cable infrastructure and equipment maintenance, a financial review, a review of customer service standards, and a review of public, education, and government (PEG) access and institutional network (communication infrastructure between local government facilities known as INET) requirements.

DISCUSSION

The last cable franchise renewal (2003) involved an extensive needs ascertainment and community outreach. From the reviews, outreach, and hard negotiations by staff, the City significantly improved its PEG and

INET systems and established stable funding for those programs. It is not anticipated that there will be the substantial changes in the upcoming agreement that occurred in 2003. Staff has compared the 2003 agreement to others recently adopted around the country and have not identified many areas of potential improvement.

Cable franchise renewals can come at a significant cost to the City depending on the complexity of the needs assessment, consultants, and/or legal assistance required. Since franchise fees are revenue to the General Fund, the costs of the renewal would be expenditures to that fund. Due to General Fund budget concerns and the extensive ascertainment conducted during the last franchise renewal in 2003, staff has been actively engaging other communities who have recently or are currently involved in a cable franchise renewal to help understand which components of a needs assessment are the most critical for a successful renewal and positive outcome for the community.

Based on those discussions, staff proposes the following needs assessment components:

Administer in-house

- Conduct a web-based community survey of Comcast services
- hold two public meetings
- Review of Comcast's compliance with customer service standards
- Review and verify Comcast's compliance with the existing franchise
- Meet with current PEG access channel stations to determine future needs
- Review status of the City INET

Contract with consultants

- Review of past franchise fee payments for accuracy - currently underway
- Legal services in preparation for and/or during negotiations - as needed

The proposed assessment scope above does not include a technical evaluation of the cable equipment maintenance or performance. This would require additional consulting services. Cable outage history reported to the City does not illustrate a problem with the distribution system. If, following the public survey and meetings, cable TV transmission problems are identified as a concern, staff will bring the information back to the Council to decide if the expense of the technical audit is balanced by the benefit to the community.

As the franchise renewal process progresses, staff plans to work with the Administrative Services Committee to discuss renewal activities and to keep the full Council updated on the project.

CONCLUSION

Unless directed otherwise by the Council, staff will proceed with the cable franchise renewal community needs assessment and process as proposed.

Review and Concur:



Jon S. Nelson, City Manager

INTER

OFFICE

MEMO

To: Mayor and City Council
From: Ellen Volmert, Assistant City Manager
Subject: Status of City Manager Recruitment

DISCUSSION

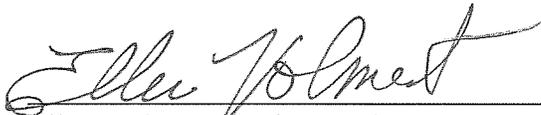
Phil McKenney, partner in the City's recruitment consultant firm of Peckham & McKenney, spent a large part of the week of April 18, 2011 on site building the position and community profile through meetings with the City Council, staff, and the community. In all, he spoke with somewhere between 50 and 75 individuals representing boards and commissions, staff, Council, community leaders, business leaders, and members of the general public. This was the kickoff for the project organization phase of the recruitment. This phase is estimated to take approximately two weeks and includes finalizing the project schedule and candidate profile, developing an advertising and recruiting plan and preparing a marketing brochure.

The text of a draft profile is expected on May 2, 2011 and staff hopes to have at your places at the City Council meeting. Comments should be returned directly to Mr. McKenney no later than Wednesday, May 4, 2011 so that the text can be finalized and set to their brochure designer. Once the final brochure has been approved, advertising will begin.

Once project organization is complete, the longest phase of the process will begin; the actual recruitment of candidates. This phase is estimated to last approximately six weeks. Mr. McKenney will identify and recruit individuals that fit the approved profile, advertise and respond to prospective candidates and collect resumes and candidate information.

RECOMMENDATION

This report is for informational purposes only. No action is required.



Ellen Volmert, Assistant City Manager

cc: Jon Nelson, City Manager

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS**

April 28, 2011

MEETING DATE	AGENDA ITEM
May 4	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 95-4.10, "Public Library Gifts and Donations Policy"
May 18	<ul style="list-style-type: none"> • Economic Development Allocations Third Quarter Report
June 8	<ul style="list-style-type: none"> • Third Quarter Operating Report • Allied Waste Services Annual Report
June 22	
July 6	<ul style="list-style-type: none"> • Financial Policies
July 20	<ul style="list-style-type: none"> • Land Use Application Fees Review
August 3	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 91-3.02, "City Compensation Policy"
August 17	
September 7	
September 21	<ul style="list-style-type: none"> • Economic Development Allocations Fourth Quarter Report
October 5	<ul style="list-style-type: none"> • Fourth Quarter Operating Report • Council Policy Reviews: <ul style="list-style-type: none"> • 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 91-3.04, "Separation Policy"
October 19	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 08-1.11, "Identity Theft Prevention and Red Flag Alerts"
November 9	<ul style="list-style-type: none"> • Council Policy Reviews: <ul style="list-style-type: none"> • CP 91-2.03, "Expense Reimbursement" • CP 98-2.10, "Use of E-Mail by Mayor and City Council" • Comprehensive Annual Financial Report
November 23	<ul style="list-style-type: none"> • Utility Rate Annual Review
December 7	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 91-2.02, "Council Process" • CP 97-10.01 - 10.08, "Financial Policies" • First Quarter Operating Report
December 21	

ASC PENDING ITEMS

- Utility Rate Structure Review
- Voluntary Donations on Electronic Utility Payments

Public Works
Finance

Regular Meeting Date and Location:

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

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS**

April 28, 2011

MEETING DATE	AGENDA ITEM
May 3	<ul style="list-style-type: none"> • Liquor License Annual Renewals • Council Policy Review: <ul style="list-style-type: none"> • CP 99-4.13, "Internet Access Policy for Corvallis-Benton County Public Library" • CP 95-4.08, "Code of Conduct on Library Premises"
May 17	<ul style="list-style-type: none"> • Fall Festival Annual Report • Boys and Girls Club of Corvallis Annual Report
June 7	<ul style="list-style-type: none"> • Boards and Commissions Sunset Reviews: <ul style="list-style-type: none"> • Community Police Review Board • Parks, Natural Areas, and Recreation Board • Majestic Theatre Annual Report • Fiscal Year 2011-2012 Social Services Allocations Recommendations
June 21	<ul style="list-style-type: none"> • Greenbelt Land Trust Purchase
July 6	<ul style="list-style-type: none"> • Corvallis Farmers Market Annual Report • Parks and Recreation Annual Fee Review
July 19	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Third Quarter Report
August 2	
August 16	<ul style="list-style-type: none"> • Social Services Semi-Annual Report
September 7	
September 20	<ul style="list-style-type: none"> • Rental Housing Program Annual Report • Willamette Neighborhood Housing Services Fourth Quarter Report • Communication Plan Annual Report
October 4	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 93-4.11, "Public Library Policy for Selecting and Discarding Materials" • CP 99-4.14, "Use of City Hall Plaza and Kiosk"
October 18	
November 8	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 91-4.01, "Guidelines for Selling in Parks"
November 22	
December 6	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 91-1.03, "Naming of Public Facilities and Land" • CP 92-5.04, "Hate/Bias Violence"
December 20	

HSC PENDING ITEMS

- Council Policy Review: CP 00-6.05, "Social Service Funding Policy" Community Development
- Indoor Furniture Placed Outdoors Community Development
- Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) Parks & Recreation

Regular Meeting Date and Location:

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

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS**

April 28, 2011

MEETING DATE	AGENDA ITEM
May 5	<ul style="list-style-type: none"> • ODOT/Corvallis Crossing Interim Project • Airport Base Lease Rates Adjustment
May 19	
June 9	<ul style="list-style-type: none"> • United Chrome Easement and Equitable Servitudes Agreement • Boards and Commissions Sunset Reviews: <ul style="list-style-type: none"> • Bicycle and Pedestrian Advisory Commission • Citizens Advisory Commission on Transit • Energy Efficiency and Conservation Block Grant (EECBG) Program Update
June 23	
July 7	
July 21	
August 4	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 99-7.14, "Prepayment for Public Street Improvements"
August 18	<ul style="list-style-type: none"> • McFadden Industrial Annexation Explanatory Statement and Display Advertisements
September 8	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 02-7.15, "Fee-in-Lieu Parking Program"
September 22	
October 6	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • 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 20	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 04-1.08, "Organizational Sustainability"
November 10	
November 24	No meeting
December 8	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 91-7.09, "Traffic Control Devices, Cost of" • CP 91-7.10, "Water Line Replacement Policy" • CP 91-9.01, "Crosswalks"

MEETING DATE	AGENDA ITEM
December 22	

USC PENDING ITEMS

- Council Policy Review: CP 91-7.04, "Building Permits" Community Development
- Council Policy Review: CP 91-9.03, "Residential Parking Permit District Fees" Public Works
- Fire Protection Services in Health Hazard Residential Areas Fire
- Food Carts Community Development
- Reducing Potential for Fire Spread Involving Natural Resources Fire
- Traffic Calming Program Public Works

Regular Meeting Date and Location:

Thursday following Council, 5:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST



City of Corvallis

APRIL - SEPTEMBER 2011

(Updated April 28, 2011)

APRIL 2011

Date	Time	Group	Location	Subject/Note
28	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
30	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	

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	
3	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
3	7:00 pm	Budget Commission	Downtown Fire Station	
4	7:30 am	City Legislative Committee	Cornell Meeting Room	
4	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
4	5:30 pm	<i>Land Development Hearings Board</i>	<i>Downtown Fire Station</i>	
4	7:00 pm	Planning Commission	Downtown Fire Station	
4	7:30 pm	Library Board	Library Board Room	
5	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
5	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
6	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
7	10:00 am	Government Comment Corner	Library Lobby - Jeanne Raymond	
9	3:00 pm	Economic Development Cmsn	Madison Ave Mtg Rm	
9	7:00 pm	Budget Commission	Downtown Fire Station LaSells Stewart Center	
10	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	
11	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
11	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
12	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
14	10:00 am	Government Comment Corner	Library Lobby - Linda Modrell	
14	3:00 pm	Helen M. Berg Plaza Dedication	Riverfront Commemorative Park	
16	12:00 pm	City Council	Downtown Fire Station	
16	7:00 pm	City Council	Downtown Fire Station	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	7:00 pm	Ward 6 Meeting (Hirsch)	Osborn Aquatic Center	City sponsored
18	7:30 am	City Legislative Committee	Cornell Meeting Room	
18	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
18	7:00 pm	Planning Commission	Downtown Fire Station	
19	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks, Natural Areas, and Rec Brd	Parks and Rec Conf Rm	
19	7:00 pm	<i>Budget Commission</i>	<i>Downtown Fire Station</i>	

Date	Time	Group	Location	Subject/Note
21	10:00 am	Government Comment Corner	Library Lobby - Biff Traber	
23	4:30 pm	Airport Industrial Park Plng Cmte	Downtown Fire Station	
24	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
26	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
28		No Government Comment Corner		
30		City Holiday - all offices closed		

JUNE 2011

Date	Time	Group	Location	Subject/Note
1	7:00 pm	Planning Commission	Downtown Fire Station	
1	7:30 pm	Library Board	Library Board Room	
2	7:00 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
3	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
4	10:00 am	Government Comment Corner	Library Lobby - TBD	
6	12:00 pm	City Council	Downtown Fire Station	
6	7:00 pm	City Council	Downtown Fire Station	
7	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
7	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
7	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
8	7:30 am	City Legislative Committee	Cornell Meeting Room	
8	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
8	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
8	5:30 pm	Downtown Commission	Downtown Fire Station	
9	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
9	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
11	10:00 am	Government Comment Corner	Library Lobby - TBD	
13	3:00 pm	Economic Development Cmsn	Downtown Fire Station	
13	5:30 pm	City Council Work Session	Madison Ave Mtg Rm	Plng Cmsn/Historic Resources Cmsn interviews (tentative)
13	7:00 pm	Mayor/City Council/City Manager Quarterly Work Session	Madison Ave Mtg Rm	
14	5:30 pm	City Council Work Session	Madison Ave Mtg Rm	Plng Cmsn/Historic Resources Cmsn interviews (tentative)
14	7:00 pm	Historic Resources Commission	Downtown Fire Station	
15	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
15	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
15	7:00 pm	Planning Commission	Downtown Fire Station	
16	6:30 pm	Parks, Natural Areas, and Rec Brd	Parks and Rec Conf Rm Downtown Fire Station	
18	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	
20	12:00 pm	City Council	Downtown Fire Station	
20	7:00 pm	City Council	Downtown Fire Station	
21	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	7:30 am	City Legislative Committee	Cornell Meeting Room	
22	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
23	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
23	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
25	10:00 am	Government Comment Corner	Library Lobby - TBD	

Date	Time	Group	Location	Subject/Note
27	4:30 pm	Airport Industrial Park Plng Cmte	Downtown Fire Station	
28	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	

JULY 2011

Date	Time	Group	Location	Subject/Note
1	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
2		No Government Comment Corner		
4		City Holiday - all offices closed		
5	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
5	12:00 pm	City Council	Downtown Fire Station	
5	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
5	7:00 pm	City Council	Downtown Fire Station	
6	7:30 am	City Legislative Committee	Cornell Meeting Room	
6	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
7	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
9	10:00 am	Government Comment Corner	Library Lobby - TBD	
11	3:00 pm	Economic Development Cmsn	Downtown Fire Station	
13	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
14	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
16	10:00 am	Government Comment Corner	Library Lobby - Hal Brauner	
18	12:00 pm	City Council	Downtown Fire Station	
18	7:00 pm	City Council	Downtown Fire Station	
19	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
20	7:30 am	City Legislative Committee	Cornell Meeting Room	
20	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
20	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
21	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
21	6:30 pm	Parks, Natural Areas, and Rec Brd	Parks and Rec Conf Rm <i>Downtown Fire Station</i>	
23	10:00 am	Government Comment Corner	Library Lobby - Biff Traber	
26	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
28	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
30	10:00 am	Government Comment Corner	Library Lobby - Linda Modrell	

AUGUST 2011

Date	Time	Group	Location	Subject/Note
1	12:00 pm	City Council	Downtown Fire Station	
1	7:00 pm	City Council	Downtown Fire Station	
2	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	7:30 am	City Legislative Committee	Cornell Meeting Room	
3	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
4	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	10:00 am	Government Comment Corner	Library Lobby - TBD	
8	3:00 pm	Economic Development Cmsn	Madison Avenue Mtg Rm	
11	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
13	10:00 am	Government Comment Corner	Library Lobby - TBD	
15	12:00 pm	City Council	Downtown Fire Station	

Date	Time	Group	Location	Subject/Note
15	7:00 pm	City Council	Downtown Fire Station	
16	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	7:30 am	City Legislative Committee	Cornell Meeting Room	
17	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
18	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	6:30 pm	Parks, Natural Areas, and Rec Brd	<i>Downtown Fire Station</i>	
20	10:00 am	Government Comment Corner	Library Lobby - Julie Manning	
23	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
25	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
27	10:00 am	Government Comment Corner	Library Lobby - TBD	

SEPTEMBER 2011

Date	Time	Group	Location	Subject/Note
3		<i>No Government Comment Corner</i>		
5		<i>City Holiday - all offices closed</i>		
6	12:00 pm	City Council	Downtown Fire Station	
6	7:00 pm	City Council	Downtown Fire Station	
7	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
7	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
8	8:00 am	<i>Citizens Advisory Cmsn on Civic Beautification and Urban Forestry</i>	<i>Parks and Rec Conf Rm</i>	
8	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
10	10:00 am	Government Comment Corner	Library Lobby - Dan Brown	
12	3:00 pm	Economic Development Cmsn	Madison Avenue Mtg Rm	
13	7:00 pm	Ward 5 Meeting (Beilstein)	To Be Determined	City sponsored
15	6:30 pm	Parks, Natural Areas, and Rec Brd	<i>Downtown Fire Station</i>	
19	12:00 pm	City Council	Downtown Fire Station	
19	7:00 pm	City Council	Downtown Fire Station	
20	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
21	4:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
22	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
22	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Rm	
24	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	
27	12:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	

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

TBD To be Determined



Helping people help themselves since 1971

In March 2011 Community Outreach provided the following:

- **Housing (men)** – 803 nights of housing for 35 homeless men
- **Housing (women)** – 381 nights of housing for 22 homeless women
- **Housing (families with children)** – 208 nights of housing for 9 homeless families, including 410 nights for 17 children
- **Medical Clinics** – 257 visits, 16 general medical clinics held this month, plus 3 psychiatric clinics, 5 physical therapy clinics, 8 diabetes clinics, 1 gynecology clinic, and 3 dental clinic
- **Alcohol and Drug Treatment** – 367 contact hours for 33 individuals, including 13 co-occurring clients (meaning they receive substance abuse and mental health treatment)
- **Mental Health** – 34 contact hours for 12 mental health clients
- **Therapeutic Childcare** – 1,098 hours working with 19 children, including Second Step counseling and activity hours
- **Family Support Services** – 142 hours working with 15 families
- **Crisis, Information, and Referral Services** – 1036 calls or visits
- **Homeless Emergency Services** – 394 visits providing a shower or use of the community kitchen/food pantry
- **Abuse Intervention Counseling** – 154 contact hours for 22 individuals
- **Emergency Food** – 122 food boxes distributed, feeding 405 people
- **Case Management** – 204 case management meeting hours for residential men and women
- **Mail Services** – 97 clients
- **Bus Tickets** – 109 tickets, providing transportation to and around Albany
- **Permanent Supportive Housing** – 61 continuing clients

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES**

April 20, 2011

Present

Councilor Joel Hirsch, Chair
Councilor Mark O'Brien,
Councilor Biff Traber

Staff

Steve Deghetto, Parks and Recreation Assistant Director
Carla Holzworth, City Manager's Office

Visitors

Brenda Van Develder, daVinci Days

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. daVinci Days Loan Agreement Status Annual Report			Accept the daVinci Days 2010 Annual Report and defer the 2010 Bridge Loan payment.
II. Other Business	*		

Chair Hirsch called the meeting to order at 4:01 p.m.

CONTENT OF DISCUSSION

I. daVinci Days Loan Agreement Status Annual Report (Attachment)

Mr. Deghetto reviewed the staff report, noting daVinci Days' request to defer the \$2,000 bridge loan payment for 2010.

Ms. Van Develder thanked the City for their past support, noting that funds from the 2009 allocation process were used to leverage 2010 daVinci Days expenses. She said daVinci Days is still interested in knowing what metrics the City would like to see as part of measuring the festival's success. Ms. Van Develder said daVinci Days is a community asset and represents a brand for Corvallis due to its unique activities and green focus. She said about one-third of her time is spent marketing the festival and booking high-profile entertainment directly impacts attendance.

Mr. Deghetto noted daVinci Days' financial report is included in the packet and the most significant piece is their request is to defer the 2010 bridge loan payment.

Ms. Van Develder said while she attended Committee and Council meetings where the future of the allocation process and funding was discussed, things still seem unsettled. She acknowledged Council's decision to divert economic development funding to the Economic Development Commission (EDC), but she has not received anything in writing from the City. Ms. Van Develder noted conversations have begun with Visit Corvallis (VC) regarding assistance with festival marketing, but no formal agreement has been reached.

Ms. Van Develder expressed disappointment that daVinci Days was not invited to present to the EDC when others who participated in the allocation process were included. In response to Councilor Traber's inquiry, she said Fall Festival was also not invited to present. Councilors O'Brien and Traber said they believed all past grantees were to be invited. Councilor Traber encouraged Ms. Van Develder to inquire about the matter during visitors propositions at the next EDC meeting. Councilor O'Brien offered to follow up with staff (see Attachment A), but he emphasized there is no policy for an allocation process. He said the City expected festivals would receive support from VC.

Chair Hirsch complimented Ms. Van Develder on the job she does for daVinci Days and he pledged to advocate for festival funding on her behalf.

In response to Councilor Traber's inquiry, Ms. Van Develder confirmed that funding received in the previous year is used for the following year's festival expenses.

Councilor Traber opined VC is the appropriate organization to promote festivals and a high priority should be placed on providing such assistance. Councilor O'Brien noted the funds VC receives are not exclusively theirs. Rather, it is tourism money the City chooses to allocate to VC. He agreed that VC should be providing promotional assistance. Mr. Deghetto said Parks staff wants to help daVinci Days however it can.

The Committee unanimously recommends that Council accept the daVinci Days 2010 annual report and defer the 2010 Bridge Loan payment.

Ms. Van Develder said she attended the Governor's Conference on Tourism and found it to be valuable. She sees an opportunity to better promote daVinci Days and she hopes the EDC realizes how an investment in tourism can really help the Corvallis economy. Ms. Van Develder reiterated the importance of appropriate metrics to measure the success of daVinci Days.

In response to the Committee's discussion about VC's dedicated funding and support for festivals and fairs, Ms. Van Develder said she is confident VC will provide marketing assistance, but the amount is still being discussed.

II. Other Business

The next regular Administrative Services Committee meeting is scheduled for 4:00 pm, Wednesday, May 4, 2011 in the Madison Avenue Meeting Room.

Respectfully submitted,

Joel Hirsch, Chair



MEMORANDUM

To: Administrative Services Committee
From: Karen Emery, Director *KE*
Steve DeGhetto, Assistant Director *SD*
Date: February 23, 2011
Subject: da Vinci Days 2010 Annual Report

Issue:

To review and recommend to the City Council the acceptance of the annual report from da Vinci Days in compliance with both FY 2009-2010 Economic Development Allocation and Bridge Loan funding.

Background:

The City Council approved \$16,658 in Economic Development Funds for the 2010 da Vinci Days event. According to the agreement between the City and da Vinci Days, the funds are to be applied to the cost of marketing and advertising the da Vinci Days summer festival and the da Vinci Film Festival held in March, 2010.

In addition to the Economic Development allocation, the City authorized a \$20,000 loan as bridge funding in February, 2005. This annual report is required according to both the Economic Development and Bridge Loan funding agreements.

Discussion:

The da Vinci Days 2010 annual report cites \$32,844 was expended for marketing the 2010 da Vinci Days event, demonstrating the use of the Economic Development Allocations.¹ The Bridge Loan balance was \$12,000 as of December 2010. The da Vinci Days Board of Directors requests a deferment on the 2010 payment of \$2,000 on the Bridge Funding Loan. da Vinci Days has complied with all requirements of the agreements and all funds have been properly accounted for according to the City's internal financial review process. The overall event showed a net income of \$4,228 in 2010.

Noteworthy 2010 event items are:

- Festival attendance--20,000 people. The figure includes paid and complimentary admissions for volunteers, sponsors, donors and exhibitors.
- Free events included electric car races, kinetic sculpture race, Leo's Kinetic Parade and the Community Art Project which attracted an estimated 2,500 people to the event.
- The Grand Kinetic Challenge included twenty-three human powered machines racing through mud, sand, roads and water.

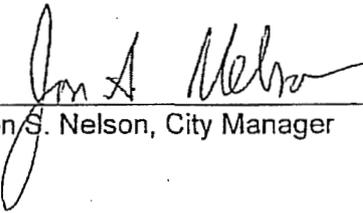
¹ 2010 da Vinci Days Annual Report, page 21

- Green Town hosted twenty-nine exhibits showcasing green technology and practices.

Recommendation:

The Administrative Services Committee recommends City Council accept the da Vinci Days 2010 annual report and the request for a deferment on the 2010 payment on the Bridge Funding Loan.

Review and Concur:



Jon S. Nelson, City Manager



Nancy Brewer, Finance Director

Attachments: 1. Finance Department's review of FY 2010 Financials
2. da Vinci Days Annual Report



Finance Department
500 SW Madison Avenue
Corvallis, OR 97333
541-766-6990
541-754-1729

MEMORANDUM

February 14, 2011

TO: Steve DeGhetto, Assistant Parks and Recreation Director

CC: Julian Contreras, Financial Services Manager

FROM: Jeanna Yeager, Accountant

SUBJECT: da Vinci Days Annual Financial Review Fiscal Year 2010

This review consists of inquiries and analytical procedures and is very limited in its nature. The da Vinci Days Annual Report and Statement of Activities are unaudited financial reports that are the representation of the management of da Vinci Days.

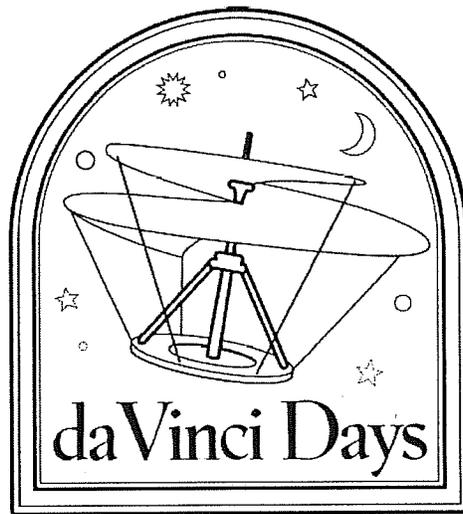
This review is based on da Vinci Days fiscal year, September 1, 2009 through August 31, 2010. During the year, da Vinci Days received a total of \$218,687 in revenues and other support. The City supplied 7.6% of their revenue during their fiscal year 2010, consisting of Economic Development Funds of \$16,658. This amount is included in the "Contributions" line on the Statement of Activities. Total expenditures (including COGS) were reported at \$214,460, resulting in a Net Income of \$4,228.

For the year ending August 31, 2010, da Vinci Days reported total assets of \$118,831, an increase of 16% from the prior fiscal year and total liabilities of \$57,390, an increase of 27%. Da Vinci Days' current assets to current liabilities ratio is 2.41, indicating the organization is in a relatively strong financial position to meet its short-term obligations.

In 2005, the City made a \$20,000 loan to da Vinci Days. The loan balance was \$12,000 as of August 31, 2010, representing 21% of total liabilities. The amended loan requires an annual minimum payment of \$2,000.

Da Vinci Days requested deferment of their 2010 payment to the City due to "the continuing decline in the economy and the reduced funding available." The organization would like to focus debt reduction efforts on its more costly Wells Fargo Bank loan.

Based on this review, I recommend acceptance of the da Vinci Days Annual Report.



**2010 da Vinci Days
Annual Report**

Submitted to the City of Corvallis
By Brenda VanDevelder, Executive Director

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Addendum		
Financial Reports		
Statement of Activities (Profit/Loss) with prior year comparison		
Statement of Financial Position (Balance sheet) with prior year comparison		
City of Corvallis Loan Payment Deferral Request		

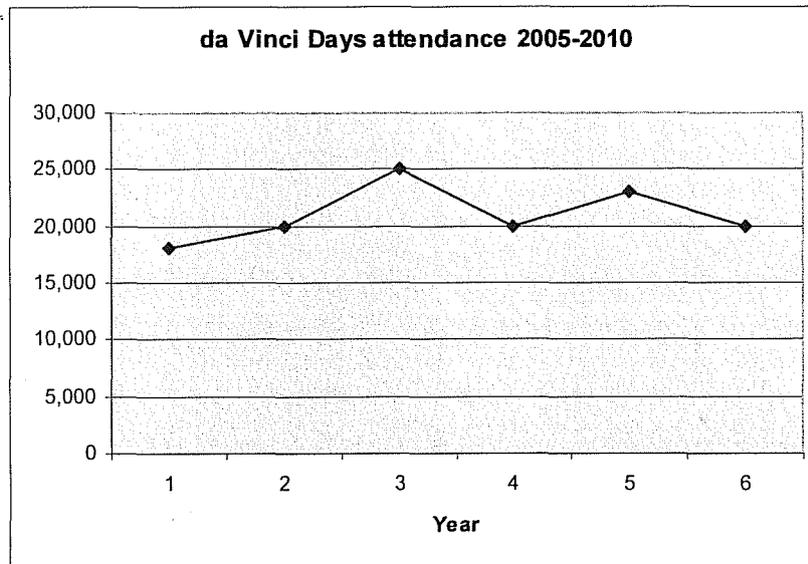
EXECUTIVE SUMMARY

For twenty two years, da Vinci Days has served as a unique celebration and tourism activity for the City of Corvallis. It engages the local community through volunteer and organizational opportunities and draws local and out of town visitors through creative and innovative programming. As Oregon's premier art and science festival, da Vinci Days garners publicity from major media including television, magazines, and web sites focused on arts, education, and travel.

According to research by Dean Runyon Associates, a leisure traveler has an estimated expenditure of \$85/day. Using data from our exit surveys, da Vinci Days draws nearly 25% of attendees from out of the area. Based on 2010 attendance, \$425,000 in new spending was generated by da Vinci Days in July. For every \$1 invested by the City, da Vinci Days generated \$25 of new tourism spending.

Friday	Saturday	Sunday	Total attendance
5,000	9,000	6,000	20,000

Attendance was consistent with budget expectations this year. Total attendance declined by 15% from 23,000 last year to a cumulative Festival attendance of 20,000 for 2010. This figure includes paid and complimentary admissions. Complimentary admissions were provided to volunteers, sponsors, donors, and exhibitors. Three hundred scholarship admissions were also donated through local organizations including Home Life, the ARC of Benton County, Jackson Shelter Youth House, Health and Human Services, and the Benton County Juvenile Department. Children aged five and under are admitted free and are not included in attendance totals.

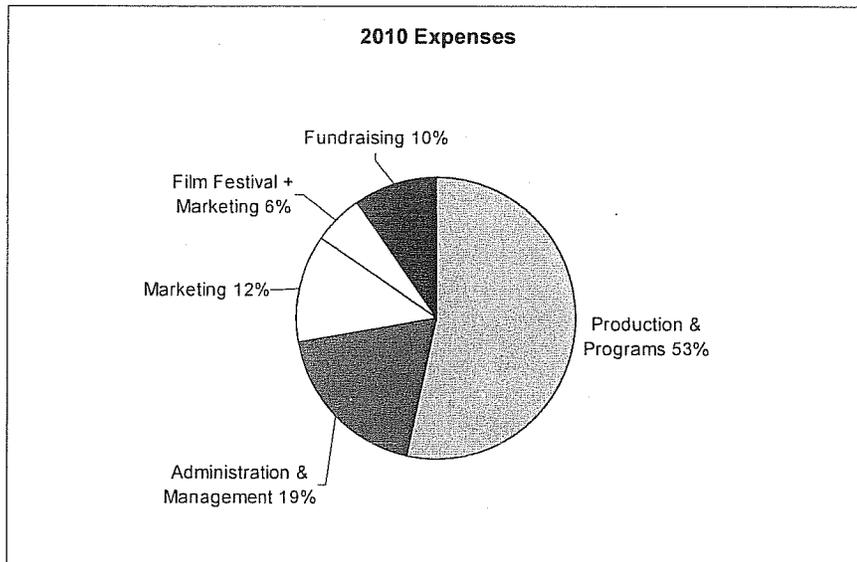
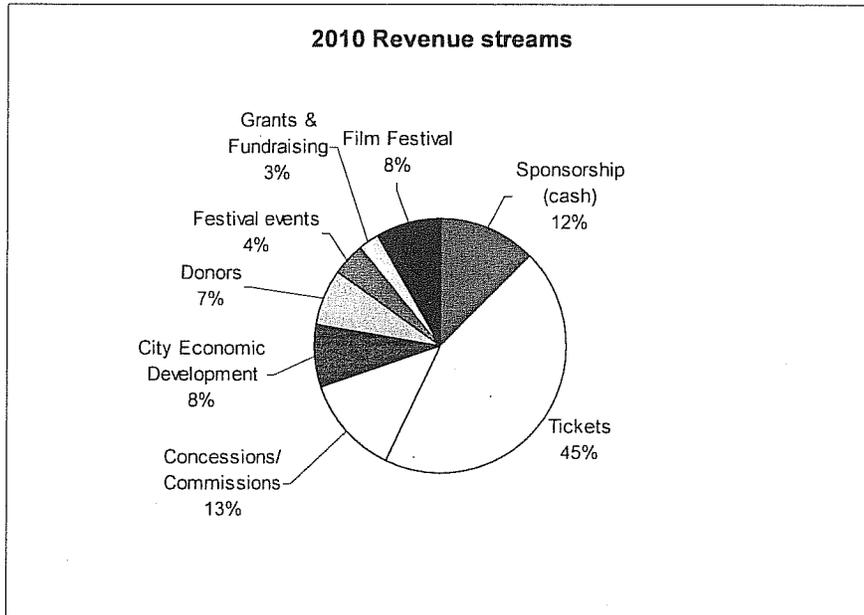


Attendance continues to grow at the events located outside the festival gates. We do not include those numbers in our total attendance but estimate that another 2,500 people enjoyed Festival events in 2010 without paying an admission fee. Free events include the electric car races, kinetic sculpture race events, Leo's Kinetic Parade, and the Community Art Project.

Festival support in the community also continues to grow, with more than 100 local and regional partners contributing to the success of the Festival and 1,400 volunteers staffing Festival venues and exhibits.

FINANCIAL SUMMARY

We have focused on keeping administrative costs low while continuing to provide a high quality event. All Film Festival cost/revenues are shown separately in the breakout charts below but are compiled within our complete financial reports in the addendum. Cash revenues and expenses are shown below. Non-cash donations are not included here but are shown in the financial reports.



VISION AND MISSION

The vision of da Vinci Days is to draw inspiration from the genius of artist and inventor Leonardo daVinci and provide a unique festival that fosters and celebrates creativity, innovation, and knowledge of art, science, and technology.

The mission is to present da Vinci Days and other events that showcase the educational, artistic, scientific, and technological assets of the region, while promoting and contributing to the economic well-being of the City of Corvallis and Benton County.

The volunteer Board of Directors meets monthly for organizational governance, to establish policies, and to provide a strategic direction for the Festival. The current Board consists of ten members and a non-voting liaison appointed by the Mayor.

2010 Board Officers

Kavinda Arthenayake, President
OSU Conferences and Special Events

Michael Laport, Vice President
Peak Internet

Bonnie Humphrey Anderson, Treasurer
OSU Federal, Your Community Credit Union

Barbara Bull, Secretary
Planner

Lainie Turner, Past President
Marketing Consultant

Ex-Officio

Joel Hirsch
Corvallis City Council

Staff

Brenda VanDevelder
Executive Director

Caitlin Garets
Office Assistant

Directors

Michael Dalton
OSU College of Education

Blake Rodman
Corvallis 509J Board Member

Laurie Russell
Insights Now

Jose Vega
Datalogic Mobile, Inc.

Curtis Wright
Marketing Consultant

FESTIVAL HIGHLIGHTS

The 2010 Festival theme “Cosmos” provided the marketing focus for publicity and promotions. Friday night featured the keynote talk “Is Pluto a Planet?” at the OSU LaSells Stewart Center. Free events included the Grand Prix Electrathon and hugely popular “Space Odyssey” Community Art Project with nearly 150 locally produced works of art on display. Inside the gates, the Friday night headline was Grupo Fantasma from Austin, Texas and the Saturday headline was the Grammy nominated group from New Orleans, The Dirty Dozen Brass Band. Attendance was good at both musical events and festival venues, but did not reach 2009 levels. Ticket sales are primarily driven by the ‘name recognition’ of the main stage acts. This is a continuing balancing act for da Vinci Days- the evening musical acts are a major factor for attendance and ticket sales and national acts require a significant financial investment. The Cabiri Performance Troupe provided aerial dance performances throughout the weekend, enthraling crowds with their elaborately engineered stage and costumes. Sunday attendance continues to be strong due to the popularity of the Mud Bog and River Exit events. VIP guests included OSU President Ed Ray and Beth Ray and their guest Senator Ron Wyden and Representative Sara Gelser and her guest, governor elect John Kitzhaber.

Highlights of the year:

- This year marked the third season for the freestanding da Vinci Film Festival in March. Volunteers organized and managed the event and a growing audience bought more tickets and watched more films than in the prior year. The Board of Directors ultimately has determined that organizational resources do not support a separate film event and the Film Festival will return to the summer festival to reduce the costs of hosting two large events.
- A new da Vinci Days website was launched with a new URL, www.davincidays.org. The new design was implemented to convey the creativity and energy of this one of a kind Corvallis festival. The site was designed to generate excitement about being a part of the da Vinci Days community through social media including Facebook, Twitter, and Flickr.

Highlights of the 2010 Festival:

- Due to the alignment of their filming schedule, viral media pioneers “OK Go” made a special appearance at da Vinci Days. The band screened some of their well known music videos and provided a special Q&A session to a sold out crowd at the Majestic Theatre.
- Through a successful partnership with the Festival Sustainability Committee, OSU Campus Recycling, Boy Scout Troup 123, Allied Waste, and local start up EcNow Tech, da Vinci Days is leading the way among local festivals by implementing a composting program. Adjusted for attendance, the Festival generated half the amount of trash as the prior year.
- The Graand Kinetic Challenge included twenty three human powered machines slogging through the mud, sand, road and water including eleven teams from California, Washington, and other Oregon regions.
- Green Town hosted twenty-nine exhibits showcasing green technology and practices. The Toyota Prius Hybrid display generated buzz for the Festival and local drivers were invited to sign up for a contest to be part of a pilot driver project in Oregon. 361 entries were submitted through the da Vinci Days web site. Mayor Charlie Tomlinson was instrumental in coordinating the logistics for this program.

Festival Volunteers and Partners

The organizational structure of da Vinci Days depends on a strong base of volunteer leaders for Festival production, programs, marketing, fundraising, and publicity. This year, da Vinci Days recruited nearly 700 volunteers for the Festival crew. An additional 700 volunteers staffed exhibitor booths throughout the Festival weekend.

Total volunteers: 1400

Total partners: 114

Program chairs & key volunteers

Terri Allen, da Vinci Store
Dennis Anderson, FIRST Robotics
Kavinda Arthenayake, OSU coordinator
Anne Baker, Food Court Auditor
Chris Bates, Leo's Kinetic Parade coordinator
Rebecca Barrett, Sidewalk Chalk
Bob Bernhard, Main Gate Ticket Sales
Chris Bielenberg, Benton County
Barbara Bull, Film Festival Co-Director
Boys & Girls Club of Corvallis, Leo 500
Harrison Branch, Food Court
Rich Brookes, OSU Facilities
Dale Claussen, Production team
Melanie Davis, Graand Kinetic Challenge
Gary Evans, Food Court
Barb Eveland, Food Court
Justin Fleming, Production team
Mike Fischer, Mud Bog ticket sales
Maia Fischler, Community Art Project
Festival photographers
John Ginn, coordinator
Andy Purviance
Patricia Thomas
Dick Gaskill, City of Corvallis Public Works
John Ginn, Film Festival
Cheryl Good, Graand Kinetic Challenge
Hai Yue Han, Electrathon
Kathy Holman, Database
Bonnie Humphrey-Anderson, Collections

Melissa Jones, Marketing
Tina Kerrigan, Graand Kinetic Challenge
Jenette Kane, Graand Kinetic Challenge
Pete Lepre, OSU Trash/Recycling manager
Tim Leslie, press release writer
Ron Lommen, Trash/recycling coordinator
Joe Majeski, OSU Facilities
Mary McKillop, Main Gate coordinator
Steve McGettigan, Astronomy
Lindsay Meyers, Children's Village
Pete Meyers, City of Corvallis Parks & Rec
Eric Nepom, OK Go Q&A Host
Andrea Norris, Composting/Recycling
Karen Nousen, Film Festival
Susan Pachuta, Arts Activities Coordinator
Jason Palmer, Bike Valet Co-Coordinator
Michelle Portera, Canine Frisbee
Kate Sanders, Discover OSU
Susie Semenek, Leo's Kinetic Parade
Theresa Stephens, Performing Arts
Roni Sue, Graand Kinetic Challenge
Barbara Swain, Ambassador Coordinator
Maria Tomlinson, Volunteer Breakfast
Shawn Tucker, Geocaching
Lainie Turner, Film Festival Co-Director
Linda Varsell Smith, Poetry Slam
Dave Warneking, Volunteer Coordinator
Seth Waddell, Bike Valet Co-Coordinator
Raam Young, Graand Kinetic Challenge

Our partners are vital to the success of da Vinci Days. Partners are typically organizations participating in some way in the Festival, as exhibitors, production support, or prize donors, and/or providing volunteer teams.

Astronomy

Heart of the Valley Astronomers
Friends of Pine Mountain Observatory

Canine Frisbee

Animal Crackers
Best Friends Obedience School
Willamette Veterinary Clinic

Children's Village

Allied Waste
Avery House Nature Center
Benton County Breastfeeding Coalition
CASA Voices for Children
City of Corvallis Parks & Recreation
City of Corvallis Public Works
Corvallis Environmental Center
Corvallis Indoor Parks
Corvallis Sports Park
Corvallis Waldorf School
Evergreen Aviation & Space Museum
Golden Naga Martial Arts
Good Samaritan Regional Medical Center
Heartland Humane Society
Keller Williams Mid-Willamette Realty
Muddy Creek Charter School
Old Mill Center for Children & Families
Oregon State University
Bug School
KidSpirit
SMILE Program
Pajaggle, Inc.
Starker Forests
The Little Gym
The Toy Factory

da Vinci Poetry Slam

Mary's Peak Poets

Art Exhibits

Albany Historic Carousel & Museum
The Arc of Benton County
Corvallis Art Guild
International Plastic Modelers Society
Henna by Rebecca
Jeremy Smith
Willamette Ceramics Guild
Willamette Photo Arts Guild
Writers on the River

da Vinci Film Festival

Coffee Culture Café
Corvallis Community Access Television
First Alternative Co-op
Great Harvest Bread Company
The Book Bin
The Inkwell Home Store
Oregon Coffee & Tea
OSU LaSells Stewart Center
OSU Theater Department
Solstice Café
Special Occasions

Discover OSU

College of Engineering
College of Forestry
College of Oceanic & Atmospheric Science
College of Science
Oregon Sea Grant
Oregon Explorer
Oregon State Flying Club
OSU Solar Vehicle Team
University Housing & Dining
University Libraries/Valley Libraries
University Marketing

OK Go Special Event

Majestic Theatre Management
The Inkwell Home Store

Partners continued

Graund Kinetic Challenge

American Dream Pizza
BCARES
Benton County Fairgrounds
Benton County Public Works
City of Corvallis Parks & Recreation
Colorwheel Company
Cyclotopia
Fred's Honda
Griffo Brothers
Practical Bookkeeping
Riverside Window and Door
Squirrels Tavern
Sunnyside Up
Tina Kerrigan Photography
WL Construction
Working Glass Art

Leo 500

Boys & Girls Club of Corvallis

Robotics Exhibition

FIRST[®] Force Robotic teams

Production/Promotion

American Dream Pizza – Bike Valet
Benton County Public Works - Facilities
Boy Scout Troop 163 – Trash & Recycle
City of Corvallis- Facilities
Parks & Recreation Operations/YVC
Transit System
Corvallis/Albany Farmer's Market
Keller Williams Realty – Safety Station
Kiwanis Sunrisers – Ticket sales
Oregon State University - Facilities
Athletics, Guest Services
Campus Recycling
Department of Public Safety & OSP
Facilities Services
Office of Conferences & Special Events
Network Services
Transit & Parking Services
Peak Internet – Wireless service

Green Town

Abundant Solar
Allied Waste
Benton County Master Gardeners
Benton Habitat for Humanity
Benton Soil & Water Conservation
Blue Sky Renewable Energy Program
CanBuild
City of Corvallis Public Works
City of Corvallis Transit
Committee for Citizen Involvement
Corvallis Environmental Center
Corvallis Sustainability Coalition
EcNow Tech
Energy Wise Lighting, Inc.
Enviofuel
First Alternative Natural Foods Co-op
Gaia Landscapes, Inc.
Green Planet Dreams
Greenbelt Land Trust
Institute for Applied Ecology
John & Phil's Toyota
Oregon State University
Department of Horticulture
Sustainability Office
Our Ocean
Solar Ki
Sunwise Technologies
Sustainable Building Network
The Natural Step-Corvallis
University Honda

Grand Prix Electrathon

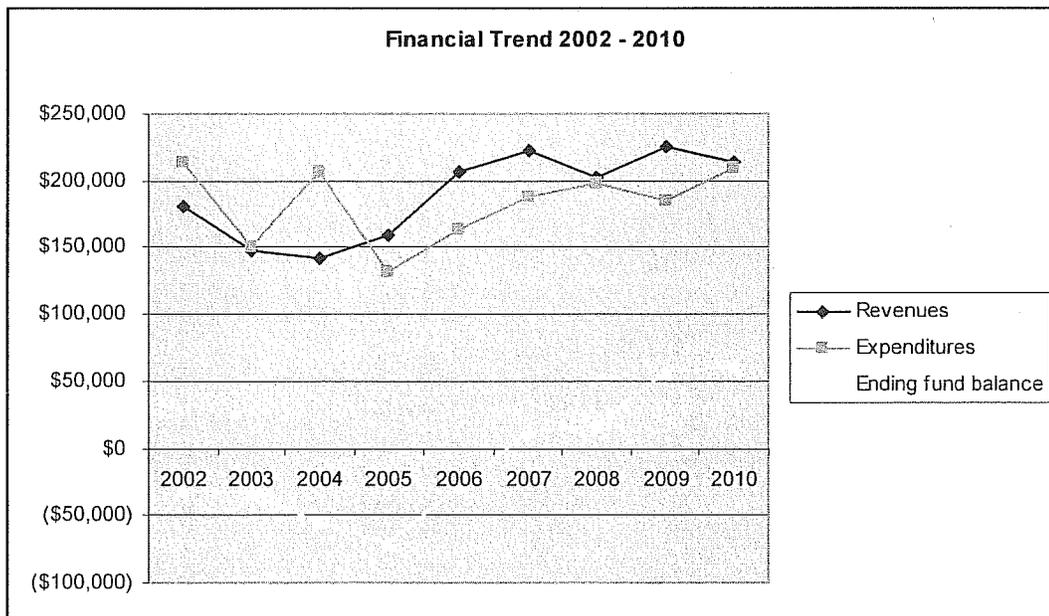
City of Corvallis Public Works
Electrathon America
Les Schwab Tire Service
Mike Hodgert, West Eugene HS
Oregon State Police

FINANCIAL RESULTS

Da Vinci Days ended the fiscal year with cash on hand by managing closely to the budget and carrying forward reserves from the prior year. Reserves are crucial during the off-season and provide a buffer in the event of decreased event revenues due to factors including lower attendance, bad weather, or variables tied the economy. The Board of Directors continues to monitor the costs and benefits of paying down debt and maintaining adequate levels of cash to fund annual operations.

Sponsorships and other contributions were \$66,603, 12% greater than the prior year and close to FY10 budget goals. The increase is due primarily to significantly higher contributions from a few individual donors with grant support, a special sponsorship from Pacific Power for their 100th anniversary, and an equipment donation valued at \$3,500. Combined with a gloomy economy and lesser known main stage music, ticket revenues dropped 15% from last year for a total of \$99,148. Similar to the prior year, this includes both Film Festival ticket sales and summer festival tickets.

Expenditures for 2010 were 3% over budget and nearly 13% higher than the prior year. The highest costs for the event are related to performers and contracted services (performers, security, stage and sound technicians). Monthly interest payments are being made on the Wells Fargo loan and a \$2,000 payment was made to the City in November, 2009. A request to defer the FY11 loan payment to the City is included in this report in the Addendum. As shown in the chart below, the financial trend for da Vinci Days has been positive since 2005.



Revenues

Revenue categories are similar to the prior year. Total revenue was \$218,687, nearly 6% below last year's total. Grants were up again this year, requiring specific uses of funds. *In-kind (non-cash) sponsor donations were valued at \$88,435 in services and products and are not included in the percentage breakout.*

Admissions (tickets/45%)

Admission fees are the greatest source of cash revenue for da Vinci Days. Ticket sales are not the only way that attendance is counted as we provide nearly two thousand complimentary one day and weekly tickets in addition to tickets sold.

The Film Festival ticket sales are included in the total ticket figure. Total ticket revenue for the Film Festival was \$6,543, a \$2,000 increase from the prior year. Theaters were near capacity and ticket prices were \$10/one day and \$20/weekend with a student discount available.

The sold out special event with OK Go was a revenue sharing activity with Majestic Theatre Management. Ticket prices were \$12 in advance and \$20 at the door. The net income of \$1,758 from this event is included in the 2010 admissions total.

Summer festival ticket prices were the same as the prior year: \$15/adult weekend pass, \$10/adult 1 day, \$10/child weekend pass, \$5/child 1 day. Children five and under were admitted at no charge and were not tracked in attendance totals. On-line ticket sales were processed through the da Vinci Days office via the da Vinci Days website, using Pay Pal and five area businesses served as ticket outlets. Ticket revenue of \$90,846 for the summer Festival was down nearly \$20,000 from the prior year. This is attributed to lesser known musical acts and cooler than normal weather on Saturday evening.

Concessions, Merchandise (13%)

Fifteen vendors sold food and beverages at the Festival and paid a booth fee and 15% commission on gross sales. Beer sales were managed by da Vinci Days through an agreement with Clodfelters Pub. Concessions income was down 9.4% from the prior year, consistent with a smaller overall crowd and cool weather on Saturday night. Merchandise sales includes posters, da Vinci store items, and souvenir t-shirts.

Festival Events (4%)

Festival Events income includes registrations for programs including Sidewalk Chalk Art, Kinetic Challenge, Electrathon, and Commercial Booth fees for Green Town and the Art Village. Festival events (registrations and exhibit fees) income grew 4.5% to \$13,565.

Donors/Fundraising/Grants (10%)

Individual donations were 3% below budget and decreased by 12.7% from the prior year. The commitment of the Graand Kinetic Challenge race committee continues to drive consistent donations to the Festival. A trailer to haul the kinetic sculpture was also donated and is recorded as a non-cash donation on the financial statements.

In partnership with Cart de Frisco, da Vinci Days participated in Corvallis Fall Festival as a food vendor for the second year. By teaming up with this popular vendor, da Vinci Days had a net profit of \$1,654 and additional community exposure.

Grants are not a large funding source for da Vinci Days due to the amount of staff time required in researching, writing, and reporting. Grants this year included funding from the Benton County

Cultural Coalition, through the Oregon Cultural Trust for support of the Film Festival and a Young Filmmakers Workshop; The Pacific Power Foundation, The Benton County Foundation, sponsoring low-income admission scholarships and grants from individual donors designated for repairs to a kinetic sculpture machine owned by da Vinci Days and used to promote the Festival at area events and parades.

City of Corvallis Economic Development Funds (8%)

Public funding and in-kind support from the City is vitally important to da Vinci Days. Each year, da Vinci Days staff prepares and presents a request for funding to the Economic Development Allocations Committee for an allocation of funds from the Economic Development Allocations process. This year's request included a presentation for the Film Festival as a separate event to attract out of town visitors. The total allocation for the \$20,000 request was \$16,658.

Sponsorships (12%)

Total sponsorship relationships held steady at twenty one cash sponsors (two new sponsors) and fifteen sponsors in-kind. In-kind sponsorships offset actual festival costs and are an important part of the Festival's financial viability. Total cash sponsorship contributions increased \$4,600 over the prior year.

Cash sponsorships ranged from \$500 to \$2,500. Sponsor donations were up this year, partially due to the Film Festival event. Non-cash sponsorships include goods and services valued at \$88,435, a 5% increase from the prior year. Our founding sponsors, the City of Corvallis, Benton County and Oregon State University provide non-cash sponsor support in the facilities and production of the Festival. These three institutions are key partners in the success of the Festival.

The list below includes cash and in-kind sponsors. There were 21 cash sponsors with an average donation of \$1,264 compared to last year's 22 cash sponsors with an average donation of \$1,045. There were 22 in-kind sponsors, with average support valued at \$4,019, up slightly from 2009.

Breakthrough \$2000+

CH2M Hill
The Corvallis Clinic
Corvallis Radiology
Entek International
Full Color Press
Hewlett-Packard
Hilton Garden Inn
OSU Federal, Community Credit Union
No Dinx
Valley Eye Care

Exploration \$1000+

Allied Waste
Benton County Fair & Rodeo
Columbia Distributing
Darkside Cinema
Energy Trust of Oregon
Invitrogen Life Technologies
Lassen RV
Mario & Alma Pastega Family Foundation

Peak Internet
Samaritan Health Services
Stephen M. Sever, Inc.

Inspiration \$500+

American Dream Pizza
Citizens Bank
Coffee Culture Café
Corvallis Fall Festival
Evanite Fiber Corporation
First Alternative Co-op
Footwise
Gracewinds Music
Pepsi-Cola of Corvallis

Media sponsors

BiCoastal Media
Eugene Weekly
Corvallis Gazette Times
KEZI-9 TV

Expenditures

Operating expenses have been held to the lowest possible levels since 2005 by leveraging non-cash support and maintaining healthy partnerships with multiple organizations. Total operating costs were \$209,120, 3.3% over budget and 12.8% more than the prior year.

Community partnerships are fundamental to our success as we work to align organizational interests of potential partners with the mission of da Vinci Days. As noted in the listing of Festival partners, we continue to reach out to a wide variety of local and regional organizations with opportunities for participation in mutually beneficial relationships.

Administration and management (19%)

Administrative expenses include administrative & management staff payroll and taxes, office and storage rental, supplies, and professional expenses for accounting services. Da Vinci Days shares office space and equipment with Corvallis Fall Festival to keep office expenses low at the lowest possible level. The Executive Director is the only year round paid staff of da Vinci Days and payroll is divided on federal tax reports between fundraising, festival production, and administration and management.

Fundraising (10%)

Fundraising expenses include a portion of staff payroll for time spent recruiting sponsors, planning fundraising activities, and includes actual costs for donor mailings and the Corvallis Fall Festival food booth.

Production and Programs (53%)

Through the commitment and service of dedicated volunteer workers, da Vinci Days continues to provide a high quality festival that delivers a good return on the City's investment. Nearly half of the expenditures of the organization go directly towards the cost of the weekend festival. Quality programming depends on dozens of partnerships, thousands of volunteer hours, and the creative efforts of da Vinci Days leadership including the Executive Director, Board members, and Festival Committee members. Many aspects of the event remain the same from year to year and our goal is to enhance and improve elements of the Festival each year.

Coordination with City and County employees is instrumental in the smooth flow of operations. Oregon State University contributed significant in-kind services and Kavinda Arthenayake served as OSU liaison and coordinated planning meetings with key OSU staff.

With the enthusiasm and expertise of members of the Festival's Sustainability Committee, da Vinci Days took a leadership role with a new recycling and composting program in 2010. The composting program was a dramatic success with the following results:

- recycled and composted an entire TON of material (27 cubic yards)
- cut festival trash in half over last year
- only 22% of attendee waste (not including vendor operations)
- the Green Team consisted of 69 recycling station volunteers who gave 196 hours to educate and assist attendees. This doesn't include the Boy Scout Troop 163, and OSU Campus Recycling coordinators and staff)
- new educational 'monster' cartoon characters were created to for trash, compost, and recycling signage

Other guest services included:

- Free Shuttles provided transportation to Kinetic race venues on Saturday and Sunday.
- Free parking in all OSU parking lots.
- Free city bus service was provided by the Corvallis Transit System on Festival weekend.
- Safety and Information area, located at the main entrance and the Children's Village.
- Family Rest Area, located in the Children's Village.
- Free bike valet, with parking for more than 800 bicycles.

Festival programs are categorized in six general areas, Art Activities and Exhibits, Children's Village, Music & Performances, Races & Revelry, Science and Technology, and Film Festival. The following subsections provide a brief description of summer festival programs:

Art Activities and Exhibits

The Community Art Project committee continues to be a driving force in creating an early "buzz" about Festival involvement. The 2010 theme "Space Odyssey" drew close to 150 entries, with their projects displayed during the Festival weekend. Other highlights included strong participation in the Sidewalk Chalk Art event and exhibits by eight groups.

Willamette Ceramics Guild

Corvallis Arts Guild- the da Vinci Draw

Albany Historic Carousel and Museum

International Plastic Modelers Society

Willamette Valley Photo Arts Guild

Henna by Rebecca

Writers on the Range

Arts for All adaptive arts activity

Children's Village

The Children's Village entertained hundreds of families with children with twenty-four local and regional organizations offering hands-on science and art activities. Artistic face painting, and the Amazama Juggling School and the Amazing Maze rounded out the dozens of free activities in the "Village". Children's Village exhibitors were primarily non-profit organizations and are listed with other Festival partners in this report.

Music and Performances

The primary costs for entertainment are performance fees, stage and sound equipment rentals and sound technician fees. Total expenses for this category were \$47,308, up \$9,222 from the prior year. Sixteen performance groups provided non-stop entertainment on two stages throughout the weekend. The Main Stage schedule included the Friday opening with Grupo Fantasma, a Grammy nominated Latin band from Austin Texas and Saturday night featured The Dirty Dozen Brass Band, from New Orleans.

The Shady Stage served as the daytime musical venue with a variety of performers on Saturday featuring Common Pulse, a local drumming group and performances by groups from various musical genres. A small stage in the food court area provided a more intimate setting for the Sunday afternoon Poetry Slam, hosted by Mary's Peak Poets.

The Cabiri Performance Troupe provided aerial dance performances throughout the weekend, entralling crowds with their elaborately engineered stage and costumes.

Races and Revelry

The races and parades have become iconic events for Corvallis and da Vinci Days. Spectator attendance continues to grow and we appreciate the good flow of communication and coordination with OSU, City, and County staff on road closures and impacts on transit and parking in the Festival area.

Grand Prix Electrathon

Teams travel to Corvallis from around the Willamette Valley for the opportunity to promote electric powered vehicles and to race for cash prizes. The Electrathon course took place Friday evening primarily on campus streets. Nine race teams enjoyed a large crowd on Friday evening as they sped around a .8 mile closed loop course along 14th Street, near the lower campus festival location. A second race was run at OSU's Reser Stadium on Saturday.

Kinetic Sculpture Race

The Grand Kinetic Challenge race committee meets throughout the year to plan and organize the da Vinci Days race. There were 181 race volunteers and 132 racers. A total of 23 teams registered, eleven teams traveled to Corvallis from more than 50 miles away. Events at the Benton County Fairgrounds "Sand Dune", the Crystal Lake Sports Park "Mud Bog", and the North Willamette boat landing "River Exit" continue to be popular spectator locations.

Leo's Kinetic Parade included entries from local organizations including local electric vehicle owners, big puppets, and a delegation of OSU International Students in their country's traditional dress. This year's parade participation and spectators were similar to the prior year and the parade continues to evolve as a community event.

Canine Frisbee Competition

Canine Frisbee is held in the open area of Madison Field and was held on Saturday morning with an estimated crowd of 200 spectators, consistent with the prior year.

Science and Technology

Astronomy Exhibit and Stargazing Party

The Heart of the Valley Astronomers hosted their annual exhibit at the Lower Campus with a hands-on display of telescopes. The Stargazing Party was held Saturday evening at Central Park after the Main Stage music performance.

Keynote presentation

This year's keynote at The LaSells Stewart Center on the OSU campus was Oregon astronomer and author Richard Berry, presenting his talk "Is Pluto a Planet?" An appreciative audience of 250 enjoyed the presentation and engaged in a lively Q&A session after the talk.

Discover OSU

Eleven exhibits were hosted by various colleges at OSU. This area provided people of all ages with dozens of interactive and educational displays.

FIRST Robotics

Local and regional high school FIRST Robotics teams and their mentors provided exhibition competitions on Sunday. The mission of FIRST Robotics (For Inspiration and Recognition of Science and Technology) is to inspire young people to be science and technology leaders, by engaging them in exciting mentor-based programs that build science, engineering and technology skills.

Geocaching

Interest continues to grow in GPS technology and the sport of geocaching. This year, included Geocaching events on Saturday and Sunday where participants were provided a card with waypoints and had to locate ten hidden caches around the Festival grounds and downtown.

Green Town

This popular venue was open Friday evening through Sunday and featured 29 local and regional exhibitors to educate and inspire attendees to consider the environmental impacts of modern living. Exhibitors included the City of Corvallis, local businesses, educational and non-profit organizations. New this year was the Toyota Prius Plug-in Hybrid contest and display, providing Corvallis residents an opportunity to sign up to participate in a two month pilot project of Toyota's newest hybrid technology.

Film Festival

Da Vinci Days Board Members Lainie Turner and Barbara Bull served as co-coordinators of the Film Festival. With good volunteer recruitment and continued support from OSU Conference Services, the Film Festival was a successful event. Budget goals were met with increased ticket sales and increased revenues through filmmaker workshop fees, film submission fees and program ad sales. Over sixty films were screened, including a block of local films and an invited film (and audience favorite) "Between the Folds". Some changes this year that enhanced the event included a more focused effort to invite out of town guest filmmakers, lobby activities that related to featured films, and food service available at all hours from First Alternative Co-op. Film Festival sponsors included B-Side Entertainment, Darkside Cinema, Downtown Dental, Eugene Weekly, Full Color Press, Oregon State University, Peak Internet, and Special Occasions.

The stand-alone film festival event was initiated as a result of the 2005 Strategic Plan created the Board of Directors in 2004. Assumptions were built into that goal that the event would generate additional revenue for the organization. The stand-alone events of 2008 – 2010 were stressful to the organization; they did not contribute substantial revenue to the organization, and did increase the workload to staff. Marketing and other administrative activities were increased by moving the time of the festival to the spring, and sponsorship relationships were confused.

After a Board sub-committee review, the da Vinci Days Board of Directors voted to move the Film Festival back to the summer event. It will resume as being an additional offering during the summer festival in 2011.

MARKETING

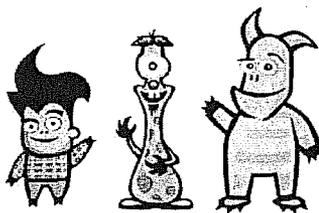
Our marketing objectives are to invite participation in da Vinci Days through event participation and attendance and to draw more local attendees through increased publicity efforts including social media (Blog, Twitter, Facebook), printed collateral maximizing advertising dollars by utilizing matching funds from media sponsors where possible, cross-market with other local events, and increasing promotion outside the local area to attract out-of-town attendees.

The target audience for the festival is geographically located in the Willamette Valley and farther north and south along the I-5 corridor. Attendees are interested in learning new things and enjoy participating in cultural events while supporting their community. Out of town guests are participants in the events, family members of Corvallis residents, and leisure travelers who are attracted through travel web sites. The marketing budget was higher this year due to allocations for web site construction and the separate film festival event. Marketing consists of publicity activities, supplies, print collateral, and advertising. Actual marketing expenses were \$1,500 below budget.

Print/Online Ads

Advertising expenses included print, radio, web, and television for a total cash investment of \$10,666. This annual figure includes \$2,732 ad expenditures for the Film Festival held in March. Ad buys were leveraged with in-kind donations valued at \$22,629. This annual figure includes \$6,416 in-kind ads for the Film Festival.

Publication	Distribution	Media
Oregon Events Calendar	Travel Centers throughout Oregon	Print
Corvallis Parks & Rec	40,000 households	Print
Co-op Thymes	Household circulation to 10,000 members	Print
Eugene Weekly	Circulation 40, 123	Print
Corvallis GT Community Bulletin	Circulation 35,000	Print
Corvallis GT Entertainer	Circulation 35,000	Print
The Alchemist		Print
Valley Parent	Circulation 22,000	Print
BiCoastal Media		Radio
OPB	380,000 weekly listeners	radio
KEZI TV	200,000 households	television
Corvallis Tourism group buy	No data available	web
Corvallis GT banner ad	No data available	Web
Film Festival ads		multiple



New da Vinci Days characters Lil Eddie, Miles the recycler, and Denson the compost monster.

Publicity

More than a dozen publicity events and activities provided low cost, high touch opportunities to promote da Vinci Days. Multiple press releases were distributed to local, regional, and national media outlets. Sev Williams of Public Good PR provided professional public relations services to da Vinci Days including writing and distributing public service announcements, event advisories, and press releases. Da Vinci Days was provided with an up to date media list of 433 media outlets throughout the country.

Publicity Events

Eugene Celebration Parade	September
Port Townsend Kinetic Sculpture Race	October
Corvallis Christmas Parade	November
Corvallis Sustainability Coalition Town Hall	January
Art & Science Night Hoover Elementary School	
Earth Day Fair & Parade	April
Web launch party	April
Spring Garden Festival	May
Eureka Kinetic Sculpture Race	June
Corvallis Farmer's Market	June (two Saturdays)
Portland Rose Festival Starlight Parade	June
Footwise window display	June & July (total 4 weeks)
Harrison Blvd banner display	July (2 weeks)
Book Bin window display	July (2 weeks)
Citizens Bank window display	July (2 weeks)

Press coverage and calendar Listings

	URL/publication
Chamber Connections	www.cbcchambercoalition.com
Eugene Weekly	www.eugeneweekly.com
KEZI-TV	www.kezi.com/community
Oregon Art Beat	www.opb.org/programs/artbeat
KBOO community radio	www.kboo.fm/node/1793
KMTR-TV	www.kmtr.com/ugc/cat/calendar/default.aspx
KLCC Public radio	www.klcc.org/index.asp
Corvallis Sustainability Coalition	www.sustainablecorvallis.org
Visit Corvallis	www.visitcorvallis.org
Oregon Festival & Events Association	www.oregonfestivals.org
Travel Oregon	www.traveloregon.com
INCorvallis magazine	Pre-festival story
The Co-op Thymes	Pre-festival composting story
The Alchemist	Pre-festival story
Rand McNally Road Atlas- Festivals edition	Featured alongside Portland Rose Festival for Oregon festivals

NPR Science Friday blog	http://www.sciencefriday.com/arts/2010/07/have-fun-get-muddy-see-ok-go-live-at-da-vinci-days-festival/
Chicago Daily Herald	http://www.dailyherald.com/story/?id=391433
KEZI-9 (ABC affiliate) Eugene	http://kezi.com/news/local/181685
KVAL TV- Portland	http://www.kval.com/news/98628324.html
TravelBlog	http://www.travelblog.org/North-America/United-States/Oregon/Corvallis/blog-516355.html
Mid-Valley Newspaper- Corvallis/ Albany	http://grahamkislbury.mvourtown.com/2010/07/18/da-vinci-days-was-a-feast-for-the-eyes/
The Oregonian	http://blog.oregonlive.com/themombeat/2010/07/family_fun_july_16-22_festival.html

Website and Social media

The website was completely rebuilt, incorporating a new URL, www.davincidays.org (the hyphen was dropped) and a content management system that easily allows for updates, news, and content changes. Beyond marketing, an additional goal of the new site was to enhance operational efficiencies for registrations and ticket sales. The new site design incorporated the artwork from the 2010 poster and conveys the creativity and innovation of da Vinci Days. The new site also features multiple ways to be a part of the da Vinci Days on-line community through social media sites including Twitter, Facebook, and Flickr. In 2009, a website was created for the da Vinci Film Festival. The film festival URL, www.davincifilmfest.org will point to the existing da Vinci Days site and will no longer be used.

In coordination with office staff, da Vinci Days volunteers provided a steady stream of Facebook profile updates and twitter feeds. The da Vinci Days Facebook page has 733 community members and #davincidays on Twitter has 297 followers.

Web analytics for www.davincidays.org during the week of July 12-19, 2010:

- 13,823 total visits
- Oregon generated 11,488 visits, 5,124 from outside Corvallis
- 58,522 pageviews (the equivalent of impressions in advertising speak)
- 9,573 unique visitors
- The event schedule was viewed 7,165 times
- The ticket admission info page was viewed 4,850 times
- The event map was viewed 2,097 times

SUMMARY

With more than twenty years of bridging the town and gown dynamic of Corvallis, da Vinci Days has become the iconic summer event for Corvallis. We have thriving relationships with dozens of organizations, businesses, and the university and we continue to explore better ways to partner, showcase, and celebrate as we find new ways to build the social capital of our community and attracting visitors to the event.

We continue to make new connections between organizations and support the efforts of our business, education, and non-profit partners. The ongoing support of our founding organizations, the City of Corvallis, Benton County, and OSU have been integral to our continued viability. We are grateful for the support from city staff and the City Council to ensure the continued success of da Vinci Days in our community.

Addendum

Financial Reports
City Loan repayment request

da Vinci Days Statement of Activities with comparison to prior year

*City allocation of \$16,658 included in Contributions

	FY 2010	FY 2009	\$ Change	% Change
Ordinary Income/Expense				
Income				
4000 · *Contributions*	66,603.00	59,256.17	7,346.83	12.4%
4300 · * Program Revenue*	143,213.74	163,298.06	-20,084.32	-12.3%
4400 · Fundraising Events	1,814.16	1,948.30	-134.14	-6.89%
4500 · Festival Merchandise Sales	7,026.00	8,276.00	-1,250.00	-15.1%
4998 · Interest Income	30.39	0.00	30.39	100.0%
Total Income	218,687.29	232,778.53	-14,091.24	-6.05%
Cost of Goods Sold				
5500 · *Festival Merchandise*	5,339.80	6,810.60	-1,470.80	-21.6%
Total COGS	5,339.80	6,810.60	-1,470.80	-21.6%
Gross Profit	213,347.49	225,967.93	-12,620.44	-5.59%
Expense				
6100 · *Payroll Expenses	58,819.84	55,335.04	3,484.80	6.3%
6200 · Awards & Prizes	3,492.00	3,436.47	55.53	1.62%
6250 · Bank Fees	1,498.99	2,149.53	-650.54	-30.26%
6300 · Contracted Services	49,962.87	44,074.08	5,888.79	13.36%
6400 · Depreciation expense	2,463.33	2,565.96	-102.63	-4.0%
6450 · Dues & Subscriptions	145.65	136.00	9.65	7.1%
6500 · Equipment Rentals	25,320.31	19,606.75	5,713.56	29.14%
6650 · Facility Rentals	800.00	600.00	200.00	33.33%
6700 · *Hospitality	5,590.39	4,137.85	1,452.54	35.1%
6800 · Insurance	3,955.00	3,622.00	333.00	9.19%
6900 · Interest Expense	2,732.27	2,724.89	7.38	0.27%
6950 · IT Expenses	472.33	0.00	472.33	100.0%
7000 · Marketing & Publicity	32,844.56	25,840.41	7,004.15	27.11%
7050 · Miscellaneous expense	0.00	30.00	-30.00	-100.0%
7100 · Occupancy-Rent	6,761.03	6,552.66	208.37	3.18%
7150 · Postage	833.06	838.94	-5.88	-0.7%
7200 · Printing & Publications	108.94	435.63	-326.69	-74.99%
7250 · Permits & Licenses	801.00	758.00	43.00	5.67%
7300 · *Professional Services*	1,898.75	1,888.15	10.60	0.56%
7400 · Scholarships & Donations	500.00	1,000.00	-500.00	-50.0%
7500 · Supplies	7,551.28	7,142.24	409.04	5.73%
7600 · Telephone & Web Communications	2,006.24	1,818.92	187.32	10.3%
7650 · Training & Development	219.00	400.00	-181.00	-45.25%
7700 · Travel & Mileage Reimburse	343.10	225.05	118.05	52.46%
Total Expense	209,119.94	185,318.57	23,801.37	12.84%
Net Ordinary Income	4,227.55	40,649.36	-36,421.81	-89.6%
Other Income/Expense				
8000 · In-Kind Donations	88,435.25	84,127.41	4,307.84	5.12%
Total Other Income	88,435.25	84,127.41	4,307.84	5.12%
8050 · In-Kind Marketing	33,498.00	43,053.06	-9,555.06	-22.19%
8055 · In-Kind Services	46,473.00	30,273.00	16,200.00	53.51%
8060 · In-Kind Supplies & Equip	8,464.25	10,801.35	-2,337.10	-21.64%
Total Other Expense	88,435.25	84,127.41	4,307.84	5.12%
Net Other Income	0.00	0.00	0.00	0.0%
Net Income	4,227.55	40,649.36	-36,421.81	-89.6%

da Vinci Days Statement of Financial Position with comparison to prior year

	Aug 31, 10	Aug 31, 09	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
1001 · Petty Cash	49.74	23.20	26.54	114.4%
1002 · Checking-Citizens	0.00	91,043.53	-91,043.53	-100.0%
1003 · OSU Fed checking	100,613.12	0.00	100,613.12	100.0%
1005 · OSU Fed savings	4,835.67	0.00	4,835.67	100.0%
Total Checking/Savings	105,498.53	91,066.73	14,431.80	15.85%
Accounts Receivable				
1200 · Accounts Receivable	1,571.25	2,171.25	-600.00	-27.63%
Total Accounts Receivable	1,571.25	2,171.25	-600.00	-27.63%
Other Current Assets				
1250 · Merchandise Inventory	1,898.00	0.00	1,898.00	100.0%
1400 · Prepaid expenses	280.80	540.80	-260.00	-48.08%
Total Other Current Assets	2,178.80	540.80	1,638.00	302.89%
Total Current Assets	109,248.58	93,778.78	15,469.80	16.5%
Fixed Assets				
1501 · Donated Equipment	10,003.00	6,503.00	3,500.00	53.82%
1500 · Equipment	9,079.57	9,079.57	0.00	0.0%
1590 · Accumulated Depreciation	-9,500.57	-7,037.24	-2,463.33	35.0%
Total Fixed Assets	9,582.00	8,545.33	1,036.67	12.13%
TOTAL ASSETS	118,830.58	102,324.11	16,506.47	16.13%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable				
2000 · Accounts Payable	0.00	157.35	-157.35	-100.0%
Total Accounts Payable	0.00	157.35	-157.35	-100.0%
Other Current Liabilities				
2200 · Deferred Revenue*	14,421.00	0.00	14,421.00	100.0%
2310 · Wells Fargo LOC	30,969.33	30,954.06	15.27	0.05%
Total Other Current Liabilities	45,390.33	30,954.06	14,436.27	46.64%
Total Current Liabilities	45,390.33	31,111.41	14,278.92	45.9%
Long Term Liabilities				
2330 · City of Corvallis- Loan	12,000.00	14,000.00	-2,000.00	-14.29%
Total Long Term Liabilities	12,000.00	14,000.00	-2,000.00	-14.29%
Total Liabilities	57,390.33	45,111.41	12,278.92	27.22%
Equity				
3100 · Unrestricted Net Assets	57,212.70	16,563.34	40,649.36	245.42%
Net Income	4,227.55	40,649.36	-36,421.81	-89.6%
Total Equity	61,440.25	57,212.70	4,227.55	7.39%
TOTAL LIABILITIES & EQUITY	118,830.58	102,324.11	16,506.47	16.13%

GL 2200 Deferred Revenue is the FY2010/11 Economic Development funding allocation. The funds allocated in May 2010 will be included in the da Vinci Days FY11 financials.

Proposed Payment towards Bridge Funding Loan

Da Vinci Days would like to request to defer the 2010 payment to the City of Corvallis.

In November, Executive Director Brenda VanDevelder met with city staff to determine if the status of the loan should be reviewed and to discuss the probable reduced funding through the economic development allocations process in the coming years.

Due to the continuing decline in the economy and the reduced funding available for da Vinci Days through the Economic Development Allocations process, the da Vinci Days Board of Directors requests a deferment on the 2010 payment on the Bridge Funding Loan.

The \$20,000 City loan was extended interest free in 2005 and the balance is currently \$12,000. The \$48,000 Wells Fargo Bank variable rate loan balance has been paid down and the balance is currently \$31,000. We would like to focus the debt reduction efforts on the more costly loan.

The financial picture for the next few years is challenging on all fronts and da Vinci Days continues to focus on sustaining annual revenues and managing cash flow to maintain a viable community festival and tourist attraction. In light of these challenges, we believe this is a prudent course of action. The da Vinci Days Board of Directors appreciates your consideration of this request.

From: Nelson, Jon
Sent: Thursday, April 21, 2011 9:45 AM
To: Ward 1
Cc: Ward 6; Gibb, Ken; Ward 8; Ward 4; Louie, Kathy; Holzworth, Carla
Subject: RE: ASC Related Questions

Hi Mark,

Sorry I missed the meeting. Family business called!

1. The EDC asked to hear presentations from core economic development providers. Past City Council and ASC discussions encouraged fairs, festivals and special events to approach Visit Corvallis (VC) on support and mutual interest opportunities. We are expecting an update from VC on these discussions. When received, it will be shared with City Council. As you know, VC has been in a transition period these past 6 or so months.
2. Most, if not all, of the agencies have been at the ASC and CC meetings and heard directly from City Council that there will not be an allocation process FY 2011-12. But I would be happy to provide something "official" if that is your desire.

Jon

-----Original Message-----

From: Mark O'Brien [mailto:ward1@council.ci.corvallis.or.us]
Sent: Wednesday, April 20, 2011 10:18 PM
To: Nelson, Jon
Cc: Ward 6; Gibb, Ken; Ward 8; Ward 4
Subject: ASC Related Questions

Jon,

I promised to follow up with staff on two concerns shared with A.S.C. by DaVinci Days Director VanDevellder. May I ask the following questions on her behalf?

1. She questioned whether the Economic Development Commission chose not to invite E.D.A. grant recipients from the fair and festival category to present at their April 25th meeting. What was the direction from the commission in this regard?
2. She asked if the City intended to officially communicate with past E.D.A. grantees the status of the allocation program. She communicated that if there was not to be an allocation process this year an official notification would be helpful. I ask you to consider this request and take action as you deem appropriate.

Thanks,
Mark O'Brien

**URBAN SERVICES COMMITTEE
MINUTES
April 21, 2011**

Present

Hal Brauner, Chair
Richard Hervey
Roan Hogg

Staff

Jon Nelson, City Manager
Steve Rogers, Public Works Director
Mary Steckel, Public Works Administration
Division Manager
Adam Steele, Franchise Utility Specialist
Emely Day, City Manager's Office

Visitors

Will Bowerman
William Cohnstaedt
Tom Jensen
Carly Lettero, Corvallis Environmental
Center
Cassandra Robertson, Corvallis
Environmental Center
Brandon Trelstad, Corvallis Sustainability
Coalition Energy Action Team
Robert Wilson

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. SW Ninth Street Bicycle Lanes			Approve inclusion of a bicycle lane during the re-construction of SW Ninth Street between SW Monroe and SW Jefferson Avenues, as detailed in the staff report
II. Energy Efficiency and Conservation Block Grant (EECBG) Program Update		June 9, 2010	Deduct \$42,000 from the RLF program immediately for application toward the parks, street sign, and parking lot lighting projects. This proposal will be submitted immediately to the DOE for approval. In early-July, staff will submit to the Committee a status report of the RLF program and request direction whether funds should be transferred from the RLF program to projects. Another check-in will occur in November.
III. Other Business			

CONTENT OF DISCUSSION

Councilor Brauner called the meeting to order at 5:00 pm.

I. SW Ninth Street Bicycle Lanes (Attachment)

Public Works Director Rogers explained that state law requires that arterial and collector street construction, re-construction, or re-location projects include bicycle and pedestrian facilities, with a few exceptions. Staff plans to re-construct SW Ninth Street (Ninth) between SW Monroe Avenue (Monroe) and SW Jefferson Avenue (Jefferson) this summer. The subject section of Ninth has sidewalks but not bicycle lanes. The City's Transportation Plan specifies that all arterial and collector streets (including Ninth) must have bicycle lanes. Most new Corvallis streets are classified as local streets and do not include bicycle lanes. State law exempts local streets from the bicycle lane requirement, based upon low traffic speeds and volumes and the ability of bicycles and vehicles to safely share the street. Staff considered alternate bicycle facilities and locations, in lieu of adding bicycle lanes to Ninth.

- Tenth Street north of Monroe has bicycle lanes, but Tenth does not extend between Monroe and Jefferson.
- Removing parking from SW Eighth Street (Eighth) to allow bicycle lanes would result in a greater loss of parking than removing parking from Ninth to accommodate bicycle lanes.

Mr. Rogers reported that the Bicycle and Pedestrian Advisory Commission (BPAC) concurred with staff's assessment that Ninth should have bicycle lanes. Staff proposed that the street be reconstructed in its current location and at its current width (40 feet) and that one lane of parking be removed. Ninth is bordered by 14-foot-wide park strips (the minimum requirement is 12 feet). Cutting two feet into each park strip would not allow retention of all parking and would require removing trees from the park strips.

Staff proposed street re-construction of uneven lane widths:

- 5-foot-wide northbound bicycle lane (minimum requirement - 5 feet)
- 11-foot-wide northbound vehicle lane (minimum requirement - 10 feet)
 - The northbound vehicle lane is heavily used by transit buses, which must have turning room at Monroe.
- 10-foot-wide southbound vehicle lane (minimum requirement - 10 feet)
- 6-foot-wide southbound bicycle lane (minimum requirement - 5 feet)
 - Bicycle lanes are typically six feet wide; the extra foot would enhance bicycle safety along parked vehicles.
- 8-foot-wide southbound parking.
 - The east side of Ninth has less parking than the west side of the street; so parking would be retained on the west side.

Mr. Rogers noted that the issue was presented during discussions regarding creating Residential Parking District C (RPDC), which includes Ninth. People interested in the Parking District issue were told that parking would be removed from one side of Ninth in conjunction with the street re-construction.

Mr. Rogers said staff suggested that the Committee recommend that the Council approve including bicycle lanes on the subject section of Ninth.

In response to Councilor Hogg's inquiries, Mr. Rogers reiterated that staff proposed removing parking from the east side of Ninth, as it provided fewer parking spaces than the west side of the street. Additionally, it would be safer to have northbound transit buses adjacent to a curb, rather than parked vehicles. The 1971-adopted State law required bicycle lanes on new, re-built, or re-located streets. Staff typically re-surfaces streets before the bases deteriorate to the point that re-surfacing is not a viable option. Bus traffic on Ninth prevented re-surfacing before the base deteriorated. The street was patched repeatedly and a portion was re-constructed. Staff proposed excavating the street, laying a new base, laying a new street surface, and replacing curbs. The City could re-surface up to a two-inch depth without triggering the requirement of installing bicycle lanes. That depth of re-surfacing would not last more than two years because of the underlying road base condition.

Bill Cohnstaedt said the subject section of Ninth receives extensive parking demand from Oregon State University (OSU) and nearby churches. He opposed removing any parking along Ninth. He suggested that staff work with OSU and pave the alley west of Ninth for use as a bicycle path and retain parking on Ninth. He confirmed for Councilor Hervey that the alley extended from Jefferson to Monroe.

Robert Wilson questioned whether bicycle lanes would be installed on NW Ninth Street between Monroe and NW Tyler Avenue.

Mr. Wilson noted that, since establishment of RPDC, very few vehicles were parked on the west side of Ninth. Therefore, he disagreed with the issue of lost parking along Ninth.

Will Bowerman bicycles around Corvallis but would not bicycle on Ninth, even if bicycle lanes were created; instead, he bicycles on nearby streets.

Councilor Brauner clarified that bicycle lanes must be created in conjunction with a street re-construction project, regardless of project funding sources. Bicycle lanes would be created on both sides of Ninth.

Mr. Bowerman expressed opposition to creation of bicycle lanes on Ninth.

In response to Councilor Hogg's inquiry, Mr. Bowerman said he had not observed difficulties with parking in the neighborhood following creation of RPDC. However, parking is on the opposite side of the street from his home.

Mr. Cohnstaedt added that he lives just outside RPDC but experiences the impacts of the parking district – people who previously parked in the RPDC area now park in his neighborhood. His visitors cannot find on-street parking near his home between 7:30 am and 6:00 pm.

Mr. Rogers said staff did not consider developing the alley west of Ninth for a bicycle path. The suggestion could be presented to the BPAC. Staff would need to estimate costs and investigate right-of-way issues. The project budget is tight, and there may not be enough available funding to re-construct the street and build a parallel bicycle path. A separate bicycle facility would increase project costs.

Mr. Roger noted that the Committee, during July 2010, discussed a proposal to create bicycle lanes along NW Ninth Street north of Monroe; no decision was made regarding the proposal. The City would not be subject to a State mandate to create bicycle lanes until that section of street was re-constructed, which was not anticipated for at least ten years. The Transportation Plan indicated eventual bicycle lanes on NW Ninth Street. It was unknown whether the BPAC would again suggest the bicycle lanes.

In response to Councilor Hogg's inquiry, Mr. Rogers said notices were not sent to neighborhood property owners regarding the street re-construction project because the issue was discussed in conjunction with creation of RPDC, which involved the same neighborhood and property owners.

Councilor Hogg said he spoke with many neighborhood residents during the weekend, and they had not heard about the loss of parking from one side of Ninth as a result of the street re-construction project. He opined that residents had not had adequate time to consider the project and alternatives. He acknowledged that neighborhoods surrounding RPDC were impacted by overflow on-street parking. He, Mr. Cohnstaedt, and Mr. Wilson received project notification letters April 20.

Councilor Brauner recalled that, when the Council discussed creation of RPDC, it discussed the loss of parking as part of a future street re-construction project.

Councilor Hervey acknowledged that no easy parking solution was available for the neighborhood. He did not expect a different outcome, should the Council discuss the issue again, based upon changes in parking patterns. He noted that the BPAC worked with the Council on the proposal, and he supported the Commission's recommendation.

Councilor Hogg disagreed, opining that the proposal would contradict a new Council goal of working with OSU to minimize parking issues. The proposal would worsen parking in a neighborhood bordering OSU's campus. He would prefer that the Committee consider alternative solutions, even if it meant postponing the project one year while funds were acquired to produce a project that would improve the quality of life for neighborhood residents. He further opined that residents did not receive adequate notice of the project. He supported bicycle commuting, but he believed there were alternatives to creating bicycle lanes on Ninth that would end at Monroe, with no bicycle lanes farther north until NW Tyler Avenue. He opined that a bureaucratic requirement was placed on the City that would decrease the quality of life for neighborhood residents. He did not consider the project urgent.

Councilor Hervey noted Mr. Cohnstaedt's suggestion of developing the alley west of Ninth as a bicycle lane.

Mr. Rogers explained that creating a bicycle lane on Eighth would require removing more parking spaces than were proposed for removal from Ninth, so he did not support that alternative.

Councilor Hogg concurred that parking should not be removed from Eighth. He considered bicycling on Eighth feasible and safe. He would prefer re-paving Ninth and waiting two years, while addressing issues of the neighborhood, and avoid removing parking. He opined that the Council should make a priority effort to preserve parking for the neighborhood.

Councilor Brauner countered that the Council's goal involved working with OSU to minimize impacts around the OSU campus. He acknowledged that parking was a major issue. He opined that the alternative to eliminating the parking issue involved encouraging people to use alternative transportation modes, rather than retaining all possible parking spaces. The issue of parking on Ninth was fully discussed when the Council approved creating RPDC. The City is required to create bicycle lanes in conjunction with re-constructing the street. Removing parking to accommodate required bicycle lanes was reasonable. He would not support placing a two-inch overlay on a deteriorating street, as he considered that option a waste of money.

Based upon a motion, moved and seconded by Councilors Hervey and Brauner, respectively, the Committee, by majority vote, recommends that Council approve including a bicycle lane during the re-constructing of SW Ninth Street between SW Monroe and SW Jefferson Avenues, as detailed in the staff report. Councilor Hogg opposed the motion.

II. Energy Efficiency and Conservation Block Grant (EECBG) Program Update (Attachment)

Public Works Department Administration Division Manager Steckel explained that staff met with a United States Department of Energy (DOE) representative regarding the City not spending its EECBG allocation in a manner that complied with the DOE's EECBG guidelines. The DOE was pressured by the Federal Government to spend the allocated moneys. The representative expressed concerns regarding two projects: the Senior Center Geothermal Heating, Ventilation, and Air Conditioning (HVAC) System and the Energy Conservation Revolving Loan Fund (RLF). Few expenditures were incurred on the projects, and there are potential complications to the City's ability to complete the projects within the EECBG timeline.

By not complying with the EECBG guidelines, staff foresees potential problems to obtaining future grant funding. Communities that complete projects in a timely manner seem to have higher priority for future funding opportunities.

The DOE representative directed staff to develop a "Plan B" for spending the EECBG allocation and obtain Council and DOE approval to proceed. Staff identified two criteria for a successful "Plan B": 1) account for all remaining unspent EECBG funds and spend funds soon, and 2) complete projects by September 20, 2012, when all EECBG funds must be spent or returned. Staff identified criteria for desirable "Plan B" projects:

- A project that does not require ground breaking.
 - Breaking ground requires an environmental impact review (known as a National Environmental Policy Act – or NEPA – review, which adds time and uncertainty to a project. If a project is not approved through a NEPA review, staff must identify and get approval of another project. The Senior Center project underwent a seven-month NEPA review.
- A project that does not require a historic preservation review.
 - Historic preservation reviews require time and add uncertainty to a project. If a project is not approved through a historic preservation review, staff must identify and get approval of another project.
- A project that is not a new program.
 - Developing program parameters and promoting a program can take extensive time.

Staff developed a list of possible "Plan B" projects, based upon a review of proposals considered during the 2009 EECBG project evaluation and projects that were proposed later. Possible projects were ranked.

- Medium ranking – The project could be completed within the available time and met the three "desirable project" criteria.
- Medium-High ranking – The project would also provide relief to a General Fund-supported service (Fire, Library, or Parks and Recreation).
- High ranking – The project has a good projected payback period.

Many of the proposed "Plan B" projects do not have insignificant timelines of their own. Designing, soliciting requests for proposals, hiring a contractor, and dealing with weather issues could consume ten to 12 months. Once "Plan B" projects are selected, staff will immediately proceed with design and construction.

Approximately \$345,000 in EECBG funds are available, but \$110,000 is obligated for the Senior Center project. Activities mid-May would determine whether that project should be pursued. That leaves \$235,000 for the RLF project. After development of the staff report, a RLF loan application was received and should be approved. Ms. Steckel suggested that \$15,000 be set aside to cover that loan. This would leave \$220,000 in EECBG funds available for re-allocation to projects.

Ms. Steckel reviewed staff's ranking and the estimated costs of proposed "Plan B" projects:

1. Library chiller replacement. \$180,000
 - The project would provide continual financial relief in a property tax-supported service and is a major capital expense that must be undertaken and cannot be avoided. The project is included in the Capital Improvement Program. If the project could be funded

through the EECBG, it would not be necessary to take funds from General Fund- or property tax-supported service areas.

2. Lighting projects (parks, street signs, and parking lots), as a bundled project.	\$42,000
3. Fire Station No. 1 commissioning.	\$25,000
Total	\$247,000

All three priorities cannot be pursued unless the Senior Center project is canceled.

Ms. Steckel said staff was disappointed that the RLF project had not developed more quickly. She acknowledged the efforts of many people to market the project. Staff was being pressured by the DOE to spend the EECBG funds on projects that showed results.

Ms. Steckel requested Committee and Council direction regarding the types of projects that should be included in "Plan B," so the proposal can be submitted to DOE. Staff also needed direction regarding when EECBG funding would be available in terms of transferring funding from the RLF to projects. Staff invited citizens who participated in the 2009 EECBG proposal evaluation to provide input. She distributed an e-mail from Bill Byers regarding his recommendations to pursue projects that can be completed within the timeline (Attachment A).

Cassandra Robertson of the Corvallis Environmental Center (CEC) supported the City utilizing the EECBG funds within the timeline. She said the original RLF was targeted toward a selected group of people with a specific income range who participated in the 2008 Energy Challenge. The program was expanded to the entire community in December 2010, and the CEC began promoting the program two months ago. She hoped to continue the program through August, although staff proposed July 1 as the date to begin transferring funds from the RLF program.

Brandon Trelstad participated in the 2009 EECBG proposals evaluation process. He concurred with Ms. Robertson. He noted that Corvallis was not the only community with difficulty getting people to accept the loans. He suggested that a modification of staff's proposal, including amending the timeline, might be appropriate. He expected a few more loan applications in the near future.

Ms. Robertson noted that the RLF program received more interest when discussed at Corvallis Sustainability Coalition town hall events than from newspaper advertisements.

Mr. Trelstad said the CEC would like to be more involved in developing the timeline. He opined that it made sense to transfer \$100,000 from the RLF program to other projects September 1, rather than July 1. Housing Division staff had suggested six months' program experience before determining the future of the RLF program.

Carly Lettero of CEC said the RLF trained 19 community volunteers as energy advocates to help people regarding home energy efficiency and appropriate projects to pursue. The team was promoting the program and giving one-on-one assistance through the loan process.

In response to Councilor Hervey's inquiries, Mr. Trelstad said he would like to know staff's response to his suggestion of adjusting the funding transfer date, noting that the November 1 transfer date would be a critical time for beginning any large projects. He did not review the 2009 proposals for today's discussion. He supported the projects Ms. Steckel highlighted. Pursuing shorter payback periods was appropriate, and he thought the payback period for the Library chiller project might be shorter than staff estimated.

Committee members discussed that, should the Senior Center be closed, it would not be appropriate to install a geothermal HVAC system for the building.

Ms. Robertson noted that the RLF money would be available, upon loan re-payment, for re-investment in future projects. She suggested continuing the Corvallis Weatherization Incentive Program (CWIP), which began six months ago. One-half of the project allocation money was spent, and the other half should be spent by September 2011. Staff would be available to continue the program in the community. If funds were available from the RLF for this project, the funds could remain invested in the community. She acknowledged that granting funds was easier and quicker than approving loans.

Referencing Mr. Trelstad's comment regarding the proposed dates for transferring RLF money to projects, Ms. Steckel said staff's concern involved the DOE's approval of projects and its desire for immediate activity. Postponing transferring the funds would mean no money would be available for other projects until September 1; no activity would occur other than possible loans. She noted that the Library chiller project could be completed in time, if it began in September.

Councilor Brauner expressed support for transferring RLF money July 1 and September 1, if approved loans did not equal at least \$25,000 at each date.

Councilor Hervey concurred, noting the need to demonstrate response to the DOE's concern regarding the dispersal of funds in a prompt manner.

Franchise Utility Specialist Steele commented that, depending upon the direction of the "Plan B" projects, transferring small amounts of money may not equate to project expenditures. Staff could pursue small projects with those funds, but a larger project would demonstrate action.

Ms. Steckel added that the result of the action would depend upon the projects the Council approved for "Plan B." The Library chiller project could not be begun until \$180,000 was available. The Council could give staff general direction regarding the types of projects

that should occur and when money might be available, giving staff some latitude to operate within broader guidelines.

Councilor Brauner noted that available funding would not be known until mid-May and the deadlines for RLF loan approvals. He concurred with staff's priorities of the Library chiller and lighting projects, but the sequencing would depend upon the amount of money available. He would not consider the Fire Station No. 1 commissioning project a priority. Future City budget issues may prompt significant reductions in public safety, so it may seem logical to close fire stations that do not provide ambulance services. Until that decision was made, he did not want to invest money in the facilities.

Ms. Steckel emphasized that the induction street light fixtures project was very scalable and could be pursued with any amount of money and achieve results.

In response to Councilor Hogg's inquiries, Ms. Steckel said the Library chiller project should be begun by September 1 to be completed by the EECBG deadline; the project could require ten months. However, the full \$180,000 project funding must be available before the project was begun. The street light fixtures project involves purchasing and installing equipment.

Councilor Brauner observed that the Senior Center project must be canceled and \$60,000 in RLF money transferred to projects in order for the Library chiller project to proceed.

Councilor Hervey asked whether the solar photovoltaic system for the Taylor Water Treatment Plant could include a battery back-up system for power failure events.

Mr. Steele responded that the Plant recently experienced an electrical failure. A generator was delivered from Portland, Oregon, to keep the Plant operational. The generator was the size of a semi-trailer and involved significant kilowatt power usage and demand. He was not certain whether batteries would be at all beneficial to the Plant, which is the City's second-largest power draw. The solar system would be utilized to operate lights, not the water-treatment system.

Councilor Hervey referenced Willamette Neighborhood Housing Services' application for Community Development Block Grant funding for re-habilitation of the Lancaster Bridge development. The project was ranked fairly high during the 2009 EECBG proposal evaluation.

Ms. Steckel responded that staff wanted to focus on projects for which it could control funds expenditures.

Ms. Steckel confirmed for Councilor Hervey that the 2009 proposal of reducing and capturing methane and other greenhouse gases at the Wastewater Treatment Plant was deemed too expensive and would require permits and involve time delays.

Councilor Hervey referenced a 2009 proposal of using the Fire Department's infrared heat-detection device to determine insulation leaks.

Ms. Steckel reiterated that staff focused on projects for which it could control funds expenditures. Staff must submit the Council-approved project list to the DOE for approval; the DOE seeks projects with immediate returns of reduction in energy use. Mr. Steele added that the EECBG required extensive reporting on multiple factors. Energy-consumption data related to the projects must be available to report to the DOE.

In response to Councilor Hervey's inquiry, Ms. Steckel said staff did not object to the Committee and Council considering the CWIP, which was successful. The DOE was not interested in the program, believing it was spending funds at an appropriate rate. The DOE saw momentum increasing, and application processing indicated program success. She cautioned that the program would not involve immediate expenditure of funds, which was the DOE's desire.

Councilor Hervey concurred with the idea of giving the RLF time to develop more activity. He noted that the Committee would be able to better determine available funding in late-May. He suggested that the Committee re-evaluate the list of proposed projects in early-June. He noted that, without \$180,000 by July 1, the City could not pursue the Library chiller project. He suggested that the Committee propose action to satisfy the DOE's concern while granting staff flexibility to return to the Committee in June with specific recommendations.

Councilor Brauner suggested that the Committee recommend approving staff's recommendations, subject to a review in late-May of the RLF activity level.

Ms. Steckel asked the Committee to recommend dates when RLF activity would be reviewed and money possibly transferred from the RLF to projects and the types of projects staff should pursue. Staff could include an alternate "Plan B" scenario, should the Senior Center project be canceled.

Mr. Nelson suggested that Council direct staff to proceed with the lighting projects and return to the Committee in late-May with a revised project profile and scale the induction street light project as funds are available.

Ms. Steckel said that option would take \$42,000 from the RLF for the lighting projects. There would not be enough funds left for the Library chiller project. Any remaining RLF money could be invested in street light fixtures.

Councilor Hervey observed that, if the RLF became successful during the next few months, the City would not have available EECBG funding for the Library chiller project.

Mr. Steele commented that the Library chiller project was almost completely dependent upon the Senior Center project being canceled.

Mr. Steele explained that the Fire Station No. 1 commissioning project involved coordinating electrical controls and computer systems to effectively manage the HVAC system. The current HVAC system did not operate as efficiently as it could. Commissioning several buildings as part of an energy management system was a reliable source of energy conservation and a recognized way to reduce energy consumption.

Mr. Nelson commented that the Senior Center project would be a trade-off for the Library chiller project. Similarly, RLF activity could affect the extent of the street light fixtures project.

Ms. Steckel summarized the Committee's general agreement to deduct \$42,000 from the RLF program immediately for application toward the parks, street sign, and parking lot lighting projects. This proposal will be submitted immediately to the DOE for approval. In early-July, staff will submit to the Committee a status report of the RLF program and request direction whether funds should be transferred from the RLF program to projects. Another check-in will occur in November.

Councilor Brauner suggested that the review be conducted in early-June, before the July 1 RLF assessment date.

The Committee agreed with the summation by consensus.

III. Other Business

- A. The next regular Urban Services Committee meeting is scheduled for May 5, 2011, at 5:00 pm, in the Madison Avenue Meeting Room.

Councilor Brauner adjourned the meeting at 6:30 pm.

Respectfully submitted,

Hal Brauner, Chair

Steckel, Mary

Attachment A

To: Steckel, Mary

Subject: RE: Invitation to attend a discussion of EECBG projects at Urban Services Committee meeting

From: Bill.Byers

Sent: Friday, April 15, 2011 7:20 PM

To: Steele, Adam

Subject: RE: Invitation to attend a discussion of EECBG projects at Urban Services Committee meeting

Hi Adam,

Thanks for the invitation to attend the meeting on April 21. I'll be in Calgary on business next week through Thursday, so I won't be able to participate.

I hope the city can find a way to assure that the funds are used to improve the City's energy footprint. If the funding is truly in jeopardy, it would be better for the funds to be invested in second-choice projects that meet DOE's criteria than to lose the funds while holding out for first-choice projects.

I'll be monitoring my email next week from Calgary and, time permitting, provide my comments to the process.

Best regards,

Bill

William D. (Bill) Byers | VP & Technology Fellow | Industrial Systems | CH2M HILL Corvallis, OR office

MEMORANDUM

April 11, 2011

To: Urban Services Committee

From: Steve Rogers, Public Works Director 

Subject: 9th Street, Monroe to Jefferson Reconstruction

Issue:

ORS 366.514 requires that bike and pedestrian facilities be provided when existing streets are reconstructed.

Background:

The City expects to receive a state funded grant to reconstruct SW 9th Street between SW Jefferson and NW Monroe Avenues. This work is scheduled to occur in the summer of 2011. Sidewalks are in place, but there are no bike lanes.

ORS 366.514 states, in part: “Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided whenever a highway, road or street is being constructed, reconstructed or relocated”. There are three exceptions:

1. Where the establishment of such paths and trails would be contrary to public safety.
2. If the cost would be excessively disproportionate to need or probable use.
3. Where sparsity of population, other available ways or other factors indicate an absence of any need.

Note that this law was written in 1971 and “bicycle trail” is currently defined as a bikeway which includes both bike lanes and multi-use paths.

In addition, the City’s Transportation System Plan directs that all new arterial and collector streets be designed to accommodate bicycle facilities.

This section of SW 9th Street is classified as a collector with a curb to curb width of 40 feet (two 12-foot travel lanes and two 8-foot parking lanes, 14-foot park strips and five-foot sidewalks). The Land Development Code requires 12-foot park strips. To meet the bike lane requirement, staff proposes to eliminate the parking lane on the east side and stripe the following lane widths within the existing curb locations: northbound bike lane - five feet; northbound travel lane - 11 feet; southbound travel lane - 10 feet; southbound bike lane - six feet; and west side parking lane - eight feet.

The Bike and Pedestrian Advisory Commission has recommended the installation of the bike lanes as proposed by staff during reconstruction of this section of 9th Street.

Discussion:

The exceptions to ORS are not applicable in this case. Bike lanes are not contrary to public safety and in fact will be more safe than the current status of sharing the street. The cost is low, requiring only the addition of pavement striping. Alternatively, a multi-use path could be constructed but then the park strip requirement could not be met. Using parallel streets can also be an alternative for bicycles. However, SW 10th Street does not extend between Jefferson and Monroe and putting bike lanes on 8th Street would requirement the removal of more parking spaces than on 9th Street. Generally, the reference to “other factors” in the ORS is taken to mean the situation that is found on streets classified “local” with low traffic volumes where bikes can share the road safely; clearly not the case on this collector street.

The proposed parking removal was anticipated and discussed with the neighborhood during the implementation of parking district “C”.

The proposed lane widths were developed to fit within the existing curb locations; to provide a wider travel lane to accommodate northbound bus traffic; to provide a wider southbound bike lane next to the parking lane; and to eliminate any tree impacts.

Recommendation:

That Urban Services Committee make a recommendation to the City Council regarding the addition of bike lanes to this section of SW 9th Street as part of the reconstruction project.

Review and concur:


Jon S. Nelson, City Manager

MEMORANDUM

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: March 18, 2011

SUBJECT: Energy Efficiency and Conservation Block Grant Status

ISSUE

The U.S. Department of Energy has target dates for expending Energy Efficiency and Conservation Block Grant (EECBG) funds and are strongly encouraging compliance.

BACKGROUND

In the Spring of 2009, the City was awarded a federal grant from the Department of Energy (DOE) through the EECBG program in the amount \$511,600. The EECBG program was developed as part of the American Recovery and Reinvestment Act (ARRA). The grant allowed many different uses for the funds such as, weatherization incentives, renewable energy generation, energy conservation activities, facility improvements (energy related). Grant funds must be spent by September 20, 2012 or they will be forfeited.

Following the award, Council directed staff to seek input from the public for different project ideas. After a thorough public process, ideas from the public, city staff, other local governments, and non-profits were presented to the Council by way of the Urban Services Committee (USC). The process yielded five projects that were selected by the Council for funding.

1. Majestic Theatre Lighting retrofit (\$12,000) - Replace 300 old T-12 fixtures with new energy efficient T-8 and T-5 fixtures.
2. Corvallis Weatherization Incentive Program (CWIP) (\$79,600) - Contract with the Corvallis Environmental Center (CEC) to develop and implement an incentive program to promote weatherization retrofits in Corvallis homes.
3. Volunteer Coordinator (VC) (\$50,000) - Contract with the CEC to design and implement a one year "volunteer coordinator" program to train residents in energy conservation, outreach, and promotion of other energy programs (EECBG - RLF, EECBG - CWIP, Energy Trust of Oregon).
4. Energy Conservation Revolving Loan Fund (RLF) (\$250,000) - City administered RLF for Corvallis residents to make energy improvements to their homes. Marketing of the program to be performed by the Corvallis Environmental Center Volunteer Coordinator program.
5. Senior Center Geothermal Heating, Ventilation, and Air Conditioning (HVAC) system (\$120,000). The design and construction of a unique geothermal HVAC system utilizing the City's water system.

Brief Project Updates

1. The Majestic Theatre lighting upgrade was completed under budget in June 2010. The Theatre has already saved over \$1,000 in electrical expenses.
2. The CEC has developed and is managing the CWIP program. To date, 49 incentives worth over \$20,000 have been distributed for home weatherization upgrades. New incentive applications are being received on a regular basis. \$30,000 in incentive funds remain which must be dispersed by September 20, 2012.
3. The Volunteer Coordinator program was contracted to the CEC and has been completed. A final program report will be included in an upcoming Council packet. A similar program is scheduled to begin in the Spring of 2011 with funding from an EPA grant that will be administered by the City.
4. The RLF program has been fully developed by the Housing Division in cooperation with the CEC. Marketing for the program began in late summer 2010. To date, there has been no loan activity. Of the \$250,000 dedicated to the project, approximately \$15,000 has been spent developing and marketing the program. The remaining ~\$235,000 must be spent by September 20, 2012.
5. The Senior Center HVAC project required additional DOE review before approval. Final DOE approval to proceed did not occur until March 2010; the project design is now underway. It is estimated that the design will cost \$8,000 to complete and the project is scheduled to be placed out to bid in May/June 2011.

DISCUSSION

Department of Energy Visit and Concerns

On February 15, 2011 a DOE representative came from Washington D.C. to visit with Corvallis staff on the status of the EECEBG projects. Corvallis was chosen for a visit because EECEBG funds are not being spent at a rate to hit a DOE target of 50% by June 30, 2011. To date, about \$130,000 or 25% of the \$511,600 EECEBG funds have been spent. Staff provided the DOE with an update on the status of each project. Two of the projects, the Senior Center Geothermal HVAC and the RLF received the most discussion.

Staff explained that the Senior Center project was behind schedule because the DOE was late approving the project, a NEPA review had to be performed, and the design contractor had a personal tragedy delaying design. In addition, there is uncertainty whether the Senior Center will remain open due to budget constraints, putting construction of a \$120,000 HVAC upgrade in question. Staff relayed that there will be a measure on the May ballot that will determine if the Senior Center remains open.

Staff also explained that development of the RLF program was time consuming and intensive. Development of program policies and parameters took the Housing Division approximately three months, and CEC marketing program rollout has been underway since that. Since completion of the program guidelines and parameters, interest in the RLF has been very low. Subsequent marketing efforts by the CEC and Housing Division have not produced any loans. Given very similar experience in other jurisdictions attempting to initiate the same types of programs, the DOE has

expressed serious concern about the project's likelihood of success in fully spending the project funds.

Following the discussion, the DOE requested that the City develop and get approved (by the Council) a Plan B in the event the Senior Center project is cancelled due to closure or the marketing of the RLF does not produce loans. Staff replied that a Plan B would be developed and presented to the Council for discussion and/or approval.

Should the Council wish to redirect project funds, time is of the essence as new activities (projects) must be approved by the DOE and potentially engineered, bid, and constructed by September 2012. Staff does not believe there is adequate time to implement a public process for alternate project ideas.

Plan B

Staff has developed several Plan B project alternatives for consideration. Any new project would have to be sent to the DOE for final approval.

Below is a proposed timeline for the Council to consider should a change be desired. The proposal for use of the RLF funds is shown as a phased approach, with the intent of leaving some level of funding in the program for as long as possible in case interest level increases. Staff requests flexibility to make adjustments to the amounts and timing of RLF transfers to take best advantage of Plan B opportunities that arise.

Senior Center	Date	Action
May levy passes	May 17, 2011	Prepare construction bid documents - complete project
May levy fails	May 17, 2011	Redirect EECBG funds to Plan B project

Revolving Loan	Date	Action
If loans issued do not equal at least \$50,000	On or about July 1, 2011	Reduce RLF by approximately \$100,000 - transfer funds to Plan B
If subsequent loans issued do not equal at least \$50,000	On or about Nov 1, 2011	Reduce RLF by an additional, approximately \$50,000 (or the remaining balance if less) - transfer funds to Plan B
	On or about May 1, 2012	Transfer any remaining RLF funds to Plan B.

Staff has identified several options as potential Plan B alternative projects.

1. Stay the course with the RLF and Senior Center regardless of May ballot outcome and number of loans issued.
2. From the public process where the five original projects were chosen, the Council chose two backup projects from the list in the event the DOE rejected any of the five. The backups were:
 - Geothermal HVAC system at the Benton County Assessor's Office (\$80,000).
 - 10 kW Solar Photovoltaic (PV) Array on the Madison Avenue Building (\$75,000)

The Benton County HVAC is rated low by staff because it is questionable whether it could be approved by the DOE, receive the required National Environmental Policy Act (NEPA) review, and be designed and constructed by September 20, 2012.

The Solar PV project on the Madison building is rated medium-high by staff as it is very doable in the required timeline but does not provide as much return on investment compared to an energy conservation project.

3. 10 kW Solar Photovoltaic (PV) Array on Fire Station #5 (\$75,000).
Staff rates this project medium-high as it is very doable in the required timeline, will provide immediate energy savings resulting in lower General Fund expenses, but does not provide as much return on investment compared to an energy conservation project.
4. 17 kW Solar Photovoltaic (PV) Array at the Taylor Water Treatment Plant (\$127,000).
Staff rates this project medium as it is very doable in the required timeline, will provide immediate energy savings resulting in lower Utility Fund expenses, but does not reduce General Fund expenses and does not provide as much return on investment compared to an energy conservation project.
5. 30 kW Solar Photovoltaic (PV) Array on the Public Works Building #1 (\$225,000).
Staff rates this project medium as it is very doable in the required timeline and will provide immediate energy savings but does not provide as much return on investment compared to a conservation project.
6. Purchase LED or induction lighting fixtures for City parks (\$8,000). Installation would be performed by existing City staff resources.
Park lighting in locations such as Central Park have inefficient and failing fixtures that will need to be replaced soon. Staff rates this project high as it is very doable in the required timeline and new energy efficient fixtures will eliminate future General Fund expenses for replacement, in addition the General Fund will see an on-going expense reduction due to energy savings.
7. Fire Station #1 HVAC commissioning (\$25,000). Fire Station #1's HVAC system is not configured to provide the most efficient heating and cooling of the building. The work to analyze and adjust the controls to optimize efficiency is called commissioning.

Staff rates this project high as it is very doable in the required timeline and will provide immediate energy savings and expense reduction to the General Fund.

8. Replace obsolete chiller at the Library (\$180,000). The HVAC chiller unit at the Library is near the end of its life and will need to be replaced soon. New units are much more efficient offering substantial (~30%) savings in energy consumption over the current unit.
Staff rates this project high as it is very doable in the required timeline and will provide immediate energy savings and expense reduction to the General Fund and will save a future large capital expenditure.
9. Purchase LED retrofit kits for 90 existing illuminated street signs (\$30,000). The City is currently retrofitting illuminated signs on an as-needed basis when the sign fails. Replacing the illumination source from incandescent or florescent to LED saves as much as 80% in electricity consumption. At the current rate of replacement, it will take at least eight years to complete the retrofits. The funds to cover installation have not been identified but could be partially (35%) supported by an Energy Trust incentive.
Staff rates this project as high as it is doable in the timeline required and will provide an instant return on investment as the signs are retrofitted.
10. Purchase LED or induction parking lot light fixtures for three City-owned lots downtown (\$4,000). The current lighting used in the parking lots is old technology, inefficient, and is in need of repair. Current staffing can be utilized to install the fixtures.
Staff rates this project high as it is very doable in the required timeline and will provide immediate energy savings and Parking Fund expense reduction.
11. Purchase high efficiency LED or induction streetlight fixtures. Many communities have utilized ARRA and EECBG funds to upgrade their street lighting technology to LED or induction. Most of the streetlights in Corvallis are owned and operated by utility companies. These companies are allowed by the Public Utility Commission to charge the City for maintenance and depreciation on the lights making the charges nearly three times what the electricity alone would cost. Through the franchise agreement, the City has the authority to have the utility company remove their lights so the City can install its own lights on existing utility poles. Owning energy-efficient streetlights would significantly reduce annual streetlight expenditures from the Street and General Funds. This option is scalable in nature and would provide a means to spend all of the potentially available EECBG funds. Installation of the lights is not included in this option as staff does not believe it can coordinate with the utility companies and have new fixtures installed by September 20, 2012. The funds to cover installation have not been identified but could be partially (35%) supported by an Energy Trust incentive.
Staff rates this project medium-high as it is very doable in the required timeline, scalable to available funds, and will provide immediate energy savings and expense reduction to the General and Street Funds as they are installed.

Plan B Project Summary Table

Project	Staff Rating #1 being lowest	Estimated EECBG Funded Project Cost	Estimated Annual Budget Savings	Estimated Payback (yrs) from Energy Savings
1a. Continue Revolving Loan Fund		\$250,000	N/A	
1b. Continue Senior Center project		\$120,000	\$7,810**	15
2a. Benton County Assessor's Office geothermal HVAC	1	\$80,000	County \$15,000**	5
2b. 10 kW Solar PV system on the Madison Avenue Building	7	\$75,000	\$850	88
3. 10 kW Solar PV system on Fire Station #5	7	\$75,000	\$850	88
4. 17 kW Solar PV system at Taylor Treatment Plant	5	\$127,000	\$1,450	88
5. 30 kW Solar PV System on Public Works Building #1	5	\$225,000	\$2,550	88
6. Energy efficient light fixtures in City parks	10	\$8,000*	\$350	23
7. Fire Station #1 commissioning	10	\$25,000	\$4,200	6
8. Library chiller replacement	10	\$180,000	\$2,300	78
9. Illuminated street sign LED retrofit kits	10	\$30,000*	\$2,900	10
10. Energy efficient parking lot light fixtures	10	\$4,000*	\$430	9
11. Purchase LED or induction street light fixtures	7	Scalable project - \$500-1000 per fixture*	\$80-250 per fixture	4 to 12

*Does not include installation

**Estimate from original project proposals

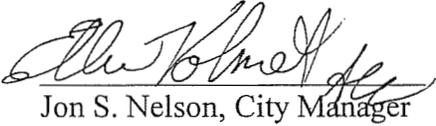
CONCLUSION

The DOE has strongly encouraged the City to spend the EECBG funds it was allocated in 2009. Two of the current projects have been identified as potentially needing to be changed because expenditures are not in line with DOE expectations resulting in ~\$345,000 of potentially available funds. Council direction is requested on how to proceed with administration of the Senior Center Geothermal HVAC and Revolving Loan Fund projects.

RECOMMENDATION

The Urban Services Committee recommend the City Council approve the timeline to redirect EECBG funds as outlined in the staff report and to allow staff to proceed with the highest ranked projects depending on the availability of remaining EECBG funds.

Review and concur:



Jon S. Nelson, City Manager

Attachment A - Evaluation Matrix from Original EECBG Allocation Process

Aggregated EECBG Allocation Matrix

DOE Activity Area	Project/Program	Requester	Dollars Requested	Committee Member Responses					
				Byers	Daniels	Hamby	Hervey	Trelstad	Weber
#5 Energy efficiency retrofits to nonprofits or government agencies	Majestic Theater: replace 300 low efficiency T12 and incandescent lighting fixtures	Steve Rogers, City of Corvallis Public Works	\$12,000	\$12,000	\$12,000	\$12,000	\$0	\$4,168	\$12,000
#4 Financial incentive programs [\$250,000 limit]	Revolving loan fund	Theresa Gibney, Corvallis Sustainability Coalition Energy Action Team	\$250,000	\$0	\$94,900	\$0	\$223,000	\$250,000	\$250,000
#3 Residential and commercial building energy audits	Volunteer coordinator position to continue Corvallis Energy Challenge	Jim Phelps, Corvallis Sustainability Coalition Energy Action Team	\$50,000	\$50,000	\$50,000	\$0	\$40,000	\$80,000	\$0
#4 Financial incentive programs [\$250,000 limit]	Weatherization incentive program - \$500 cash incentives to 90 residential and commercial sites	Cassandra Robertson and Janette Hardison, Resource Efficiency Program, Corvallis Environmental Center	\$72,200	\$72,200	\$72,200	\$0	\$55,000	\$72,200	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Whole house ventilation systems at Lancaster Bridge apartments	Douglas McRae, Willamette Neighborhood Housing	\$30,000	\$30,000	\$30,000	\$0	\$24,000	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Adams School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts (509J top priority)	Kathy Rodeman, Corvallis School District 509J	\$43,308	\$43,308	\$40,000	\$0	\$41,000	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Corvallis Art Center: replace 50 low efficiency PAR 38 lighting fixtures	Steve Rogers, City of Corvallis Public Works	\$10,000	\$10,000	\$0	\$10,000	\$0	\$0	\$10,000
#5 Energy efficiency retrofits to nonprofits or government agencies	Benton County Jail ground source heat pump	Rollie Baxter, Richard Gordon	\$80,000	\$1	\$80,000	\$0	\$0	\$25,000	\$0
#6 Energy efficiency and conservation programs for buildings and facilities	Climate Masters at Home	Rick Fletcher, OSU Benton County Extension Service Also in support: Theresa Brand, Bailey Payne, Suzanne Lazaro (letter)	\$38,871 \$30,850 if program does not allow for payment of overhead	\$38,871	\$0	\$0	\$0	\$38,871	\$0

#6 Energy efficiency and conservation programs for buildings and facilities	Sustainable Living Course	Rick Fletcher, Oregon State University Extension Service	\$10,760 \$8,540 if program does not allow for payment of overhead	\$8,300	\$0	\$0	\$0	\$10,760	\$0
#11 Reduction and capture methane and other GHGs	Use methane at City wastewater treatment plant	Steve Rogers, City of Corvallis Public Works	\$30,850 if program does not allow for payment of overhead	\$1	\$0	\$0	\$0	\$0	\$119,000
#13 Onsite renewable energy technologies on government buildings	Madison Building: install 10 kW PV solar array	Steve Rogers, City of Corvallis Public Works	\$82,500	\$0	\$82,500	\$82,500	\$0	\$0	\$0
#14 Other appropriate activity	Corvallis energy strategy - work with ICLEI to create and adopt 10-year strategy for community that builds on existing work (Vision 2020, PTF, Corvallis Sustainability Coalition)	Dan Brown, Charlie Tomlinson	\$50,000	\$50,000	\$50,000	\$50,000	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Senior Center ground source heat pump	Rollie Baxter, Richard Gordon	\$120,000	\$0	\$0	\$0	\$120,000	\$0	\$120,000
#3 Residential and commercial building energy audits	Energy audits using Fire Dept. thermal imagers	Kirk Bailey	not provided	\$1	\$0	\$0	\$8,000	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Cheldelin School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts (509J top priority)	Kathy Rodeman, Corvallis School District 509J	\$76,916	\$76,916	\$0	\$0	\$0	\$30,000	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	City Hall: install 1) Energy Management System to operate the HVAC, 2) new HVAC cooling tower	Steve Rogers, City of Corvallis Public Works	\$112,500	\$0	\$0	\$112,500	\$0	\$0	\$0
#13 Onsite renewable energy technologies on government buildings	Corvallis-Benton County Library: install 29 kW PV solar array	Steve Rogers, City of Corvallis Public Works	\$244,250	\$0	\$0	\$244,000	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Wilson School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts (509J top priority)	Kathy Rodeman, Corvallis School District 509J	\$40,000	\$40,000	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	County Assessors Office ground source heat pump	Rollie Baxter, Richard Gordon	\$80,000	\$80,000	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Interior acrylic window insulation, possibly at Art Center and/or City Hall	Ray Chesbrough	not provided	\$1	\$0	\$0	\$0	\$0	\$0
#10 Material conservation programs	Landfill presort and mining to recover usable materials for biofuels and oil-from-lastic production. To become self-funded via user fees and materials sale.	Marge Stevens	not provided	\$1	\$0	\$0	\$0	\$0	\$0
#4 Financial incentive programs [\$250,000 limit]	Grants to non-profits to "fill the gap" between cost and incentives to install PV arrays; money from energy savings to go into revolving fund	Marge Stevens	not provided	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Garfield School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts	Kathy Rodeman, Corvallis School District 509J	\$36,812	\$0	\$0	\$0	\$0	\$0	\$0

#5 Energy efficiency retrofits to nonprofits or government agencies	Hoover School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts	Kathy Rodeman, Corvallis School District 509J	\$28,000	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Jefferson School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts	Kathy Rodeman, Corvallis School District 509J	\$34,646	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Franklin School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts	Kathy Rodeman, Corvallis School District 509J	\$34,000	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Lincoln School lighting system: relamp to T12s, install occupancy sensors and programmable networked ballasts	Kathy Rodeman, Corvallis School District 509J	\$41,142	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Storm window manufacturing and installation crews; continue program with revolving fund from surcharges on utility bills	Marge Stevens	not provided	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Corvallis-Benton County Library: install 1) lighting management system to control all lighting in the building, 2) new high efficiency model HVAC chiller unit	Steve Rogers, City of Corvallis Public Works	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	City Hall ground source heat pump	Rollie Baxter, Richard Gordon	\$200,000	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Parks & Recreation Admin office ground source heat pump	Rollie Baxter, Richard Gordon	\$80,000	\$0	\$0	\$0	\$0	\$0	\$0
#5 Energy efficiency retrofits to nonprofits or government agencies	Tunison Fire Station #4 ground source heat pump	Rollie Baxter, Richard Gordon	\$65,000	\$0	\$0	\$0	\$0	\$0	\$0
#10 Material conservation programs	Strategies to redirect waste produced by crowd events (OSU football games, move-outs, conferences, county fair)	Marge Stevens	not provided	\$0	\$0	\$0	\$0	\$0	\$0
#11 Reduction and capture methane and other GHGs	Stirling engine manufacturing and repair microenterprise. Use waste methane from Coffin Butte, wastewater treatment plant, OSU dairy, farms, etc.	Marge Stevens	not provided	\$0	\$0	\$0	\$0	\$0	\$0
#13 Onsite renewable energy technologies on government buildings	Solar PV electric vehicle charging stations tied to traffic signals and lights; fee for service funds more recharging stations	Marge Stevens	not provided	\$0	\$0	\$0	\$0	\$0	\$0
#13 Onsite renewable energy technologies on government buildings	Solar PV array for Corvallis High School; revolving fund to put PV on more schools	Marge Stevens	not provided	\$0	\$0	\$0	\$0	\$0	\$0
#13 Onsite renewable energy technologies on government buildings	Fire Station #4: install 15 KW PV array	Steve Rogers, City of Corvallis Public Works	\$128,750	\$0	\$0	\$0	\$0	\$0	\$0
#13 Onsite renewable energy technologies on government buildings	Public Works garage building: install 30 kW PV array	Steve Rogers, City of Corvallis Public Works	\$252,500	\$0	\$0	\$0	\$0	\$0	\$0
#13 Onsite renewable energy technologies on government buildings	Public Works Administration building: install 30 kW PV array	Steve Rogers, City of Corvallis Public Works	\$252,500	\$0	\$0	\$0	\$0	\$0	\$0

TOTALS

\$511,600 \$511,600 \$511,000 \$511,000 \$510,999 \$511,000

MEMORANDUM

TO: Mayor and City Council
FROM: Steve Rogers, Public Works Director 
DATE: April 26, 2011
SUBJECT: Oregon Department of Transportation (ODOT) Stormwater Retrofit Intergovernmental Agreement (IGA) for 4th Street

ISSUE

City Council's approval is required to authorize the City Manager to accept a Stormwater Retrofit Implementation agreement with ODOT. This agreement is intended to establish a collaborative effort between the City and ODOT with the goal of replacing aging elements of storm systems and providing water quality treatment of stormwater discharge from the reconstructed systems.

BACKGROUND

ODOT funding is available to implement stormwater quality improvements to the drainage systems in State highways. This money would be made available to local agencies for implementation of improvements constructed within their jurisdiction. The City has proposed several projects along 3rd and 4th Streets in the downtown area. In addition to improving the water quality of urban runoff, the proposed projects would replace aging elements of the local storm system which have been subject to numerous failures over the past few years.

DISCUSSION

ODOT has tentatively awarded a grant in the amount of \$124,600 for one of the proposed projects just north of the Highway 20/34 overpass. This project will replace approximately 450-feet of storm pipe and catch basins and install a stormwater quality manhole. As an incentive for ODOT to invest these grant dollars in Corvallis, and recognizing the benefit to the community from improved water quality and elimination of localized flooding, the City has proposed a 10% match to be funded from the annual Stormwater Master Plan project. The proposed resolution will increase appropriations for FY 10-11 in the amount of the grant.

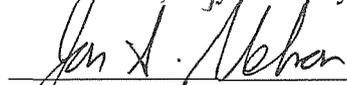
The attached agreement will remain in effect through December 2014. Other elements of the City's proposed projects on 3rd and 4th Streets may be awarded in future years under the terms of this document. Each project awarded will be initiated under a separate Work Order Authorization from ODOT.

ACTION REQUESTED

Staff recommends City Council adopt the attached resolution authorizing the City Manager to execute the ODOT Stormwater Retrofit Implementation IGA and future Work Order Authorization agreements and amendments for specific construction projects.

Review and Concur:

 4/26/11

Jim Brewer, City Attorney Date
 4/26/11

Jon S. Nelson, City Manager Date

 4/26/11

Nancy Brewer, Finance Director Date

Attachment

RESOLUTION 2011-_____

Minutes of the May 2, 2011, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to accept grants after the budget has been approved; and

WHEREAS, the City of Corvallis has been authorized to receive a Stormwater Retrofit Grant from the Oregon Department of Transportation (ODOT) in the amount of \$124,600 for the purpose of constructing stormwater system improvements; and

WHEREAS, the grant acceptance requires approval by the City Council and delegation of the authority to sign the Stormwater Retrofit Intergovernmental Agreement and Work Order Authorizations to the City Manager; and

WHEREAS, additional projects may be eligible for funding under the terms of the Stormwater Retrofit Intergovernmental Agreement and subsequent Work Order Authorizations;

WHEREAS, the grant was unanticipated at the time the Fiscal Year 10-11 budget was adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the Stormwater Retrofit Grant offered by ODOT and authorizes the City Manager to execute the Stormwater Retrofit Intergovernmental Agreement and all associated Work Order Authorizations/Amendments for the construction of stormwater improvements.

BE IF FURTHER RESOLVED that the Finance Director is authorized to made the proper adjustments in the budget appropriations.

STORMWATER FUND
Capital Projects

INCREASE

\$124,600

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

**Oregon Department of Transportation
MASTER INTERGOVERNMENTAL AGREEMENT
Stormwater Retrofit Implementation
City of Corvallis**

THIS AGREEMENT is entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT;" and the CITY OF CORVALLIS, acting by and through its designated officials, hereafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. The State of Oregon's aging infrastructure, including ODOT's highway system and associated water quality treatment facilities, is in need of updating. Future regulatory requirements will very likely include a requirement to conduct a stormwater retrofit assessment of that infrastructure.
3. ODOT has initiated a Stormwater Retrofit Program and committed \$8.4 million towards stand-alone stormwater retrofit projects over the next four years (ODOT's fiscal years 2011 through 2014). These projects will be in urbanized areas within the Willamette Valley Watershed. A retrofit prioritization plan has been prepared for this program. Project screening and selection will focus on identifying projects that will have the greatest benefits to water quality and quantity relative to cost.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency and ODOT will collaborate to retrofit stormwater facilities of mutual interest and benefit for watershed health within Agency's jurisdictional areas. These actions will improve water quality, restore stormwater volume and rates of discharge from transportation related facilities to more natural flows, and improve conditions for Endangered Species Act (ESA) listed species and other biological communities.
2. By this Agreement, Agency and ODOT agree to provide mutual support to accomplish specific stormwater retrofit projects. That support may take the form of payment for elements of work; provision of planning, design, construction, establishment or maintenance services in connection with specific projects; exchanges of material goods or products; or commitment to specific allocation of staff time for elements of

work not specifically called out in this listing. This Agreement provides the vehicle for those exchanges; however, the specific projects and their scopes will be determined via Work Order Authorizations entered into by mutual consent of both Parties as project details are developed over the term of this Agreement. ODOT funds under this Agreement shall not exceed \$2,000,000 in State funds.

3. Effective Date and Duration. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the work and final payment, or December 31, 2014, whichever occurs sooner. The Work Order Authorization shall contain beginning and ending dates for the specific work.
4. Work Order Authorizations. All work performed under this Agreement shall be determined by Work Order Authorizations entered into by mutual consent of both Parties. The Work Order Authorization, Exhibit A is attached hereto and by this reference made a part hereof. Work Order Authorizations shall include the project scope, delivery schedule, and budget for each project. All project work will be done in accordance with the terms and conditions of this Agreement; specific elements of work will be accomplished pursuant to terms of a mutual, written Work Order Authorizations. Both Parties shall sign the Work Order Authorization before commencement of work. Each Work Order Authorization that is issued pursuant to this Agreement shall become a part of this Agreement. If the total cost of this Agreement or the individual Work Order Authorization exceeds \$150,000, the Oregon Department of Justice must review and approve any amendments and/or Work Order Authorizations prior to performance of any work.
5. Statement of Work. ODOT and Agency shall jointly develop a Statement of Work, as defined below and incorporated into the Work Order Authorization. Each Statement of Work shall contain the following elements:
 - a. A detailed description of work to be performed, including tasks, deliverables, schedule, estimated and not-to-exceed costs, and mutually agreed standards for acceptance.
 - b. Collaboration or assistance to be provided by ODOT, in addition to the agreed compensation amount.
 - c. Name of Agency's Project Manager responsible for supervising Agency's obligations under the Work Order Authorization.
 - d. Name of the ODOT's Project Manager assigned as liaison to Agency, and to supervise and verify timely Work Order Authorization completion.
 - e. Dates of Work Order Authorization beginning and completion, including milestones where appropriate.

- f. Performance reporting requirements, including delivery and payment schedules of interim and final work products.
 - g. Any change to a Statement of Work, must be made by written amendment to the Work Order Authorization. No work under an amendment to the Work Order Authorization may begin until the amendment has been signed by both Parties, and has received all other required approvals.
6. Project Representatives. Each Party has designated a project manager to be the formal representative for this Agreement. All reports, notices, and other communications required under or relating to this Agreement shall be directed to the appropriate individual. Each Party shall notify the other of any contact information changes during the term of this Agreement.

<u>Agency</u>	<u>ODOT</u>
Project Manager: Som Sartnurak Engineering Supervisor	Project Manager: Michael Starnes Local Agency Liaison
Organization: City of Corvallis, Public Works	Organization: ODOT, Highway Division Region 2, Local Programs
Address: 1245 NE Third Street Corvallis, OR 97339-1083	Address: 455 Airport Road SE, Bldg. B Salem, OR 97301-5395
Phone: (541) 766-6731	Phone: (503) 986-6920
Fax: (541) 766-6920	Fax: (503) 986-2630
Email: Somkeart.sartnurak@ci.corvallis.or.us	Email: michael.s.starnes@odot.state.or.us

7. The Work Order Authorization form may be signed by the ODOT Project Manager and the Agency Project Manager, or assigned designee upon individual's absence. Each Party shall notify the other Party in writing of any contact information changes during the term of this Agreement.
8. Amendments. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both Parties.
9. Termination.
- a. The Parties, by written, mutual instrument signed by both Parties, may agree to an immediate termination of this Agreement or any individual Work Order Authorization, or at a time certain upon mutual written consent.
 - b. Either Party may terminate this Agreement or any individual Work Order Authorization effective not less than thirty (30) days from delivery of written notice.
 - c. Either Party may terminate this Agreement or any individual Work Order Authorization effective not less than ten (10) days from written notice or at such

other date as may be established by the terminating Party under any of the following conditions:

- i) If funding is not obtained and continued at levels sufficient to allow for purchase of the specified services. When possible, and when agreed upon, the Agreement or any individual Work Order Authorization may be modified to accommodate a reduction in funds.
 - ii) If federal or state regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or any individual Work Order Authorization, or are no longer eligible for the funding proposed for payments authorized by this Agreement.
- d. Either Party may terminate this Agreement or any individual Work Order Authorization in the event of a breach by the other Party. Prior to such termination, however, the Party seeking termination shall give the other Party written notice of the Party's intent to terminate. If the Party has not cured the breach within ten (10) days or a longer period as granted in the cure notice, the Party seeking compliance may terminate this Agreement or any individual Work Order Authorization.
- e. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination. Termination of this Agreement will also terminate all outstanding Work Order Authorizations.
10. Funds Available and Authorized. Both Parties certify that at the time Work Order Authorizations are written under the terms of this Agreement that sufficient funds will be available and authorized for expenditure to finance costs of that Work Order Authorization within that Party's current appropriation and limitation. Both Parties understand and agree that payment of amounts under this Agreement attributable to work performed after the last date of the current budget period is contingent on that Party receiving sufficient appropriation, limitations, or other expenditure authority.
11. If Agency performs work under this Agreement that will be reimbursed by ODOT, Agency shall present invoices for 100 percent of actual costs incurred to ODOT's Project Manager for review and approval. Such invoices shall be in a form identifying the work performed, the Agreement number and the Work Order Authorization number and shall itemize and explain all expenses for which reimbursement is claimed. Invoices shall be presented for periods of not less than one month in duration. Travel expenses shall not be reimbursed. ODOT shall pay Agency within forty-five (45) days of receipt of approved invoices.
12. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Agreement.

13. Choice of Venue. Oregon law shall govern this Agreement and all rights, obligations and disputes arising out of the Agreement. Venue for all disputes and litigation shall be in Circuit Court of Marion County, Oregon.
14. Severability/Survival. If any of the provisions contained in this Agreement are held unconstitutional or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
15. Ownership of Work Product. Ownership of each stormwater facility constructed under this Agreement, as between the Parties shall be determined at the time of execution of any Work Order Authorization under this Agreement, and each stormwater facility will become part of the owner's managed capital assets unless otherwise determined by separate and mutual agreement. After completion of construction, the stormwater facilities shall not be removed without notice and mutual written consent of both Parties to this Agreement.
16. Right of Access: ODOT and Agency each agree to grant to the other's staff or designees access to the Party's property and facilities to make observations or monitor stormwater facility performance. This right of access will continue for the duration of this Agreement, but may be extended by separate written mutual agreement. Agency shall contact ODOT's District Manager via email or US Mail requesting consent for its contractors to enter onto state right of way for the work performed under this Agreement.
17. Operation and Maintenance of Stormwater Facilities. The designated owner of each facility will be responsible for operation and maintenance of the stormwater facilities constructed under this Agreement, unless determined otherwise in the Work Order Authorization or separate mutual written agreement.
18. Access to Records. Both Parties and their duly authorized representatives, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of both Parties which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by the requesting Party.
19. Compliance with Applicable Law. Both Parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement.
 - a. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230,

279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, the Parties expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

- b. If the Project is construction related, both Parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

20. Neither Party shall enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from the other Party.

- a. Agency agrees to provide ODOT with name(s) of the contractor and subcontractors doing work on any projects associated with this Agreement, along with total dollars contracted to those listed.

21. State Approval

- a. Agency shall notify ODOT when it is prepared to proceed with the development of the Project.
- b. Agency or its consultant shall conduct the necessary field surveys, prepare plans and contract documents, advertise for bid proposals, award all contracts and supervise construction of the Project. ODOT design standards shall be followed unless otherwise agreed upon between the Parties.
- c. Agency shall submit a copy of Preliminary Plans (at approximately 90%) to Region 2 Local Program staff and ODOT's Stormwater Retrofit Program Manager for review and concurrence prior to advertising for a construction contract or, if Agency forces will perform the construction work, prior to construction. Concurrence must be received from State prior to proceeding with the Project.

22. Agency shall perform the work under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its

employees' performance of the work under this Agreement including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.

23. All employers, including both Parties that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. The Parties shall ensure that each of its subcontractors complies with these requirements.

24. No Third Party Beneficiary. Agency and ODOT are the only Parties to this Agreement and as such, are the only Parties entitled to enforce its terms. Nothing contained in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

25. Contribution.

a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against ODOT or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

b. With respect to a Third Party Claim for which ODOT is jointly liable with Agency (or would be if joined in the Third Party Claim), ODOT shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of ODOT on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of ODOT on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. ODOT's contribution amount in any instance is capped to the same extent it would have been capped under Oregon

law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if ODOT had sole liability in the proceeding.

- c. With respect to a Third Party Claim for which Agency is jointly liable with ODOT (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by ODOT in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of ODOT on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of ODOT on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

26. Alternative Dispute Resolution. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

27. Indemnification by Contractors. If Agency contracts any of the work under this Agreement, Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that ODOT shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of ODOT, be indemnified by the contractor and subcontractor from and against any and all Claims. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's

contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.

28. Merger Clause. This Agreement, attached exhibits, and successive Work Order Authorizations, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.
29. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
30. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

Signature page to follow

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 1, in which authority is delegated to the Deputy Director, Highways, to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program, or in a line item in the biennial budget approved by the Director.

CITY OF CORVALLIS, by and through its designated officials

By _____
City Manager

Date _____

STATE OF OREGON, by and through its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
City Legal Counsel

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief Engineer

Date _____

By _____
Assistant Attorney General

Date _____

By _____
Geo/Environmental Section Manager

Date _____

Agency Contact

Som Sartnurak, Engineering Supervisor
City of Corvallis Public Works Department
1245 NE Third Street
Corvallis, OR 97339-1083
Phone: (541) 766-6731
Email: Somkeart.sartnurak@ci.corvallis.or.us

By _____
Region 2 Manager

Date _____

ODOT Contact:

Michael Starnes, Local Agency Liaison
ODOT, Highway Division, Region 2
455 Airport Road SE, Bldg. B
Salem, OR 97301-5395
Phone: (503) 986-6920
Email: michael.s.starnes@odot.state.or.us

**EXHIBIT A
 WORK ORDER AUTHORIZATION**

Agreement No. 27321 Work Order Authorization No. _____

Under the terms of Agreement No. 27321, between the Oregon Department of Transportation (ODOT) and the City of Corvallis (Agency) dated _____, 2011, which is hereby incorporated by reference, the following Project work is authorized:

Project Name:

Project Location:

Project Property Owner:

Project Description:

ODOT Project Manager:

Agency Project Manager:

Total Authorized Amount of this Work Order \$ _____ Expenditure Account. No. _____

Work Order Start Date: _____ Work Order End Date: _____

Effective Date: No Work shall occur until signed by all Parties.	ODOT Totals
Expenditure Account No.	No.
A. Amount authorized for this Work Order Authorization	\$
B. Amount authorized on prior Work Order Authorizations	\$
C. Total Amount authorized for all Work Order Authorizations (A+B=C)	\$
D. Agreement Not-to-Exceed amount	\$
E. Amount remaining on Agreement (D-C=E)	\$

STATEMENT OF WORK is attached, and incorporated by this reference. *Please include assumptions & expectations; roles and responsibilities; tasks; deliverable(s); deliverable due date(s); standards for work acceptance; and task breakdown, showing hours per task, estimated cost per task, and staff classifications and names assigned to each task, and summary of estimated cost per task. The work must be within the original scope of work in the Agreement.*

1. Agency shall:
 - a.
 - b.
 - c.
 - d.

2. ODOT shall:
 - a.

- b.
- c.
- d.

Schedule and Budget

Tasks and Deliverables	Due Date	Hours	Budget
Pre-design			
Design			
Construction			

Standards of Acceptance of Work

If this project includes an engineered design, the design must meet the standards of ODOT and Agency and the drawings must be stamped by a certified engineer.

This Work Order Authorization may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Work Order Authorization so executed shall constitute an original.

ACCEPTANCE OF TERMS AND ACTION APPROVED BY ODOT: I acknowledge and certify that the work in this Work Order Authorization is within the scope of work of the original Agreement.

 Name/Title

 Date

ACCEPTANCE OF TERMS BY AGENCY:

 Name/Title

 Date

APPROVED AS TO LEGAL SUFFICIENCY: If work order exceeds \$150,000 signature required

 Assistant Attorney General

 Date

- cc: ODOT Project Manager
 Agency Project Manager
 OPO Agreements, ODOT Support Services Branch for General Files (*original*)

MEMORANDUM

From: Ken Gibb, Community Development Director 
To: Mayor and City Council
Date: April 27, 2011
Re: Initiation of Legislative Amendment to the Land Development Code to Address Various Code Changes that would affect the Downtown Area

I. Issue

The Planning Division Work Plan approved by the City Council on March 15, 2010, recognized the need for a Legislative Amendment to the Land Development Code to address a number of Code changes affecting the Downtown area. These Land Development Code Text changes were recommended by the Downtown Commission and were identified by the Council as one of the top priority work items for last year.

Completing this Legislative Amendment to the Land Development Code (LDT11-00001) will enable staff to begin working on the items on this year's Planning Division Work Plan, which the Council approved on April 18, 2011.

This memo provides further information on this Legislative Amendment to the Land Development Code (LDT11-00001) and requests that the City Council formally initiate it so that staff may proceed to the public hearing stage of the project.

II. Background/Discussion

Beginning in 2006, the Downtown Corvallis Association's Strategic Planning Committee worked to identify potential Legislative Amendments to the Land Development Code. These potential Amendments related to certain standards in the Downtown area. In the summer of 2010, the Downtown Commission formed a committee to review recommendations made by the Downtown Corvallis Association's Strategic Planning Committee regarding potential Legislative Amendments to the Land Development Code. The committee reviewed the recommendations and, in turn, provided recommendations to the Downtown Commission regarding the proposed Land Development Code changes. The Downtown Commission reviewed the proposals at its January, October, and November, 2010, meetings, and determined which of the proposals should be included for consideration in a recommendation to the Planning Commission.

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 2010 Planning Division Work Plan recognized the need for a Legislative Amendment to the Land Development Code to address Land Development Code changes recommended by the Downtown Commission. Because these Code changes all affect the Downtown area, they have been packaged as this proposed Legislative Amendment to the Land Development Code (LDT11-00001). The basic components of the Amendment (LDT11-00001) will involve:

1. **Structured Parking Construction Incentive** - This proposed incentive allows each structured parking space to count as two required parking spaces for nonresidential development in the Central Business (CB) and Riverfront (RF) Zones. Structured parking is intended to include below-grade and multi-level parking garages.
2. **Parking Incentive for Curb Cut Removal** - This proposed incentive allows two parking spaces to be credited toward the required parking for nonresidential development, for each on-street parking space gained as the result of the removal of an unused driveway or other curb cut. This incentive is intended to apply in the Central Business (CB) and Riverfront (RF) Zones.
3. **Weather Protection** - These proposed revisions pertain to development in the Central Business (CB) and Riverfront (RF) Zones and have two parts related to the Code's weather protection requirements. First, the revisions establish a project cost threshold that would trigger the Code's weather protection standards. Second, the revisions provide some exemptions for Designated Historic Resources.
4. **Building Height** - This proposed revision establishes a minimum building height within the Downtown Pedestrian Core of two stories or a minimum floor-to-ceiling height of 22 ft. to accommodate a future mezzanine. Currently there is no minimum building height requirement outside the Riverfront Zone. The Riverfront Zone requires new buildings to be a minimum of three stories in height.
5. **Windows** - This proposed revision pertains to development in the Central Business (CB) and Riverfront (RF) Zones and would establish some exemptions for Designated Historic Resources. The exemptions would be similar to those proposed for weather protection.

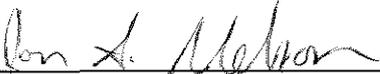
6. **Signs** - These proposed revisions establish portable sign provisions for the Central Business (CB) and Riverfront (RF) Zones. They are intended to allow, under specified conditions, A-frame (sandwich board) signs, pedestal signs, easels, and pole-mounted banners.

III. **Request**

As indicated, this Legislative Amendment to the Land Development Code was identified in the Planning Division's 2010 Work Plan, which was accepted by Council on March 15, 2010. Additionally, this project was discussed as a current work effort in an April 12, 2011, memo from Community Development Director Ken Gibb to the Mayor and City Council. Based on the preceding discussion, staff request that the City Council initiate this Legislative Amendment to the Land Development Code (LDT11-00001).

Motion: I move that the Council initiate a Land Development Code Text Amendment to address the Downtown Commission-recommended Code changes affecting the downtown area and identified by staff in this memo.

Review and Concur:



Jon S. Nelson, City Manager

ATTACHMENT:

- A. January 26, 2010, Memo from Downtown Commission Chair Pat Lampton to Planning Commission

MEMORANDUM

To: Planning Commission
From: Pat Lampton, Downtown Commission Chair
Date: January 26, 2010
Subject: Recommended Changes to the Land Development Code

Issue:

Over the past summer the Downtown Commission formed a committee to review recommendations made by the Downtown Corvallis Association's Strategic Planning Committee regarding potential Land Development Code Text Amendments for certain standards in the Downtown area. The committee reviewed those recommendations and in turn provided recommendations to the Downtown Commission regarding the proposed LDC changes. The Downtown Commission reviewed those proposals at their January, 2010, meeting and has determined which of those proposals should be included in a recommendation to the Planning Commission for consideration. Those recommendations are listed below.

1. Structured Parking Construction Incentive

Proposed Standard - Each structured parking space shall count as two required on-site parking spaces for nonresidential development. Structured parking includes below grade and multi-level parking garages.

2. Parking Incentive for Curb Cut Removal

Proposed Standard - For each on-street parking space gained as a result of the removal of an unused driveway or other curb cut, two parking spaces may be credited toward the required nonresidential parking for the property.

3. Weather Protection

Chapter 4.10 of the LDC requires weather protection (awnings or canopies) along the sidewalks to be provided on all new construction downtown. The Commission proposes to include language that would require weather protection to be provided with significant redevelopment as well.

Proposed Standard - When expansion or improvement costs exceed 50% of the Real Market Value of the property according to the Benton County Assessor's office, then structures adjacent to or abutting the public right-of-way shall comply with this standard.

The Commission also proposed exemptions to weather protection standards for structures that are identified as Designated Historic Resources, in order to protect the integrity of structures

listed on local or national registries. The proposed language would not prevent the construction of awnings, but would not require them.

Proposed Standard - Where development occurs on a Designated Historic Resource, that Resource shall be exempt from requirements for weather protection; however, when weather protection such as awnings or canopies is proposed on a Designated Historic Resource, the proposal must comply with provisions in Chapter 2.9.

New development abutting a Designated Historic Resource must comply with weather protection standards in Chapter 3.16 and Chapter 4.10.

New construction of additional stories on a Designated Historic Resource shall not compel the existing Resource to comply with weather protection standards in Chapter 3.16 and Chapter 4.10.

4. Building Height

The Commission recommends that building heights be a minimum of 2 stories or 22 feet in the Pedestrian Core Area portion of the CB Zone. The RF Zone currently requires that buildings be a minimum 3 stories, so the proposed language would apply only to the CB Zone.

Proposed Standard - In the Pedestrian Core Area, new buildings are required to be 2 stories or a minimum of 22 ft floor-to-ceiling height to accommodate a future mezzanine.

5. Windows

The Commission noted that extensive redevelopment of a Designated Historic Resource may trigger standards for percentage of walls to be composed of windows. The current standard requires a minimum 60% of the length and 25% of the first 12 ft of all street-facing facades to be windows or glass doors. The Commission felt that this standard, applied to a listed Resource, could compromise the integrity and historic character of that Resource.

Proposed Standard - Where development occurs on a Designated Historic Resource, that resource shall be exempt from the window provisions above.

New construction abutting a Designated Historic Resource must comply with the window provisions above.

Where new construction of additional stories occurs on a Designated Historic Resource, that new development must comply with the window provisions in "b)", above, if applicable.

Requested Action:

The Planning Commission is requested to add these recommended Land Development Code changes to the Unresolved Planning Issues list and to consider including them as part of the Planning Division Work Program priorities.

VISIT CORVALLIS

May 2, 2011

Mayor Julie Manning
Members of Corvallis City Council
P.O. box 1083
Corvallis, OR 97339-1083

Re: Corvallis Fall Festival / DaVinci Days

Good afternoon to all:

Visit Corvallis is pleased to report we have reached agreement to provide cooperative advertising and marketing support for the Corvallis Fall Festival and DaVinci Days. This agreement was reached after lengthy conversations between Curtis Wright of Visit Corvallis, Brenda VanDevelder, Executive Director of DaVinci Days and Cynthia Spencer of Fall Festival and is perceived to be a pleasing solution to all parties.

A summary of the arrangement is as follows:

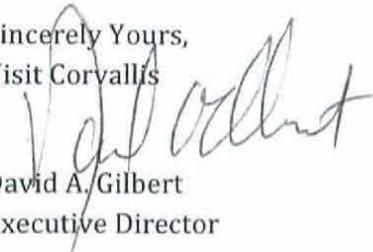
Corvallis Fall Festival: \$7,000 in cooperative advertising and marketing to be used in 2011

DaVinci Days: \$3,100 prior to June 30, 2011, \$6,900 to be used prior to June 20, 2012. All dollars to be invested in marketing and cooperative advertising.

In addition to our financial commitments, we are looking forward to providing logistical assistance as needed for both festivals. Finally, many members of the Visit Corvallis Board of Directors and staff are looking forward to serving as volunteers in hopes of contributing to the success of these showcase events.

Thank you for your support and confidence in Visit Corvallis! Please contact me personally should you have any questions or comments.

Sincerely Yours,
Visit Corvallis



David A. Gilbert
Executive Director

Cc: Brenda VanDevelder, Executive Director
Cynthia Spencer, Executive Director, Corvallis Fall Festival

553 NW Harrison Blvd. Corvallis, Oregon 97330 • 541-757-1544
www.visitcorvallis.com

An invitation to the
Helen M. Berg
Plaza Dedication



Saturday, May 14, 2011
3:00 p.m.



Riverfront Commemorative Park
1st Street and Jackson Avenue

Dedication at 3:30 p.m. - Unveiling at 4:00 p.m. - Light refreshments provided