**CORVALLIS**
**CITY COUNCIL AGENDA**

**February 18, 2014**
**6:30 pm**
**[*Executive Session at 6:00 pm*]**

**Downtown Fire Station**
**400 NW Harrison Boulevard**

***[Note: The order of business may be revised at the Mayor's discretion. Due to time constraints, items on the agenda not considered will be continued to the next regularly scheduled Council meeting.]***

**COUNCIL ACTION**

**6:00 pm –** Executive Session under ORS 192.660(2)(d) (status of labor negotiations)

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PROCLAMATION / PRESENTATION / RECOGNITION**

**V. VISITORS' PROPOSITIONS – This is an opportunity for visitors to address the City Council on subjects not related to a public hearing before the Council. Each speaker is limited to three minutes unless otherwise granted by the Mayor.** Visitors' Propositions will continue following any scheduled public hearings, if necessary.

**VI. CONSENT AGENDA** – 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 – February 3, 2014
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Airport Commission – February 4, 2014
      b. Arts and Culture Commission – January 15, 2014
      c. Bicycle and Pedestrian Advisory Commission – January 3, 2014
      d. Citizens Advisory Commission on Transit – January 14, 2014
      e. Corvallis-Benton County Public Library Board – January 8, 2014
      f. Downtown Commission – January 8, 2014

g. Economic Development Commission – January 13, 2014
h. Historic Resources Commission – January 7 and 14, 2014
i. Investment Council – November 7, 2013 and February 6, 2014
j. Parks, Natural Areas and Recreation Board – January 16, 2014
k. Planning Commission – January 29, 2014
l. Public Art Selection Commission – January 15, 2014
m. Watershed Management Advisory Commission – January 22, 2014

B. Confirmation of Appointment to Downtown Commission (Signs)

C. Approval of an application for a Limited, On-Premises Sales liquor license for S. David Passman, Chief Executive Officer, and Daniel Ellis, Senior Vice President, of Carmike Cinemas, Inc, 750 NE Circle Boulevard (New Outlet)

D. Approval of an application for a Limited On-Premises Sales liquor license for Guyoung Ahn, owner of Koriander, LLC, dba Koriander Asian Fusion & Italian Gelato (formerly Spice & Ice), 215 SW Third Street (Change of Ownership)

E. Approval to add Reiman Avenue Bridge improvements as part of the FY 2013-14 Capital Improvement Program and authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Linn County for replacement of the Reiman Avenue Bridge

F. Approval of an easement (Pacific Power/Toyota Dealership expansion)

G. Confirmation of an Executive Session for February 18, 2014 at 6:00 pm under ORS 192.660(2)(d) (status of labor negotiations)

## VII. ITEMS REMOVED FROM CONSENT AGENDA

## VIII. UNFINISHED BUSINESS

A. City Legislative Committee – February 10, 2014 [direction]

B. Adoption of Findings of Fact and Order relating to a Land Development Code Text Amendment concerning street standards on the Oregon State University campus (LDT13-00001) [direction]
*ACTION:* *An ordinance relating to the Land Development Code, amending Ordinance 2006-24, as amended, and stating an effective date,* **to be read by the City Attorney** [direction].

## IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – February 4, 2014
1. Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities" [information]
2. Council Policy Review and Recommendation: 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs" [direction]

B. Urban Services Committee – February 4, 2014
   1. Dapp Hangar Land Lease [direction]
   2. Residential Parking Districts [information]

C. Administrative Services Committee – February 5, 2014
   1. Neighborhood/Property Maintenance Code Program [information]

D. Other Related Matters

   1. Sunnyside School Donation
      *ACTION:* *A resolution accepting and appropriating a donation from Friends of Corvallis Parks and Recreation ($10,100) for the Sunnyside School Project,* ***to be read by the City Attorney*** *[direction]*

   2. Knotts-Owen Farm Grant and Donation
      *ACTION:* *A resolution accepting and appropriating a historic preservation grant ($5,000) and a donation from the Friends of Parks and Recreation ($5,000) for the Knotts-Owens Farm Homestead,* ***to be read by the City Attorney*** *[direction]*

   3. Bullet Proof Vest Grant
      *ACTION:* *A resolution accepting and appropriating a Bureau of Justice Assistance grant for bullet proof vests ($6,901),* ***to be read by the City Attorney*** *[direction]*

   4. Local Criminal Asset Forfeiture
      *ACTION:* *A resolution appropriating criminally forfeited funds ($11,846),* ***to be read by the City Attorney*** *[direction]*

   5. Federal Asset Forfeiture
      *ACTION:* *A resolution appropriating federally forfeited funds ($9,991),* ***to be read by the City Attorney*** *[direction]*

## X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

B. Council Reports

C. Staff Reports

   1. City Manager's Report – January 2014
   2. Council Request Follow up Report – February 13, 2014
   3. Economic Development Monthly Business Activity Report – December 2013

## XI. NEW BUSINESS

## XII. PUBLIC HEARINGS – 7:30 pm

A. Re-opened public hearing relating to Planned Development and Subdivision Requests (PLD13-00003, and SUB13-00001 – Campus Crest/The Grove)

## XIII. ADJOURNMENT

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

*A Community That Honors Diversity*

# CITY OF CORVALLIS

# ACTIVITY CALENDAR

## FEBRUARY 17 – MARCH 1, 2014

MONDAY, FEBRUARY 17

- City Holiday - all offices closed

TUESDAY, FEBRUARY 18

- No City Legislative Committee
- Human Services Committee - 2:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- No Urban Services Committee
- Housing and Community Development Commission - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- City Council Executive Session - 6:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- City Council - 6:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard

WEDNESDAY, FEBRUARY 19

- No Administrative Services Committee
- Housing and Community Development Commission - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Arts and Culture Commission - 5:30 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive

THURSDAY, FEBRUARY 20

- Public Participation Task Force - 11:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Parks, Natural Areas, and Recreation Board - 6:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard

SATURDAY, FEBRUARY 22

- Government Comment Corner (Councilor Mike Beilstein) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

TUESDAY, FEBRUARY 25

- Administrative Services Committee - 5:00 pm - Library Main Meeting Room, 645 NW Monroe Avenue (special meeting)

- Commission for Martin Luther King, Jr. - 5:15 pm - Osborn Aquatic Center Conference Room, 1940 NW Highland Drive

WEDNESDAY, FEBRUARY 26

- Watershed Management Advisory Commission - 5:15 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

SATURDAY, MARCH 1

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

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

February 3, 2014

SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Decisions/Recommendations |
|---|---|---|---|
| Proclamation/Presentation/Recognition<br>1. Sustainability Coalition 2013 Annual Report<br>Pages 55-56 | Yes | | |
| Visitors' Propositions<br>1. Residential Parking Districts (Jensen)<br>Page 56 | Yes | | |
| Consent Agenda<br>Pages 56-57 | | | |
| Unfinished Business<br>1. City Legislative Committee – January 27, 2014<br>2. OSU Street Standards – Deliberations<br>Pages 57-59 | Yes | | • Approved LDC text amendment passed U |
| Items of ASC Meeting of January 22, 2014<br>1. Enterprise Zone – Specific Sustainability Criteria for Fourth- and Fifth-Year Property Tax Abatement<br>2. Review of Updated Quarterly Operating Report<br>Pages 59-60 | Yes<br>Yes | | |
| Mayor's Reports<br>1. Forum to Discuss Homelessness Plan Progress<br>Pages 60-61 | Yes | | |
| Council Reports<br>1. Council Housing Study Committee (Brown)<br>2. Metropolitan Planning Organizations (Brauner)<br>3. Corvallis Homeless Shelter Coalition (Traber)<br>Page 61 | Yes<br>Yes<br>Yes | | |
| Staff Reports<br>1. City Council Goals Update<br>Page 61 | Yes | | |
| Executive Session<br>1. Labor Negotiations – AFSCME<br>Page 61 | Yes | | |

Glossary of Terms

| | |
|---|---|
| AFSCME | American Federation of State, County, and Municipal Employees |
| ASC | Administrative Services Committee |
| LDC | Land Development Code |
| OSU | Oregon State University |
| U | Unanimous |

**CITY OF CORVALLIS**
**COUNCIL ACTION MINUTES**

**February 3, 2014**

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 6:30 pm on February 3, 2014, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Manning presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Manning; Councilors Brown, Beilstein, Brauner, York, Traber, Hirsch, Sorte

ABSENT: Councilors Hogg, Hervey (both excused)

Mayor Manning directed Councilors' attention to items at their places, including a revision of the 2008 Corvallis Sustainability Coalition's Community Sustainability Action Plan (Attachment A) and Associate Planner Yaich's January 31 memorandum with Oregon State University's (OSU) final written argument regarding its Land Development Code (LDC) text amendment concerning street standards and his February 3 memorandum with staff's recommended motion related to the same issue (Attachment B).

IV. PROCLAMATION / PRESENTATION / RECOGNITION

A. Sustainability Coalition 2013 Annual Report

Annette Mills and Brandon Trelstad reviewed the Corvallis Sustainability Coalition's activities of the past year and plans for the current year.

Mayor Manning thanked the Coalition for its efforts on behalf of the community.

In response to Councilor York's inquiry, Ms. Mills confirmed that the Coalition was working with two neighborhood associations; and several projects focused on neighborhoods, including neighborhood recycling block captains and edible front yard garden tours. She noted the importance of neighborhood associations in creating sustainable communities.

Councilor Sorte encouraged the Coalition to seek other non-profit entities with which to share employees or contract for services.

Councilor Sorte asked what must be done for the community's recycling rate to meet the average rate of communities throughout the state.

Ms. Mills responded that community members could be encouraged to utilize available recycling opportunities, such as food waste composting. OSU was included in the community's recycling rate. OSU had a good recycling program, and OSU students should

be encouraged to participate in the program. Much of what was needed for improved recycling rates was in place; people should be encouraged to utilize existing systems.

Mr. Trelstad confirmed for Mayor Manning that OSU could create on-campus equivalents of neighborhood recycling block captains. OSU had some networks for students and staff. The on-campus composting program was fairly new, but it was successful and should expand over the next few years. The Coalition was speaking with OSU Housing and Dining Services, which generated the majority of the on-campus food waste, regarding how it could reduce contamination, which was the major problem of food composting programs.

Councilor Traber noted that the Coalition was a good example of City/OSU collaboration efforts, with many projects being pursued by citizens and OSU representatives.

## V. VISITORS' PROPOSITIONS

Tom Jensen, a resident near Chintimini Park, would be affected by the proposed residential parking districts (RPDs). He urged the Council to consider having one RPD with guaranteed on-street parking spaces for RPD residents before considering selling RPD non-resident parking permits. He said changing factors and making small decisions during the discussion process created confusion and distraction for community members. He thought parking permits would be based upon lot square footage, but OSU *Daily Barometer* staff believed permits would be based upon residence square footage. He urged the City to survey the number of off-street parking spaces and bedrooms within each proposed RPD. He elaborated that bedrooms, rather than kitchens or square footage, were more likely to equate to the number of vehicles associated with each residence. He acknowledged the difficulty of his suggested survey, but be believed it was necessary to accurately calculate parking availability. During the RPD discussions, he observed changes in methodology to create data representing residents' on-street parking needs to allow for sale of non-resident RPD parking permits. Based upon the current calculations and methodology, he was not guaranteed an on-street parking space within the proposed RPD that would encompass his residence. He questioned why he would be charged for a resident parking permit. He urged the City to develop a plan that would consider off-street parking and bedrooms. He acknowledged that residents could not be forced to utilize their off-street parking, but they should not be given additional opportunities to not utilize amenities available at their residence. He urged the Council to protect RPD residents and to ask Corvallis School District 509J, staff of the Corvallis Senior Center, and the Benton County Health Department about their parking needs. He reiterated that counting off-street parking spaces and bedrooms would provide a more-realistic indication of the amount of needed on-street parking.

Mayor Manning noted that the RPD issue was still being discussed by Urban Services Committee, and the Council had not considered a RPD proposal.

## VI. CONSENT AGENDA

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

A. Reading of Minutes
   1. City Council Meeting – January 21, 2014

2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
   a. Airport Commission – January 7, 2014
   b. Citizens Advisory Commission on Civic Beautification and Urban Forestry – January 9, 2014
   c. Commission for Martin Luther King, Jr. – November 26 and December 17, 2013 and January 14, 2014
   d. Parks, Recreation, and Natural Areas Board – December 5, 2013
   e. Planning Commission – December 18, 2013
   f. Public Participation Task Force – January 23, 2014
   g. Watershed Management Advisory Commission – November 20, 2013

B. Announcement of appointment to Downtown Commission (Signs)

C Confirmation of appointment to Board of Appeals (Hazleton)

D. Confirmation of reappointment to Commission for Martin Luther King, Jr. (Rosa)

E. Schedule a public hearing for February 18, 2014 to consider the Planning Commission's recommendation to the City Council regarding conditions of approval for Planned Development and Subdivision requests (PLD13-00003 and SUB13-00001 – Campus Crest/The Grove)

F. Approval of an application for a Full On-Premises Sales liquor license for John Cloud Davidson, owner of Wolffang, LLC, dba The Red Fox Café, 2305 NW Monroe Avenue (New Outlet)

G. Confirmation of an Executive Session for February 3, 2014 following the regular meeting under ORS 192.660(2)(d) (status of labor negotiations)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA – None.

VIII. UNFINISHED BUSINESS

A. City Legislative Committee – January 27, 2014

Mayor Manning reported that the Committee (comprised of herself and Councilors Hervey, York, and Brauner) held its first meeting concerning the 2014 Oregon Legislative Session. The Committee reviewed information from the League of Oregon Cites (LOC) regarding anticipated major bills that may be presented during the Session and would affect cities. Mr. Patterson shared the LOC's information with City Senior Staff, which provided additional information and prioritized topics for the Committee. Several Department Directors provided more information at the Committee's meeting. By statute, the Session could not last more than 35 days; therefore, there was very little time for bills to be presented, considered by committees, and presented for approval. A bill not heard by a

committee this week and not related to the State budget would likely not be considered during this Legislative Session.

The City Legislative Committee would meet again February 10 to discuss current activity of the Legislative Session.

B. Deliberations relating to a Land Development Code Text Amendment relating to street standards on the Oregon State University campus (LDT13-00001)

Mayor Manning reviewed the order of proceedings.

*Declarations of Potential or Actual Conflicts of Interest, Consistent with the City Council's Interpretation of Land Development Code Section 1.1.60, as Determined at the November 18, 2013 City Council Meeting* – None.

*Declarations of Ex Parte Contacts Since the Public Hearing* – None.

*Declarations of Site Visits Since the Public Hearing*

Councilors Traber and Beilstein reported making site visits.

*Rebuttals to Declarations* – None.

*Objections on Jurisdictional Grounds* – None.

*Staff Update*

Associate Planner Yaich reviewed that the Council conducted a public hearing January 21 and approved a request to hold open the record for seven days for submission of additional public testimony; the record closed January 28. The packet for tonight's meeting included the additional public testimony. The applicant's final written argument and staff's suggested motion were distributed to the Council tonight (Attachment B).

*Questions of Staff* – None.

*Deliberations and Preliminary Decision*

Councilors Brauner and Traber, respectively, moved and seconded to approve the Oregon State University Land Development Code Text Amendment application, amending LDC Chapter 3.36, as provided by staff in Exhibit A to the January 14, 2014 staff report, subject to approval of formal findings and an ordinance.

Councilor Beilstein said he would support the motion. He explained that OSU was developed based upon historical plans that did not match what the City would normally consider an urban or residential street structure. Therefore, it was appropriate to amend the LDC to accommodate the historical basis for OSU's development, such as mall-like pedestrian areas and limited vehicle traffic.

Councilor Traber concurred, adding that the LDC text amendment was appropriate to enable OSU to continue preserving its historic structures and emphasize pedestrian and bicycle traffic and a high volume of pedestrians during class changes without needing to match residential or commercial street standards of the general community.

The motion passed unanimously.

Mayor Manning announced that the Council would consider adoption of formal findings related to its decision during a future meeting, at which time the appeal period would begin.

## IX. STANDING COMMITTEE REPORTS AND ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – None.

B. Urban Services Committee – None.

C. Administrative Services Committee – January 22, 2014

1. Enterprise Zone – Specific Sustainability Criteria for Fourth- and Fifth-Year Property Tax Abatement

Councilor Traber reported that staff presented information regarding the Enterprise Zone (EZ), sustainability criteria for applicant's to receive property tax-abatement extensions, and reporting processes. The Committee asked staff to include in its annual report to the Council information regarding EZ tenants' progress toward achieving sustainability criteria. The Committee did not recommend changing the criteria or reporting process.

Councilor Traber said, after the Committee meeting, he was contacted by a member of the EZ Committee who requested clarification of the Administrative Services Committee's discussions. Councilor Traber said there may still be uncertainty regarding how progress toward sustainability criteria was evaluated. He said EZ Committee members and EZ tenants were welcome to discuss their concerns with Administrative Services Committee.

Councilor Beilstein expressed his general opposition to the concept of EZs, believing it was a "serious mistake" for the City to give incentives to businesses to invest in Corvallis. He acknowledged that the businesses would provide the City with more property tax revenue, after the tax-abatement period, and increased employment in the community. However, the Council was recently told that 17,000 people commuted to jobs in Corvallis; therefore, he did not believe that increasing jobs (and adding more commuters) would contribute positively to Corvallis residents' quality of life.

Councilor Beilstein asked what amount of property tax revenue the City was foregoing during the EZ property tax-abatement period.

Councilor Traber responded that staff asked Benton County to provide information in response to Councilor Beilstein's inquiry.

Councilor York expressed support for the EZ and Administrative Services Committee's work related to the EZ. The EZ was created for several reasons, including economic development and creating more-sustainable businesses. She expressed hope that the Committee approached any possibility of clarity in the EZ application or update process, maintaining the policy direction of a special focus on sustainability.

Councilor Sorte opined that the EZ was working fairly well. He cautioned the Committee about businesses that owned property but chose to locate within an EZ for tax advantages.

Councilor Traber clarified that not all businesses within the EZ received property tax abatements.

This issue was presented for information only.

2. Review of Updated Quarterly Operating Report

Councilor Traber reported that Finance Department staff presented a proposed quarterly operating report format that was shorter, would require less staff time to prepare, and would be easier for people without financial experience to understand. Committee members generally supported the proposed report format. He urged Council members to review the report format and notify Finance Director Brewer of any additional information they would like included in the report or suggested format changes. Staff would use the proposed format for the third-quarter operating report of the current fiscal year.

Councilor Brauner said he liked the proposed report format. He noted that the traditional financial statements would be available from the City's Web site.

This issue was presented for information only.

## X. MAYOR, COUNCIL, AND STAFF REPORTS

### A. Mayor's Reports

1. Forum to discuss Homelessness Plan progress

Mayor Manning noted that she and Benton County Commissioner Dixon co-chaired the oversight committee for Benton County's Ten-Year Plan to End Homelessness. The community was in the fifth year under the Plan, and the committee would host a public forum February 13 to provide information regarding key progress made on the Plan during the past year. The forum would include a panel of three community members who accessed services to retain housing. Forum attendees would have an

opportunity to provide feedback to the committee regarding priorities recommended for focus this year.

B. Council Reports

Councilor Brown reported that the Council Housing Study Committee received two responses to a request for proposals. An advisory committee would help the Committee determine what to tell the selected vendor.

Councilor Brauner reported that the Corvallis and Albany Metropolitan Planning Organizations (MPOs) were continuing to discuss common issues. The MPOs would meet February 11 to review and discuss a budget for the Linn-Benton Loop Commission for the upcoming year and identify funding sources. The MPOs would strive to resolve the governance issue for the Loop, identify a stable funding formula, and begin discussing a regional approach to transit issues in Benton and Linn Counties. Cascades West Council of Governments staff compiled information regarding public transit systems to enable the MPOs to determine better ways to coordinate the systems.

Councilor Traber reported that the Corvallis Homeless Shelter Coalition (CHSC) continued with design work for a new shelter facility to determine a budget and seek grant funds. He would provide Council members with a Web link to facility designs, which were still changing. CHSC planned meetings with the Central Park Neighborhood Association February 11 and Downtown Corvallis Association February 19 to provide detailed updates of the plans.

C. Staff Reports

1. City Council Goals Update

XI. NEW BUSINESS – None.

XII. PUBLIC HEARINGS – None.

Mayor Manning read a statement, based upon Oregon laws regarding executive sessions. 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. Mayor Manning noted that no decisions would be made during the executive session. Council and staff members were reminded that the confidential executive session discussions belonged to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. Council or staff members not able to maintain the Council's confidences were asked to leave the meeting room.

*The Council entered executive session at 7:17 pm.*

Human Resources Director Altmann Hughes briefed the Council regarding the status of labor negotiations with American Federation of State, County, and Municipal Employees.

## XIII. ADJOURNMENT

The meeting was adjourned at 7:35 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

# Community Sustainability: A Framework for Action

## Revision of the 2008 Community Sustainability Action Plan

Coordinated by the Corvallis Sustainability Coalition
Printed December 2013

CORVALLIS sustainability COALITION

# Community Sustainability: A Framework for Action

Revision of the 2008 Community Sustainability Action Plan

CORVALLIS sustainability COALITION

Coordinated by the Corvallis Sustainability Coalition
Printed December 2013

# ACKNOWLEDGEMENTS


## Steering Committee

Annette Mills*, Facilitator – League of Women Voters
Bob Devine*, Secretary – Corvallis Matters
Betty Griffiths – Greenbelt Land Trust
Loma Hammond – Member At-large
Debra Higbee-Sudyka* – Member At-large
Janelle Iverson – Good Samaritan Regional Medical Center
Linda Lovett – Member At-large
Robert Mauger – Corvallis Bicycle Collective
Dave Persohn, Treasurer – Member At-large
Olivia Poblacion – OSU Student Sustainability Initiative
John Swanson – Earth Charter Campaign
Brandon Trelstad* – Oregon State University

* Executive Committee

## Action Team Leaders

Laureen Urey & Kathy Thompson* – Community Inclusion
Robert Mauger – Economic Vitality
Stephanie Bustamante & Lauren Visconte – Education
David Dickson – Energy
Emily Stimac – Food
Mac Gillespie, Christina Hayford, & Jeff Schiminsky – Health & Human Services
Bettina Schempf* – Housing
Susan Morre & Kelsey Moldenke – Land Use
Molly Monroe, Vince Adams*, & Jarod Jebousek* – Natural Areas
Kevin Grant – Transportation
Andrea Norris & Jeanette Hardison – Waste Prevention
David Eckert – Water

* Former Action Team Leaders

*Special thanks to the many volunteers and community members who gave their time and energy to this revision process.*

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# BACKGROUND



## CORVALLIS SUSTAINABILITY COALITION

Formed in 2007, the Corvallis Sustainability Coalition is the flagship organization for sustainability in Benton County, Oregon. It is a thriving network of nearly 300 partner organizations and hundreds of volunteers working to create a more sustainable community. Coalition partners represent a broad cross-section of businesses, non-profits, faith communities, educational institutions, and local governments. The Coalition's mission is to promote an ecologically, socially, and economically healthy city and county.

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

The Coalition's four guiding objectives, based on the Natural Step system conditions for a sustainable society, reflect a concept of sustainability that views the economic and social realms as fully embedded in and limited by the natural world. The Coalition's initial efforts were built on the foundation laid by the City of Corvallis, Benton County, and many community groups. Both the City and the County have adopted sustainability policies and have integrated sustainability into their internal operations.

In 2007, the Coalition asked the Corvallis City Council to adopt a goal related to community sustainability, and the Council responded by adopting a goal to "Enhance organizational sustainability efforts and begin to develop a community-wide sustainability initiative." The Coalition was identified as the group to partner with the City of Corvallis on implementation of this Council goal, and the Coalition was charged with leading the development of a Sustainability Action Plan for the community.

## 2008 TOWN HALL MEETINGS

With substantial financial support from the City and consulting assistance from Cogan Owens Cogan, the Coalition led an action planning process that involved three town hall meetings in 2008 (March, June, and October). More than 600 community members attended the first Town Hall, during which they shared their ideas for long-range goals and actions to achieve them. At the close of the meeting, more than 200 people volunteered to join work groups focused on 12 topic areas that were based on categories identified in the *Corvallis 2020 Vision Statement.* The newly-formed Work Groups met regularly for the next six months to formulate the plan, based on community input.

Subsequent town hall meetings, also attended by several hundred participants, provided opportunities for the Work Groups to gather further ideas; to refine their proposed goals, strategies, and actions; and to identify participants' preferred actions.

## 2008 COMMUNITY SUSTAINABILITY ACTION PLAN

The Community Sustainability Action Plan that was completed in 2008 is organized around 12 topic areas: Community Inclusion, Economic Vitality, Education, Energy, Food, Health and Human Services, Housing, Land Use, Natural Areas, Transportation, Waste Prevention, and Water. Each topic area includes a vision, long range goals, and strategies and actions to achieve them. The plan also includes baseline data, if such data was available. The 2008 *Community Sustainability Action Plan* in its entirety (including Appendices) is available for viewing at www.sustainablecorvallis.org.

Shortly after the completion of the plan, the Coalition formed Action Teams – collaborative groups organized around the 12 topic areas. Each Action Team includes both representatives of partner organizations and individual volunteers. During the past five years, the Action Plan has served as an important framework for action, both for the Coalition's Action Teams and for the community as a whole.

Since 2009, the Action Teams have undertaken a wide variety of projects directly related to goals and strategies outlined in the Action Plan. In addition, the City of Corvallis and other partner organizations have taken significant steps toward implementation of different aspects of the plan.

## REVIEW/REVISION PROCESS

From the outset, it was understood that the 2008 Action Plan was a "living document" – that it would change over time as the community gains experience, as progress is made, and as circumstances change. In 2011, the Sustainability Coalition's Steering Committee developed a process for reviewing and revising the Action Plan every five years. The Coalition launched the first review/revision process in 2012.

The first step was to have the Coalition's Action Teams review their sections of the Action Plan, to discuss possible changes and to propose revisions to the plan. Next, a series of public meetings called Community Conversations were held, one for each topic area. During each Community Conversation, the public had an opportunity to review, discuss, and respond to the proposed revisions. In addition, they were encouraged to suggest changes and new ideas for consideration. Each Action Team met to discuss the public input and to finalize revisions to their section of the plan. Finally, the Coalition's Steering Committee reviewed and approved the revision for each topic area.

*Community Sustainability: A Framework for Action* will serve as the basis for action for the next several years for both Coalition Action Teams and for the community at large. All who are interested in creating a sustainable community are encouraged to join the Corvallis Sustainability Coalition in this quest. For further details, please visit www.sustainablecorvallis.org.

# COMMUNITY INCLUSION

**VISION:** All people of Corvallis have a sense of belonging; they are treated justly, have a sense of connection, and are represented in the community.

| | | |
|---|---|---|
| **Goal 1: By 2020, all people of Corvallis are treated justly.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Assess current levels of just treatment in the community. | Action 1: Assess people's current feelings and experiences of justice/injustice in the community. |
| | | Action 2: Identify current policies and practices designed to ensure just treatment. |
| | | Action 3: Work with community organizations to identify obstacles to justice. |
| | Strategy 2: Engage the community in understanding obstacles to justice. | Action 1: Reach out to marginalized communities to share information about support services. |
| | | Action 2: Sponsor public forums and other activities on civil rights issues in the community. |
| | | Action 3: Utilize current organizations to disseminate information about support services such as government agencies, social service providers, churches, etc. |
| | Strategy 3: Advocate for justice. | Action 1: Ensure that current civil rights laws are enforced. |
| | | Action 2: Advocate for equitable access to resources (e.g., health care, housing, transportation, income, etc.). |
| | | Action 3: Create and/or strengthen the role of advocates for civil rights. |

| COMMUNITY INCLUSION (cont.) | | |
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| **Goal 2: By 2020, all people of Corvallis are connected to the community.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Assess current levels of connection. | Action 1: Assess people's current feelings and experiences of connection to the community. |
| | | Action 2: Identify current practices designed to ensure connection to the community. |
| | | Action 3: Work with community organizations to identify obstacles to connection. |
| | Strategy 2: Engage the community in understanding obstacles to connection. | Action 1: Share information about ways to connect with your community. |
| | | Action 2: Increase knowledge and understanding of differences and multicultural/intercultural effectiveness. |
| | | Action 3: Utilize current organizations to disseminate ways in which people can connect with their community. |
| | Strategy 3: Promote connections within the community among individuals and organizations. | Action 1: Develop a tool for community organizations to coordinate planning of events. |
| | | Action 2: Encourage and support collaboration between communities and organizations. |
| | | Action 3: Facilitate and encourage participation in government and community activities. |

| COMMUNITY INCLUSION (cont.) | | |
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| **Goal 3: By 2020, all people of Corvallis are represented.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Assess opportunities and obstacles to representation. | Action 1: Assess people's current feelings and experiences of representation. |
| | | Action 2: Identify current practices designed to ensure representation in the community. |
| | | Action 3: Work with community organizations to identify obstacles to representation. |
| | Strategy 2: Build awareness of opportunities and obstacles to representation in the community. | Action 1: Share information on ways to become engaged and ensure representation. |
| | | Action 2: Sponsor public forums and other activities on issues of representation. |
| | | Action 3: Utilize current organizations to disseminate information about opportunities and obstacles to representation. |
| | Strategy 3: Empower the community to remove obstacles to representation. | Action 1: Develop, implement and model effective practices for equitable representation. |
| | | Action 2: Create and/or strengthen the role of advocates for representation. |

| ECONOMIC VITALITY | | |
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| **VISION:** Corvallis is home to a vibrant, diverse, and sustainable economy anchored by a broad spectrum of local, environmentally-friendly businesses. | | |
| **Goal 1: By 2020, 50% of residents and businesses will support the local economy through buying, investing, and/or producing locally.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Educate residents, institutions, and businesses to think local first when buying products and services. | Action 1: Continue to support the "Buy Local First" campaign. |
| | | Action 2: Assist institutional buyers, such as the school district, college and university, government, and healthcare providers in adopting policies that favor purchase of local goods and services first. |
| | | Action 3: Increase awareness and use of locally-focused economic transactions such as local currency and business-to-business trades. |
| | Strategy 2: Promote investment in local businesses by residents and businesses. | Action 1: Promote non-traditional local and regional funding mechanisms that match businesses with non-accredited individual investors. |
| | | Action 2: Facilitate community investment in large, cooperative, off-site renewable energy installations (e.g., cooperative ownership of a large photovoltaic array located outside City limits). |
| | | Action 3: Educate about opportunities for businesses, institutions, and residents to save at local credit unions, banks, and cooperatives that invest locally. |
| | Strategy 3: Foster the production of local products and services. | Action 1: Support local cultivation and production of agricultural goods and products for which there is a regional market. |
| | | Action 2: Support the local development and production of renewable and reduced-carbon energy sources. |
| | | Action 3: Support green and appropriate technology in Corvallis. |

| **ECONOMIC VITALITY** (cont.) | | |
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| **Goal 2: By 2020, 90% of businesses will use sustainable practices.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Assist businesses in adopting practices and policies that foster sustainability. | Action 1: Adapt existing sustainability "best practices" guidelines for local businesses. |
| | | Action 2: Promote the adoption and implementation of sustainability guidelines by local businesses. |
| | | Action 3: Recognize and build community support for businesses that implement sustainable practices. |
| | Strategy 2: Attract sustainable businesses to locate and thrive in Corvallis. | Action 1: Support local government in making sustainability a priority when promoting economic development. |
| | | Action 2: Revise and create regulations, codes, and policies that encourage the establishment of sustainable business clusters. |
| | | Action 3: Establish green business clusters in the Corvallis area by supporting existing businesses and attracting new ones. |
| | Strategy 3: Promote just and cooperative relationships between employees and employers. | Action 1: Encourage businesses to provide living wage employment and provide recognition to those that do. |
| | | Action 2: Research models of cooperative ownership. |
| | | Action 3: Provide resources for businesses seeking to adopt cooperative ownership structures. |

| **ECONOMIC VITALITY** (cont.) | | |
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| **Goal 3: By 2020, 50% of residents will engage in community networks that meet their needs while minimizing resource consumption.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Support a thriving local arts and entertainment economy. | Action 1: Support opportunities for local artisans, craftspeople, and musicians to promote and/or sell their products and services. |
| | | Action 2: Attract a variety of artists and performers. |
| | | Action 3: Utilize regional media to promote local arts and entertainment. |
| | Strategy 2: Promote resources within the community that do not require the exchange of US dollars to meet people's needs. | Action 1: Develop a directory of resources that will enable residents to engage in community networks, including libraries, extension services, and other resources that promote reuse, repair, barter, and the sharing of goods and knowledge. |
| | | Action 2: Increase the awareness and use of local currency and bartering options |
| | | Action 3: Provide opportunities for inter-generational sharing of knowledge and expertise. |
| | Strategy 3: Promote the reuse, repair, and sharing of items. | Action 1: Assist in publicizing and distributing the Corvallis Area ReUse Directory. |
| | | Action 2: Identify and publicize local repair services. |
| | | Action 3: Facilitate the sharing of tools and skills within neighborhoods and among businesses and organizations in the community. |

| **EDUCATION** (From 2008 *Action Plan*) | | |
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| **VISION:** Everyone understands fundamental life-support systems, feels connected to environment, and has high awareness of environmental footprint and what it takes to balance economic, environmental, and community needs while building opportunities for future generations to meet their own needs. | | |
| **Goal 1: By 2015, 100% of area school districts and private schools will integrate sustainability concepts into their curricula and adopt and model sustainable practices in 100% of their facilities.**<br><br>Metrics: Percentage of K-12 schools adopting comprehensive sustainability plan and integrating concepts in operations and curriculum.<br><br>Baseline (2008): Waldorf and Montessori have sustainability built into their curricula. Montessori has it within its mission statement. Other area schools, including 509J schools, have not adopted comprehensive sustainability plans. Some teachers are teaching sustainability concepts and some schools are already modeling some sustainable practices. | Strategy 1: Develop a District/School Sustainability Plan and form a Sustainability Advisory Team that may include community experts, administrators, teachers, facilities staff, board members and students. | Action 1: School boards adopt sustainability as a priority focus area and form district or school Sustainability Advisory teams to develop comprehensive sustainability plan. |
| | | Action 2: Designate/hire Sustainability Coordinator. |
| | | Action 3: Prioritize, integrate, and model sustainable practices, such as alternative energy use in school, use of sustainable materials in construction, use of environmentally friendly products. |
| | Strategy 2: Integrate sustainability concepts into curriculum at every (100%) grade level. | Action 1: Determine how sustainability can be integrated into existing state standards and current educational offerings K-12. Identify funding needs. |
| | | Action 2: Establish Sustainability lesson plans. Identify curriculum resource materials. |
| | | Action 3: Maintain and increase support for natural resource education and funding (e.g., Outdoor School). For example, develop comprehensive plan to seek funds through "No Child Left Inside" (if passed). |
| | Strategy 3: Provide sustainability concept training for 100% of district teachers and staff. | Action 1: Offer teacher in-service days on sustainability topics. |
| | | Action 2: Adopt requirement that teachers attend professional development workshop on sustainability to maintain certification. Continuing education requirement. |
| | | Action 3: Develop sustainability education forum for private school teachers to attend. |

| **EDUCATION** (cont.) | | |
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| **Goal 2: By 2015, 100% of area institutions of higher education will make a sustainability course required for graduation (a variety of courses will meet this requirement) and expand course offerings to the community.**<br><br>Metrics:<br>1. Number of courses that satisfy this requirement<br>2. Number of students meeting the requirement<br><br>Baseline (2008): OSU: 10-20 courses have a strong tie to sustainability; 20-30 current OSU staff and faculty "formally and adequately" trained in sustainability; 15-20 presentations each term that relate somehow to sustainability (est. Brandon Trelstad, OSU Sustainability Coordinator). LBCC: LBCC does not have a sustainability coordinator and has not yet adopted a comprehensive sustainability plan. To the best of her knowledge, LBCC does not have courses in sustainability yet. Approximately 10 faculty/staff attended a NW Earth Institute training session. (Communicated by Megan Pickens, LBCC Facilities staff) | Strategy 1: Encourage, train, and engage students in sustainable practices through courses, mentoring, and service-based projects. | Action 1: Identify sustainability concepts that all students should understand. Identify and develop courses that currently meet the requirement. Seek national funding to develop sustainability leaders training programs. |
| | | Action 2: Connect OSU with community to promote sustainability through mentoring programs (college to K-12; youth projects) and internships with organizations and businesses. |
| | | Action 3: Develop graduate and undergraduate degrees or certificates in sustainability; include a community outreach sustainability component such as internships and mentoring programs. |
| | Strategy 2: Publicize sustainability approaches, courses, and groups at OSU and Linn Benton Community College (LBCC): Operations, Events, Outreach, Planning and Policy, Research, Student Resources, and Transportation. | Action 1: Integrate sustainability focus at career fair; invite keynote speaker to talk about sustainability topic. |
| | | Action 2: Have sustainability clubs hold events to promote new requirement. |
| | | Action 3: Develop and encourage sustainability training for staff and faculty. |
| | Strategy 3: Develop sustainability courses targeted at individuals and businesses/organizations through OSU Extension and/or LBCC. | Action 1: Develop guidelines for sustainability program like the Master Gardeners program, and identify workshops and training sessions that already meet these guidelines. |
| | | Action 2: Develop guidelines and Sustainable Leadership Training Program for businesses and organizations. |

## EDUCATION (cont.)

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| **Goal 3: By 2015, sustainability information from various sources, including Corvallis Sustainability Coalition work groups, partner organizations, and external resources, will be available to all members of the community, e.g. businesses, government entities, general public.**<br><br>Metrics:<br>1. Number of sustainability-focused articles in 'The City'<br>2. Clearinghouses for sustainability information<br>3. Percent of people taking the 'green tour'<br>4. Number of people taking NWEI courses<br><br>Baseline (2008):<br>1. OSU Sustainability Club membership<br>2. # partners in Corvallis Sustainability Coalition<br>3. 23 courses/year; average of 10 per course, 250. NWEI/TNS training 23 attending, and talks, presentations throughout the year with usually around 60. | Strategy 1: Establish a permanent "sustainability center" for coordinating and disseminating sustainability education to all sectors of the community. | Action 1: Identify location and funding for potential sustainability center sites. |
| | | Action 2: Develop, hold, and promote training, courses, talks, workshops on all aspects of sustainability, including green tours of city sites (landfill, waste treatment plant, water treatment plant, watershed). |
| | | Action 3: Develop creative array of community media resources to reach all community members, such as website, kiosk, riverfront display, sustainability beaver column in GT, resource guide for sustainable products, programming for public access TV and radio, incentive campaigns, and neighborhood leaders program. |
| | Strategy 2: Encourage City, county, and organizations, such as schools, faith-based communities, businesses, and nonprofits, to actively communicate how they utilize sustainable practices. | Action 1: Work in conjunction with Corvallis Sustainability Coalition to communicate goals and achievements. |
| | | Action 2: Publicly display progress toward Sustainability Coalition goals such as kiosk, riverfront display, and published progress reports that include info on all community partners. |
| | Strategy 3: Encourage businesses to actively communicate how they are using sustainable practices. | Action 1: Develop criteria and guidelines for what a sustainable business is, like "LEED" (green building) certification for building. |
| | | Action 2: Hold sustainable business and products fair to showcase. |
| | | Action 3: Publicize 'supply chain' of everyday products and foods. |

# ENERGY

**VISION:** Corvallis has achieved energy security and net zero greenhouse gas emissions.

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| **Goal 1: By 2025, Corvallis will reduce per capita consumption of energy in the built environment by greater than 50% using energy efficiency and conservation.**<br><br>Metrics: % reduction in total Corvallis energy usage per capita from 2008 baseline and % energy supplied using renewable energy<br><br>Baseline (2008): Blue Sky = 12.5% of Corvallis energy purchases, 9.5% of Corvallis customers enrolled<br>Existing solar hot water capacity (Linn and Benton) 17.5 M kwhr<br>Light: Compact fluorescent 11%<br>Heat: Homes with heat pumps 14%<br>Hot water: High efficiency water heaters 40%<br>Washing: Energy Star (2007) washing machines 51%<br>Dryer: % with clotheslines unknown<br>Thermostats: at least 35% mechanical (un-programmable)<br>Wall insulation: >R21 17%<br>Spa-bathtub: 16%<br>Single-pane windows: 17%<br><1.8 gps showerheads: 50%<br><1.8 gps sink aerators: 52% | Strategy 1: Assist residents in implementing conservation and efficiency upgrades as recommended from home energy audits. | Action 1: Market (through web, local media, local events, quarterly gatherings, etc.) the efficacy of conservation and efficiency as a priority toward energy sustainability. Broadly disseminate information about conservation and efficiency upgrades, highlight particularly successful projects, and support continued efforts. |
| | | Action 2: Contact citizens to arrange energy audits for 100% of homes and businesses and serve as partners/advisors for citizens during energy audits. |
| | | Action 3: Assist residents in implementing audit recommendations. |
| | Strategy 2: Ensure professional conservation and efficiency installation capability to meet demand. | Action 1: Increase technical training for contractors to ensure awareness of the most cost-effective conservation and efficiency upgrades as well as supporting financial incentives. |
| | | Action 2: Provide communication guidance for contractors to ensure they are informing customers of the most cost-effective conservation and efficiency upgrades. |
| | | Action 3: Implement quality control through customer feedback and contractor training to ensure conservation and efficiency upgrades are being installed to the highest technical and professional standards necessary to achieve actual energy savings. |
| | Strategy 3: Provide incentives for new/existing construction to meet net zero energy criteria. | Action 1: Establish criteria for net zero energy/ sustainable building practices. |
| | | Action 2: Work with City, County, and State to create incentives through property tax reductions to achieve net zero building energy use. |
| | | Action 3: Investigate/develop additional incentives to support achieving net zero energy use in buildings (e.g., work with Energy Trust of Oregon). |

| **ENERGY** (cont.) | | |
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| **Goal 2: By 2025, all energy utilized in Corvallis will be 100% renewable.**<br><br>Metrics: % of Corvallis energy used that is produced in Benton County<br><br>Baseline: 0.822 M kwh from PV (in Linn and Benton County)<br>3.9 M ft3 Methane used as fuel at Corvallis Wastewater Treatment Plant (24.0 M ft3 released)<br>623 M ft3 Methane used as fuel at Coffin Butte Landfill (371 M ft3 released) | Strategy 1: Support the installation of locally owned renewable energy generation in and around Corvallis. | Action 1: Develop financial incentives to encourage the installation of renewable energy generation on local properties (e.g., rooftop PV). |
| | | Action 2: For all new residential construction, require compliance with portions of adopted sustainable building standards that specify renewable energy production readiness. |
| | | Action 3: Facilitate local ownership of large, cooperative, off-site installations (e.g., cooperative ownership of a large PV array located outside City limits). |
| | Strategy 2: Ensure that all energy streams being imported to Corvallis are renewable. | Action 1: Expand access to and purchasing of renewable electricity, like Pacific Power's Blue Sky program. |
| | | Action 2: Expand access to and purchasing of renewable liquid fuels (e.g., work with Sequential and other regional biofuel producers and distributors). |
| | | Action 3: Expand access to and purchasing of renewable gaseous fuels. |
| | Strategy 3: Identify and develop local potential for renewable energy production. | Action 1: Investigate local potential for wind, wave, and hydropower (conventional and in-stream). |
| | | Action 2: Investigate local potential for biological sources of energy production (e.g., biomass, biofuels, biogas, etc.). |
| | | Action 3: Collaborate with OSU to commercialize renewable energy technology locally, to support local renewable energy production and job creation. |

| **ENERGY** (cont.) | | |
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| **Goal 3: By 2030, Corvallis will eliminate net greenhouse gas emissions from energy use.**<br><br>Metrics: Net emissions of CO2, NOX, Methane, and CF-12 (to equal zero after emissions reduction and sequestration in place)<br><br>Baseline (2008): Numbers need further study to explain differences:<br>Range of 11330 kg CO2/year per average US home (Source: EPA websites) which reduces to 1785 kg CO2/year/household (after conservation & renewables) requiring .4 acres per household, 9300 acres, or 2.2% of land area in BC (for 2020 County population) per EPA sequestration data & Energy Work Group analysis up to EWG baseline data of 777 kg CO2/year per citizen (for both household and commercial/industrial use), which requires .18 acres per person, 16390 acres, or 3.8% of land area in BC (for 2020 County population) per EPA sequestration data & Energy Work Group analysis baseline sequestration capacity. Existing forests in Benton County are a minimum of 11k acres; grasslands eligible for high species diversity plantings have not been catalogued. | Strategy 1: Monitor greenhouse gas emissions to establish a baseline and monitor progress. | Action 1: Facilitate research and development of accurate and reliable tracking methods (collaborate with OSU). |
| | | Action 2: Track and report (annually) net greenhouse gas emissions from Corvallis. |
| | Strategy 2: Adjust energy costs to reflect GHG emissions and use revenues to fund GHG elimination efforts. | Action 1: Adopt Corvallis surcharges on fossil energy utilization that reflect the true costs, including impacts to the environment and human health. |
| | | Action 2: Establish grant programs to fund greenhouse gas mitigation projects using funds raised through energy surcharges. |
| | Strategy 3: Mitigate greenhouse gas emissions through local land use and management. | Action 1: Develop a list of best management practices for small land owners and homeowners to implement in order to achieve greenhouse gas mitigation (e.g., planting trees, garden and lawn management, etc.). |
| | | Action 2: Increase local conservation areas (greenbelts and native grasslands). |
| | | Action 3: Facilitate the development and implementation of local forestry and agricultural practices that improve greenhouse gas mitigation capacity (e.g., alternative tillage and cropping practices, selective thinning, etc.). |

# FOOD

**VISION:** We are fed primarily by food which is locally produced, using practices that renew and enrich the land and community.

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| **Goal 1: By 2020, 40% of the food consumed by the Corvallis population is grown, processed, or produced in Benton, Lane, Lincoln, Linn, Marion, and Polk counties.**<br><br>Metrics:<br>1. $ spent on local food divided by total $ spent on food (local and non-local)<br>2. Comparison between current acreage used for food production and acreage amounts in 2014 and 2020<br><br>Baseline (2008): Approximately 2% of food consumed here is grown here. (Source: Larry Lev, OSU) | Strategy 1: Increase local demand for locally grown foods. | Action 1: Create an ad campaign to bolster awareness and use of existing initiatives that promote local food consumption. |
| | | Action 2: Facilitate the practice of identifying local food products at businesses (food stores, restaurants), institutions (schools, Linn Benton Community College (LBCC), OSU, hospital), and events where food is sold and/or served. |
| | | Action 3: Link food purchasers from local institutions (school system, LBCC, OSU, hospital) and businesses (restaurants, food stores) with local food producers. |
| | Strategy 2: Increase amount of local land used for food production (includes agricultural land, private property, and public property). | Action 1: Provide education and support to increase the number of farmers and farm workers in the community. |
| | | Action 2: Create government incentives that encourage property owners to use their land for food production. (Includes both urban agriculture and conversion of agricultural land from non-food production to food-based uses.) |
| | | Action 3: Model and promote edible landscaping and home food production. |
| | Strategy 3: Increase capacity for local food processing, storage, and distribution. | Action 1: Develop and implement neighborhood-based food processing, storage, and distribution. |
| | | Action 2: Facilitate the creation of commercial and cooperative local food processing, storage, and distribution facilities. |
| | | Action 3: Coordinate with local agencies regarding emergency preparedness, and encourage community members to prepare for disruptions in the normal food supply. |

| **FOOD** (cont.) | | |
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| **Goal 2: By 2020, all Corvallis residents will have access at all times to enough food for an active and healthy life.**<br><br>Metrics: % of population that is food insecure<br><br>Baseline: 13.95% of Benton County residents were food insecure in 2000 (Source: Grussing) | Strategy 1: Support existing emergency food programs and other food assistance programs. | Action 1: Expand efforts to get fresh produce to food banks. |
| | | Action 2: Help existing food programs reach minority populations by providing culturally sensitive food and utilizing volunteers with necessary language skills. |
| | | Action 3: Assist existing food programs with community education and outreach efforts. |
| | Strategy 2: Provide opportunities that encourage consumption of nutritious food, produced using practices that renew and enrich the land and community. | Action 1: Improve nutrition of food in schools, institutions and public events by implementing programs featuring a variety of fruits, vegetables, whole grains and lean proteins. |
| | | Action 2: Conduct low and no-cost nutrition classes in the community and at schools. |
| | | Action 3: Support the efforts of food markets (farmers' markets, co-ops, supermarkets, etc.) to promote the purchase of nutritious food, produced using practices that renew and enrich the land and community. |
| | Strategy 3: Increase access to nutritious food, produced using practices that renew and enrich the land and community. | Action 1: Support efforts to educate people about buying nutritious food on a budget. |
| | | Action 2: Expand current and start new low-income community gardens. |
| | | Action 3: Facilitate low-cost seasonal food preservation sessions in a community kitchen. |

| **FOOD** (cont.) | | |
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| **Goal 3: By 2020, 80% of all land area in community food-producing farms, ranches, and gardens will be managed using practices that renew and enrich the land and community.**<br><br>Metrics: % of land area devoted to sustainable food production<br><br>Baseline: | Strategy 1: Increase demand for foods that are grown using practices that renew and enrich the land and community. | Action 1: Promote the benefits of foods produced using practices that renew and enrich the land and community. |
| | | Action 2: Launch a campaign to educate the community about genetically modified foods and their potential impact on our local food system and local economy. |
| | | Action 3: Support programs that assist people in growing their own food, either at home or through community gardens. |
| | Strategy 2: Encourage local farmers and gardeners to use practices that renew and enrich the land and community. | Action 1: Publish a Corvallis Garden Resource Guide to connect gardeners with local resources supporting practices that renew and enrich the land and community. |
| | | Action 2: Support programs that educate local farmers and gardeners to utilize practices that renew and enrich the soil. |
| | | Action 3: Support local organizations that promote food production using practices that renew and enrich the land and community. |
| | Strategy 3: Support local farmers, specialty seed growers, and gardeners in their efforts to develop, maintain, and access locally adapted food crop varieties. | Action 1: Maintain crop varieties developed over generations and adapted to local growing conditions. |
| | | Action 2: Provide opportunities for community engagement in developing food crop varieties adapted to the Corvallis area. |
| | | Action 3: Support neighborhood and community seed exchanges. |

| HEALTH AND HUMAN SERVICES | | |
|---|---|---|
| **VISION:** All residents enjoy a positive state of health including physical, mental and social well-being and not merely the absence of disease or infirmity. | | |
| **Goal 1: By 2018, all Corvallis residents will have access to programs that promote healthy behaviors.**<br><br>Metrics: # of people who have access to programs that promote healthy behaviors<br><br>Baseline: | Strategy 1: Promote healthy lifestyles in multiple settings (e.g., community, schools, worksites, health system policy) by adopting policies, creating environments and programs that support healthy behavior. | Action 1: Create access for all Corvallis residents to environments that support healthy behavior (e.g. access to tobacco-free environments, healthy food choices, and physical activity opportunities). |
| | | Action 2: Ensure that Corvallis residents have optimal availability of and access to chronic disease self-management programs in English and Spanish. |
| | | Action 3: Conduct a collaborative community assessment to determine the health status, including measures of physical, mental and social well-being, of Corvallis residents. Conduct every 5 years. |
| | Strategy 2: Develop a program to encourage interdisciplinary exchange between health care providers. | Action 1: Sponsor a community forum featuring diverse health care providers |
| | | Action 2: Survey health care providers to assess their networking interests. |
| | Strategy 3: Support universal health care so that all Corvallis residents have health care coverage. | Action 1: Facilitate access to the Affordable Care Act as an initial step toward health care coverage for the uninsured. |
| | | Action 2: Publicize the work of health care reform groups in our area. |
| | | Action 3: Provide ongoing education about health care reform, especially in preparation for the next legislative opportunity. |

| HEALTH AND HUMAN SERVICES (cont.) | | |
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| **Goal 2: By 2025, our community will no longer discharge or be exposed to persistent, bio-accumulative and/or toxic pollutants.**<br><br>Metrics: % of persistent, bio-accumulative and/or toxic pollutants in stormwater; % in wastewater; % in air<br><br>Baseline (2008): Governor's Exec Order 99-13 assigned ODEQ to lead a statewide effort to eliminate release of persistent, bio-accumulative and toxic chemicals by 2020 to outline a range of approaches that could be taken to identify, track and eliminate. California's Proposition 65 (The Safe Drinking Water and Toxics Enforcement Act of 1986) and Eugene's Right to Know policy require notification. 2009 Oregon legislation proposed to disallow herbicides in schools (currently banned in Eugene and Portland). | Strategy 1: Establish a framework that requires a systematic study of health impacts for new projects, products or policies in the Corvallis area (e.g. Natural Step, Precautionary Principle, and Health Impact Assessments). | Action 1: Assign an appropriate task force to evaluate existing strategies. |
| | | Action 2: Draft legislation requiring the consideration of health impacts on Corvallis projects or policies. |
| | | Action 3: Provide training and/or information of chosen framework. |
| | Strategy 2: Identify and promote safe alternatives to regularly used toxics that are discharged into the local biosphere. | Action 1: Adopt policies for 1) building maintenance and operations at publicly-owned facilities that are aligned with LEED (green building) for existing buildings, 2) new construction and remodels of publicly-owned buildings that meet LEED standards, and 3) eliminating pesticide/herbicide spraying on publicly-owned property. |
| | | Action 2: Develop legislation that focuses on incentives for residential land owners, businesses, and institutions that have found alternatives to using or releasing toxic chemicals. |
| | | Action 3: Help businesses identify and use alternatives to toxic chemicals. |
| | Strategy 3: Provide education on toxics, their effects and viable alternatives for all ages and cultural groups in Corvallis. | Action 1: Advertise Oregon Environmental Council's (OEC) Tiny Footprint materials (Green Cleaning Guide, Family Pledge, Sage toys, etc.) and "No Idling/No Topping Off" benefits in The City newsletter, local school programming and through other family awareness avenues. |
| | | Action 2: Provide comprehensive education of alternatives to toxic agricultural chemicals aimed at conventional agriculture farmers in the area. |
| | | Action 3: Require "Right to Know" notification in stores that sell products with chemicals known to cause cancer, birth defects or reproductive harm, and restrict discharge of these chemicals in a manner that could end up in the local biosphere. |

| HEALTH AND HUMAN SERVICES (cont.) | | |
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| **Goal 3: By 2025, 50% of Corvallis residents will volunteer in the community.**<br><br>Metrics: % of Corvallis population aged 16 years and older volunteering at least 1 hour per year.<br><br>Baseline (2008): Oregon ranks # 15 among the 50 states and District of Columbia in volunteer intensity, with 33.3% aged 16 years or older volunteering. Rank # 19 in Baby Boomer volunteer rate of 36.4% (highest state Nebraska at 49%). Also ranked #19 for young adult volunteer rate of 29% (highest is Utah at 39%). The volunteer rate of college age students was #22 at 32.1% (2nd highest was Idaho at 48%). The volunteer rate increased .5% from 2002-2006, whereas some states increased by 1-2%. Oregon ranked #6 in average volunteer hours per state resident per year at 50.3. | Strategy 1: Promote volunteerism. | Action 1: Educate the community on the value of and long-term health benefits of volunteering for one's community. |
| | | Action 2: Provide incentives to engage more organizations and individuals in the Day of Caring, Martin Luther King Day, and other volunteer opportunities. |
| | | Action 3: Publicize volunteer opportunities, and promote HandsOn Willamette to match volunteers with needs |
| | Strategy 2: Address costs of living, financial needs and other obligations that inhibit some residents from having time to volunteer (e.g., adopt a living wage including health insurance, 35-hour work week, family volunteer opportunities, etc.). | Action 1: Organize an educational program to introduce local employers to the concept of a living wage and to identify roadblocks. |
| | | Action 2: Explore options for supporting local employers in providing a living wage or "paying" for volunteerism (reduced full-time workweeks, etc.). |
| | | Action 3: Investigate the overall benefits of a shorter work week. |
| | Strategy 3: Encourage volunteerism that connects residents with resources to help them meet their own needs. | Action 1: Engage volunteers in promoting universal health care reform. |
| | | Action 2: Engage volunteers in providing information to the public about 211 (free information about health, community, and social services). |

# HOUSING

**VISION:** All residents have access to affordable housing options. Housing is energy efficient, provides a healthy living environment, and reduces waste through recycling and preservation; and all new construction minimizes impacts on our resources and environment.

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| **Goal 1: By 2025 all residents/ households will have access to affordable housing options.** [For purposes of assistance, housing is considered "affordable" if housing costs (rent and utilities or mortgage, taxes and home owners insurance) costs 30% or less of a family's gross income. The term "affordable housing" is generally used in relation to low income families (those earning 80% or less of the Area Median Income). ]<br><br>Metrics: # of residents/households with access to affordable housing options<br><br>Baseline (2012): Benton County Median Family Yearly income for family of 4 = $74,200<br>80% = $59,350<br>50% = $37,100<br>30%= $22,250 (US 2011 Poverty level)<br>(Source: Willamette Neighborhood Housing)<br><br>(2011) Approximately 42.2% of households in Benton County earned less than 80% of the median family income.<br><br>(2008) 5200 renter households & 1200 owner households in Benton County made 80% or less of mean family income and paid more than 30% of income for housing. (Source: HUD Comprehensive Housing Study Data from City of Corvallis ) | Strategy 1: Explore development of a "community land trust" and increased options for rent assistance. | Action 1: Research housing land trusts and rental assistance programs in other communities and funding options including grants; examine the feasibility of developing a Housing Land Trust for our community. |
| | | Action 2: Educate the public about community housing land trusts and rental assistance programs. |
| | | Action 3: Identify and pursue funding and land donation options. |
| | | Action 4: Work with churches and other groups to help with proposals and to help pay for rent and other expenses to keep families in their housing. |
| | Strategy 2: Promote appropriately designed and located higher density options for family housing by incorporating housing into new/existing commercial building projects where related residential services are available. | Action 1: Explore private/public partnerships to convert vacant/ underutilized sites and structures in downtown and in other mixed-use zones throughout the city into affordable housing where residential services are available. |
| | | Action 2: Work with city to identify funding for conversion of appropriate structures for needed housing. |
| | | Action 3: Work with owners of suitable properties to create low income housing options. |
| | Strategy 3: Maintain and increase affordable housing stock for low and moderate income families and those with children. | Action 1: Work with OSU/City Collaboration project and students on housing issues in the community and on campus. |
| | | Action 2: Work with OSU students to develop affordable housing ideas, concepts, designs, etc., including on-campus housing for students, faculty and staff. |
| | | Action 3: Advocate for an increase in local housing grants (federal & state) and protect current housing subsidies. |

| **HOUSING** (cont.) | | |
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| **Goal 2: By 2025, all existing housing in Corvallis will be preserved, adaptively reused or recycled.**<br><br>Metrics: % of buildings preserved, reused, or recycled<br><br>Baseline: From 2008 to 2012 there were 85 demolition permits issued in Corvallis for residential structures, including five multi-family structures. More than 35% of these were issued in 2012. During this same period, only four permits were issued for moving structures. | Strategy 1: Reuse existing housing stock before building new homes. Encourage people to recycle or relocate a house vs. demolition. | Action 1: Work with city, county, private owners, housing organizations and others to rehabilitate older, existing housing and other structures suitable for housing instead of building new housing. |
| | | Action 2: Review codes to increase demolition requirements, by increasing notice & fees. Require owners to attempt to sell and relocate home first and give evidence of why this cannot be done. Require photo documentation of buildings before permit is issued for demolition. |
| | Strategy 2: To counter demolition by neglect, provide incentives for owners to maintain their historic homes. | Action 1: Provide materials and workshops to educate owners on maintaining their historic homes and educate builders on the art and craft of older homes; i.e., window tuning. |
| | | Action 2: Seek funding for and establishment of a low or no interest revolving loan fund for rehabilitation linked to the Secretary of Interior's Guidelines for Historic Preservation. |
| | | Action 3: Provide workshops on methods such as Conservation Easements for property owners to protect historic resources. |
| | | Action 4: Determine conflicts that exist between historic/older neighborhoods and high density zones in city. Resolve conflicts in the LDC re historic resources and high density zoning. |
| | Strategy 3: Create Historic Preservation Plan. | Action 1: Seek funds for an intern to work on city-wide reconnaissance level historic survey. |
| | Strategy 4: Deal with hazardous materials abatement in demolition or adaptive reuse. | Action 1: Change Land Development Code, Chapter 2.9, to include costs of hazardous materials abatement in all demolitions. |

| **HOUSING** (cont.) | | |
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| **Goal 3: By 2025, 100% of new construction will have minimal impact on resources and the environment.**<br><br>Metrics: % of new construction that meets VOC guidelines and % of new construction that meets recycled/ renewable construction materials use guidelines<br><br>Baseline: | Strategy 1: Encourage and support more diverse housing options. | Action 1: Develop website with map showing housing options; remodels; small family homes, conversion of commercial to residential, and historic districts and homes. |
| | | Action 2: Examine zoning codes to allow for more diverse neighborhoods, mixing small homes and housing types with larger single family homes. |
| | Strategy 2: Reduce size of homes and ecological footprint in order to conserve energy, land area and resources. | Action 1: Initiate educational campaign for smaller houses by publishing information on housing issues (including floor plans for smaller homes) and the environment in the media including use of social media. |
| | | Action 2: Locate funding sources for eco-housing demonstration projects (i.e., minimize permit costs and find logical connections between green methods and SDC fees for reducing SDC fees). |
| | Strategy 3: Ensure that all homes are non-toxic and use recycled, renewable, and local materials as much as possible. | Action 1: Adopt "green" codes, such as "all new and remodeled homes shall comply with either the International Code Council (ICC) 'Green Codes' or Austin, Texas, codes prior to obtaining a permit" or provide incentives for all who comply (reduced permit fees). |
| | | Action 2: Explore banning the use of toxic building materials, especially formaldehyde and volatile organic compounds (VOCs). |
| | | Action 3: Encourage small local businesses that fabricate green building materials. |

| **HOUSING** (cont.) | | |
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| **Goal 4: By 2025, chronic homelessness will be reduced by 65%.**<br><br>Metrics: # of homeless persons<br><br>Baseline (2012): Data from the Oregon Department of Education indicated that there are more than 276 K-12 students in Benton County living on the streets, in cars, or in informal camps around the county. This is an increase of 12% from 2011. In School District 509J there are 170 K-12 homeless students.<br><br>Data gathered by the Corvallis Homeless Shelter Coalition from 2008-2010 indicates there are approximately 150 homeless persons living in and around the City of Corvallis in each of these three years. | Strategy 1: Locate/ educate and assist potentially homeless persons and families prior to housing displacement. | Action 1: Provide information to employers, social service agencies, and the press about actions that families (who are on the edge of eviction) can take. |
| | | Action 2: Work with churches and other non-profits to provide emergency rental assistance, including help with deposits and first and last month's rent payments. Consider establishment of an endowment for this purpose. |
| | Strategy 2: Increase the number of affordable supported housing units suitable for the previously homeless. | Action 1: Identify gaps in housing for specialized populations. Develop solutions to serve these populations and urge agencies to tailor some services to meet the specific needs of specialized populations who are underserved, such as families with children. |
| | | Action 2: Work with the 10-year planning group to select priorities and identify resources to develop housing projects. |
| | Strategy 3: Enhance communication between the homeless and service providers. | Action 1: Use the 10-year plan as a mechanism to improve the sharing of information. |
| | | Action 2: Carry out vigorous outreach so that homeless groups know what services are available and what the eligibility requirements are. |

# LAND USE

**VISION:** Corvallis is a compact, small city with walkable neighborhoods, a vibrant downtown, and diverse natural areas interwoven in urban landscapes, whose community members actively participate in land use planning decisions.

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| **Goal 1: By 2040, 80% of Corvallis will be a sustainable and compact city with walkable, mixed-use neighborhoods, functioning neighborhood centers, and a vibrant downtown, whose community members actively participate in land use planning decisions.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Develop, coordinate, and work to implement land use planning policies, standards and processes that support walkable, bikable, mixed-use neighborhoods. | Action 1: Educate community members to increase their understanding of and involvement in land use planning. |
| | | Action 2: Inventory existing and proposed neighborhoods and developments (including residential, mixed-use, commercial, and industrial) for range of amenities, walkability, and bikability. |
| | | Action 3: Identify code changes needed to support mixed-use, diverse neighborhoods while protecting resource lands, quality of life and environment, and ask City Council to revise existing codes, regulations, and planning documents accordingly. (Examples: Form-based Development, Human Fractal City Design, LEED for Neighborhood Standards.) |
| | Strategy 2: Develop, coordinate, and implement land use strategies that support local business, green industry and downtown vitality. | Action 1: Assess current strategies (e.g., incentives, policies, marketing, and activities) to support local business, green industry and downtown vitality, and identify and remove barriers (e.g., zoning, regulations, purchasing policies). |
| | | Action 2: Promote existing and new strategies that support locally owned businesses, green industry, and a dynamic downtown. |
| | Strategy 3: Develop, coordinate, and implement land use strategies that balance compact, urban mixed use development with the enhancement of existing neighborhoods and green space. | Action 1: Inventory and develop incentives and regulations to protect, restore, and maintain historic structures, landscapes, neighborhood character, and significant (over 8" dbh) trees, to stop teardowns, and to preserve a sense of place and uniqueness. |
| | | Action 2: Using neighborhood dialogue, review City codes and planning processes to identify changes needed to preserve existing neighborhood character while increasing density of development and green space. |
| | | Action 3: Rezone to distribute schools, mixed-use neighborhood centers, green space, and indoor and outdoor gathering spaces throughout the city. |
| | Strategy 4: Develop, coordinate, and implement land use strategies to replace 50% of private conventional motorized vehicle trips with alternative transportation modes (human-powered, electric vehicles and public transit). | Action 1: Evaluate methods to encourage the use of shared parking and alternative transportation modes. |
| | | Action 2: Create light rail with a downtown station to connect to Albany, Philomath, and Eugene. |
| | | Action 3: Identify 25% of streets for conversion to non-motorized transit or low-speed electric carts only and expand the network of multimodal paths and public transit to connect all neighborhoods to neighborhood centers and downtown. |

| LAND USE (cont.) | | |
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| **Goal 2: By 2040, Corvallis will be a livable city with functional, integrated and diverse natural areas interwoven in urban landscapes.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Develop, coordinate, and implement land use planning policies, standards and processes that implement this goal. | Action 1: Complete a survey to determine which undeveloped areas already meet the significant natural feature criteria, which park/open space areas need improvement to meet the criteria, and what new areas offer opportunities to create or restore natural areas. |
| | | Action 2: Coordinate all codes, regulations, and planning documents in GIS (mapping) layers to improve plan review process, assess cumulative impacts of new development, and enforce existing codes, regulations, and planning documents to protect natural areas. |
| | | Action 3: Positively correlate building heights with distance from the Willamette and Marys Rivers. |
| | Strategy 2: Develop, coordinate, and implement land use strategies that protect and restore natural areas and native species. | Action 1: Review natural features inventories to identify the most sensitive or significant natural areas; acquire and restore diverse ecosystem types distributed throughout the Urban Growth Boundary (UGB) using land swaps, purchase of conservation easements, or other green investment funding methods. |
| | | Action 2: Promote incentives for planting native species and limiting impervious cover in private remodeling and development projects, and require use of native species in all public projects. |
| | | Action 3: Enforce dark sky compliant lighting of all streets, parking lots and buildings to protect circadian rhythms. |
| | | Action 4: Revise the Minimum Allowed Development Area (MADA) provisions of the 2006 Land Development Code to minimize negative impacts on significant natural features. |
| | Strategy 3: Have in place land use strategies that improve connections between neighborhoods and natural areas within and outside the city. | Action 1: Maintain inventory of urban tree species and percent canopy cover of urban forest, and develop and implement tree/urban forest protection program with incentives, regulations, and penalties for unauthorized removal of significant trees. |
| | | Action 2: Protect significant natural areas from development, using creative funding strategies, and ensure that future development provides/maintains access from existing neighborhoods to developed parkland and undeveloped publicly accessible natural areas. |
| | | Action 3: Inventory and improve existing natural corridors and create a network of pathways throughout the city, connecting to parks, streams, and outlying areas. Make it possible to travel from one park to another along these greenways. |

| **LAND USE** (cont.) | | |
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| **Goal 3: By 2030, 50% of items consumed or purchased in Corvallis will be produced within 100 miles by diverse locally-owned businesses, family farms, forests, and urban gardens in a manner that protects all of its natural resources.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Develop, coordinate, and implement land use strategies in the City and County that minimize loss of natural resource quality and quantity. | Action 1: Overlay existing natural resource inventories and planning documents to assess cumulative impacts of previous development and any proposed development on natural environment and quality of life, in order to direct development for goods and services production to less sensitive areas. |
| | | Action 2: Use multiple strategies (e.g., education, incentives, regulations, enforcement, and land swaps) to direct development to areas with least ecological significance to minimize negative environmental impacts. |
| | | Action 3: Promote conversion from grass seed farms to food production within the County. |
| | Strategy 2: Continue to develop, coordinate, and implement land use strategies to increase urban food production. | Action 1: Identify suitable (less sensitive) farmable land within the UGB to convert to community gardens and/or urban farms, remove and modify government and private restrictions that are barriers, and provide education and incentives for organic and sustainable food production, including at all schools. |
| | | Action 2: Modify local land use codes and zoning, and advocate for state land use regulations, to support local businesses and organizations in producing and marketing local products. |
| | | Action 3: Include common garden areas, greenhouses, food preservation and food processing facilities within neighborhoods. |

| **LAND USE** (cont.) | | |
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| **Goal 4: By 2020, 100% of Corvallis and Benton County will use green building (LEED or a similar standard) practices in all renovation and construction.**<br><br>Metrics:<br><br>Baseline: | Strategy 1: Change and improve the Land Development Code and locally adopted building codes and policies to support this goal. | Action 1: Encourage renovation over new construction and direct new development first to the redevelopment of brownfields (areas in need of rehabilitation). Track and recognize renovation that uses green building standards. |
| | | Action 2: Modify code to allow renovation of existing buildings without having to comply with all current codes. |
| | Strategy 2: Develop, coordinate, and implement a comprehensive green building program for Corvallis and Benton County. | Action 1: Adopt measurable standards and utilize green building practices (equivalent to Green Building Council, LEED, Natural Step, 2030 Challenge or similar standards) (required for all city-owned property and encouraged for all private property). |
| | | Action 2: Provide and promote incentives for utilizing green renovation/green building practices which include streamlined permitting. |
| | | Action 3: Create re-building center for sorting usable waste for new construction materials. Include warehouse area for re-fabricating and re-designing materials. |
| | Strategy 3: Establish target goals for percentages of new construction and renovations which meet certification standards. | Action 1: Sponsor design competition to clarify and inspire creative solutions to accomplish this strategy. |
| | | Action 2: Provide and promote incentives for the use of local contractors, suppliers, materials and labor. |

## ENDNOTES

### Definitions:

- **Compact city** – Urban area with dense, diverse mixed-use development linked by public transport systems for less dependence on autos for access to jobs, services, and amenities, with a clear boundary that conserves nearby resource areas (See http://www.keepeek.com/Digital-Asset-Management/oecd/urban-rural-and-regional-development/compact-city-policies/the-compact-city-concept-in-today-s-urban-contexts_9789264167865-6-en.)
- **Small city** – Urban area with a population size of 50,000 to 100,000 people (US Census Bureau, Office of Management and Budget, US Department of Education)
- **Sustainable community** – Reflects the interdependence of economic, environmental, and social issues by growing and prospering without diminishing the land, water, air, natural and cultural resources on which communities depend. Housing, transportation and resource conservation are managed in ways that protect economic, ecological and scenic values. (See http://www.nrdc.org/sustainable-communities/default.asp.)
- **Mixed-use neighborhoods** – Housing, jobs, daily needs and other activities are within easy walking distance of each other and/or public transportation.
- **Functioning neighborhood centers** – Appropriately scaled neighborhood core within walking or biking distance that enhances neighborhood character and includes civic and recreational uses, retail and service businesses, and public gathering places to serve the needs of neighborhood residents.
- **Maintain neighborhood character** – Preserve links to natural, cultural and architectural history which promote a sense of place and loyalty from residents and businesses.
- **Density** – People or housing units per square mile of land area (US Census Bureau – see https://www.census.gov/geo/www/geo_defn.html#Place).
- **Significant natural features** – Streams, wetlands, riparian areas, wildlife habitat, trees or tree groves, viewsheds, and hillsides determined to have historic or current cultural, social or ecological value. (See City of Corvallis Natural Features Inventory.)
- **Green Building standards** – Various sets of measurable indicators of a building's structure and construction and use processes that are environmentally healthy, responsible and resource-efficient throughout its life-cycle from siting to design, construction, operation, maintenance, renovation, and demolition.

### Links to websites:

- **Form-based Development** – Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types. (See http://www.formbasedcodes.org/ or http://www.sacog.org/projects/form-based-codes.cfm.)
- **Human Fractal City Design** – A guiding principle to build cities on a pedestrian scale with a matrix of connections and infrastructures that creates multiple interconnected nodes that encourage people's movements and interactions. (See http://zeta.math.utsa.edu/~yxk833/connecting.html.)
- **LEED for Neighborhood Development Standards** – LEED-ND integrates principles of smart growth, urbanism and green building into a set of national standards for green neighborhood design. LEED for Neighborhood Development is a collaboration among USGBC, Congress for the New Urbanism, and the Natural Resources Defense Council. LEED-ND certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development. (See http://www.usgbc.org/ShowFile.aspx?DocumentID=6131 or http://www.nrdc.org/cities/smartgrowth/files/citizens_guide_LEED-ND.pdf.)
- **US Green Building Council** - http://www.usgbc.org/Default.aspx
- **LEED** - http://www.leed.net/
- **Natural Step**- http://www.thenaturalstep.org/en/usa
- **2030 Challenge** - http://www.architecture2030.org/

| NATURAL AREAS | | |
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| **VISION:** Our natural features, hillsides, floodplains, streams, wetlands and other open spaces and natural areas are protected and treasured. | | |
| **Goal 1: By 2030, the acreage of protected natural habitat in Benton County will be increased by 50%.**<br><br>Metrics: Acreage<br><br>Baseline: Needs to be developed by joining together descriptive databases from City, County, state, feds, and NGOs. | Strategy 1: Initiate a comprehensive, long-range, natural area conservation plan. | Action 1: Regularly convene a gathering of public and private partners around natural areas conservation planning. |
| | | Action 2: Adopt an integrated natural areas conservation plan, which includes acquisition criteria and priorities for acquisition, protection and active conservation management. |
| | | Action 3: Implement conservation priorities under the plan. |
| | Strategy 2: Provide stable, long-term revenue sources for the acquisition, restoration and preservation of prime natural areas. | Action 1: Identify potential, long-term funding sources. |
| | | Action 2: Establish a range of diverse, stable, long-term funding mechanisms. |
| | | Action 3: Disburse conservation funds according to priorities established by the integrated natural area conservation plan. |
| | Strategy 3: Assign the monetary value of services provided by natural ecosystems to guide and inform land use planning and development decisions. | Action 1: Compile and undertake, as needed, research to establish equivalent monetary values of the full range of natural ecosystem services. |
| | | Action 2: Establish guidelines to take ecosystem values into account and seek appropriate code amendments for land use and development decisions. |
| | | Action 3: Provide an extensive, publicly-accessible database of equivalent monetary values for services provided by our local ecosystem. |

| **NATURAL AREAS** (cont.) | | |
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| **Goal 2: By 2030, 100% of public and private natural area acreage in Benton County will be managed under a set of practices that optimizes their ecological integrity and resilience.**<br><br>Metrics: Acreage restored<br><br>Baseline: Must be developed by Planning Committee in Goal 1. | Strategy 1: Adopt a restoration and best management practices plan for all public natural areas. | Action 1: Develop restoration and management plans for areas within the cities, and newly acquired natural areas beyond city limits. |
| | | Action 2: Review and update existing natural area management and restoration plans in accordance with best management practices. |
| | Strategy 2: Promote habitat management and restoration on private land. | Action 1: Provide comprehensive education and training on sustainable restoration and management practices to private landholders. |
| | | Action 2: Develop and promote residential natural habitat programs. |
| | | Action 3: Develop a wide range of incentive and recognition programs to encourage habitat restoration and management projects on private lands. |
| | Strategy 3: Promote community volunteer-supported restoration projects on public and accessible private natural areas. | Action 1: Establish an electronic network and web presence for community natural areas conservation activities and volunteer opportunities. |
| | | Action 2: Coordinate volunteer conservation activities in the community. |
| | | Action 3: Further develop and expand urban creek restoration and outreach program (UCROP), including development of urban creek watershed councils. |

| NATURAL AREAS (cont.) | | |
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| **Goal 3: By 2030, 60% of community members will participate in natural areas appreciation programs or restoration efforts.**<br><br>Metrics: % of residents<br><br>Baseline: Must be developed, perhaps through annual City survey, a web-based instrument, or reports from partner organizations. | Strategy 1: Increase the number and accessibility of conservation education and outreach programs. | Action 1: Establish and maintain outdoor classroom programs for all community K-12 schools. |
| | | Action 2: Integrate locally-focused (place-based) natural history instruction into all K-12 school curricula. |
| | | Action 3: Increase the number of and access to a wider range of natural history programs for adults. |
| | Strategy 2: Increase appropriate recreation and access in public and private natural areas. | Action 1: Expand and improve opportunities and facilities for unstructured recreational opportunities such as hiking, fishing, bird watching, nature photography. |
| | | Action 2: Create and maintain a functional network of paths and trails to and between natural areas. |
| | | Action 3: Continue a week of celebration and awareness around local natural areas. |
| | Strategy 3: Provide natural history and cultural information at natural areas. | Action 1: Establish natural history interpretive activities on public and private natural areas. |
| | | Action 2: Develop and implement state-of-the-art ecological, natural, and cultural history interpretive tools, including signs at public natural areas that do not detract from the natural aesthetic. |

# TRANSPORTATION

**VISION:** Corvallis is a hub in a regional transportation system that includes sustainable transportation modes for people and goods.

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| **Goal 1: By 2015, efficient alternatives for transportation to destinations beyond Corvallis will be increased.**<br><br>Metrics:<br>Ridership on transportation systems<br>Number of connecting points between transportation systems<br>Number of locations and number of people served<br><br>Baseline: | Strategy 1: Increase the use of existing transit system options, such as CTS and Amtrak. | Action 1: Advertise existing transit system connections. |
| | | Action 2: Promote maps showing points of connection between transit systems. |
| | | Action 3: Make transit systems easier to use by decreasing wait times and coordinating fares. |
| | Strategy 2: Strengthen transit system connections to other communities. | Action 1: Encourage collaboration among local and regional transportation organizations. |
| | | Action 2: Coordinate regional transit system schedules. |
| | | Action 3: Increase transit system routes and runs throughout the region. |
| | Strategy 3: Provide transportation to recreation areas. | Action 1: Promote recreation transportation services, such as Peak Ski Bus, Coast to Valley Express, and Valley Retriever. |
| | | Action 2: Promote Parks and Recreation outings with shared or provided transportation. |

| **TRANSPORTATION** (cont.) | | |
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| **Goal 2: By 2020, community members will reduce per-capita gasoline consumption to 90 gallons annually, 50% below 2008 levels.**<br><br>Metrics: Gallons of gasoline per capita per year<br><br>Baseline (2008): 180 gallons annually per capita in Corvallis | Strategy 1: Offer public and private incentives to encourage employees, shoppers, and students to walk, cycle, or use mass transit. | Action 1: Expand hours, frequency, and range of city buses, and continue to offer fareless transit. |
| | | Action 2: Provide incentives to walk, cycle, or bus to businesses, such as discounts and covered bike parking. |
| | | Action 3: Provide free audits of transportation energy use so that people learn to meet their transportation needs more efficiently. |
| | Strategy 2: Foster a culture of cycling in the community. | Action 1: Assist people in overcoming barriers to cycling, such as physical ability, safety, wet weather, darkness, and carrying other people and goods. |
| | | Action 2: Sponsor an annual World Car Free Day in Corvallis event. |
| | | Action 3: Promote multigenerational cycling activities. |
| | Strategy 3: Encourage the use of fuel-efficient and renewable energy vehicles. | Action 1: Purchase fuel-efficient and renewable energy vehicles for fleets, such as at the City and OSU. |
| | | Action 2: Promote fuel-efficient and renewable energy carshares. |
| | | Action 3: Encourage people to use fuel-efficient and renewable energy vehicles, when owning or renting a personal vehicle is necessary. |

| **TRANSPORTATION** (cont.) | | |
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| **Goal 3: By 2020, single occupancy motor vehicle trips will be reduced by 20% below 2008 levels.**<br><br>Metrics: Vehicle trips<br><br>Baseline: 515,000 vehicle trips in 1991 | Strategy 1: Encourage people to make long-term decisions that reduce or eliminate the need to own motor vehicles. | Action 1: Assist people in setting personal annual goals for sustainable transportation. |
| | | Action 2: Encourage people to live near their jobs, schools, shops, and places of recreation. |
| | Strategy 2: Encourage organization members and employees to walk, bike, use mass transit, or carpool. | Action 1: Encourage organizations to arrange carpooling to meetings and events. |
| | | Action 2: Provide incentives for employees to commute sustainably. |
| | | Action 3: Implement Transportation Demand Management (TDM) and support Employee Transportation Coordinators (ETC) at businesses and institutions. |
| | Strategy 3: Implement land use strategies that encourage sustainable modes of transportation. | Action 1: Support land use planning policies that result in walkable, bikeable, mixed-use neighborhoods. |
| | | Action 2: Educate the public about "Healthy Streets," which promote cycling and walking, in collaboration with the City of Corvallis. |
| | | Action 3: Expand the network of multimodal paths and public transit to connect all community members to neighborhood centers and downtown. |

| WASTE PREVENTION | | |
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| **VISION:** Corvallis is a waste-free community. | | |
| **Goal 1: By 2020, the recycling rate for the Corvallis community will be 75%.** Recycling rate is defined as total pounds of waste recovered (recycled, composted or reused) divided by the total waste generated (recovered and landfilled).<br><br>Metrics: Tons recycled divided by total tons disposed less industrial tons<br><br>Baseline (2007): 45.2% recycling rate | Strategy 1: Collect all organic waste (yard debris and food waste) for alternative uses. | Action 1: Promote curbside pickup of food waste for residential and commercial collection programs. |
| | | Action 2: Promote use of durable, recyclable, and/or other non-disposable take-out containers and food serving ware. |
| | | Action 3: Develop and implement a program to educate residents, businesses, and institutions about existing opportunities for composting and/or reuse of organic materials. |
| | Strategy 2: Divert landfill-bound construction waste to existing or new facilities for recycling. | Action 1: Develop a program to educate building contractors and homeowners regarding existing opportunities for recycling and/or reuse of construction materials. |
| | | Action 2: Research models for private and public deconstruction operations (i.e., dismantling of residential and commercial structures in a way that allows for reuse of building materials). |
| | | Action 3: Establish and/or promote deconstruction operations. |
| | Strategy 3: Increase amount of recyclable material collected from businesses, institutions and residences (single- and multi-family). | Action 1: Support and expand existing programs that offer waste audits for businesses, institutions and residences. |
| | | Action 2: Develop and implement a comprehensive recycling education program that targets businesses, institutions and residences (single- and multi-family). |
| | | Action 3: Identify materials commonly discarded by businesses because they are not part of the collection infrastructure. |

| WASTE PREVENTION (cont.) | | |
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| **Goal 2: By 2020, there will be a 50% reduction in the per capita weight of landfill disposal (discards)**<br><br>Metrics: Pounds per capita of landfill-bound waste<br><br>Baseline: 1,496 lbs per person annually (2006) | Strategy 1: Increase education and promotion of existing waste reduction and reuse opportunities. | Action 1: Continue and expand the public outreach program that educates the community on waste reduction and reuse opportunities (i.e. Recycling Block Captains, ReUse Directory, etc.). |
| | | Action 2: Continue to strengthen and implement a K-12 curriculum on waste reduction and reuse. |
| | | Action 3: Increase the number and availability of technical education programs that teach repair skills at secondary and continuing education levels. |
| | Strategy 2: Increase opportunities for materials reuse. | Action 1: Continue to update, distribute and promote the directory of businesses and non-profits that will accept items for reuse, including the development of an online version. |
| | | Action 2: Identify and promote organizations and businesses that provide on-site collection of reusable items (e.g. furniture, appliances, etc.) from residential and commercial customers. |
| | | Action 3: Facilitate establishment of "neighborhood lending libraries" for tools and other items. |
| | Strategy 3: Provide incentives and establish policies that encourage reduction of per capita landfill-bound waste. | Action 1: In response to the city's single-use plastic bag ban and paper bag fee, continue to develop and implement an educational and promotional program to help people transition from single-use plastic and paper bags to reusable alternatives. |
| | | Action 2: Structure the city franchise agreement so that it is more profitable for the hauler to reduce, rather than to increase, the volume of landfill-bound waste disposed per capita. |
| | | Action 3: Research residential waste collection systems that provide a variety of incentives (monetary and non-monetary) for reducing landfill-bound waste. |

| WASTE PREVENTION (cont.) | | |
|---|---|---|
| **Goal 3: By 2020, the Corvallis community will increase proper disposal of hazardous waste by 75%.**<br><br>Metrics: Number of customers participating annually in household hazardous waste disposal events<br><br>Baseline: 3,027 customers (2007) | Strategy 1: Provide increased education to residents, businesses, and institutions regarding proper disposal of hazardous waste. | Action 1: Utilize additional media opportunities to publicize hazardous waste collection events. |
| | | Action 2: Promote existing resources that provide information about how to properly dispose of specific hazardous materials, including education on which items are hazardous. |
| | Strategy 2: Broaden opportunities for proper disposal of hazardous waste. | Action 1: Establish and promote a hazardous waste facility that is open year-round. |
| | | Action 2: Research, implement and promote a pharmaceutical take-back program that is available year round. |
| | | Action 3: Explore alternative methods of disposing of toxics, such as mycological remediation. |
| | Strategy 3: Promote non-toxic and less toxic alternatives. | Action 1: Launch a public awareness campaign to promote non-toxic alternatives to toxic cleaning products. |
| | | Action 2: Establish purchasing policies at public institutions that give preference to non-toxic alternatives to toxic products for cleaning, building repair and maintenance, landscape maintenance, and automotive repair and maintenance. |
| | | Action 3: Establish recognition programs for "toxic-free" environments at businesses, schools, government facilities, and other institutions. |

# WATER

**VISION:** Water conservation efforts decrease the amount of water city residents use, and streams and creeks are clean and clear.

| | | |
|---|---|---|
| **Goal 1: By 2050, there will be a 50% reduction in the water flow (quantity) from 2008 annual levels through the Corvallis municipal water systems** (currently including the Taylor and Rock Creek Water Treatment Plants, Wastewater Treatment Plant, and storm water piping system).<br><br>Metrics: Gallons/year total volume, not adjusted for population growth or any other factor.<br><br>Baseline: Annual flows (2008): Wastewater treatment plant = 4 billion gallons. Storm-water through the treatment plant = 0.76 billion gallons. Storm-water directly into waterways = 1.52 billion gallons. Drinking water = 2.76 billion gallons | Strategy 1: Develop programs to reduce water level flows by addressing individual and organizational water/wastewater use patterns. | Action 1: Adopt individual plans and goals to reduce drinking, sewer and storm water flow levels resulting from personal water/wastewater use patterns. |
| | | Action 2: Provide recognition and economic incentive programs for reduced usage of the three municipal water systems. |
| | | Action 3: Evaluate both residential and institutional usage patterns of the three municipal water systems and current water use reduction programs. Recommend new programs targeting lowering water-use patterns. |
| | Strategy 2: Install water-efficient technologies that reduce annual flow through municipal tapwater, wastewater, and stormwater pipes. | Action 1: Promote and incentivize water-efficiency technologies to all property owners and, during the permitting phase, require such technologies on all water-related systems. |
| | | Action 2: Promote state-sanctioned water-efficiency wastewater technologies that safely reduce municipal wastewater flow for all existing buildings and, for all relevant building permits, require technologies that result in reductions. These technologies could include composting toilets, graywater re-use, and on-site biological wastewater treatment systems. |
| | | Action 3: Promote Low Impact Development (LID) techniques for all properties and, when issuing building permits, require use of LID techniques. These techniques include minimizing pavement/building footprint plus installing rain gardens, infiltration trenches, permeable pavers, rainwater harvesting systems, green roofs, vertical gardens, drought-tolerant/layered vegetation, and "permaculture" design techniques. |
| | Strategy 3: Develop alternative water sources that will reduce current flow levels in the municipal piping systems. | Action 1: Install community sustainable water demonstration sites in high-traffic and accessible existing enterprises that demonstrate large-scale usage of alternate water sources, such as rainwater and graywater. |
| | | Action 2: Develop a system for reclaiming municipal treated wastewater for state-approved functions within the City of Corvallis. |

| **WATER** (cont.) | | |
|---|---|---|
| **Goal 2: By 2025, Corvallis watersheds will be revived to conditions that provide healthy habitat characteristics that support reproducing populations of cold water native fish as indicator species of aquatic health in Corvallis principal streams.**<br><br>Metrics: % of self-sustaining cold water native fish populations compared to non-native fish<br><br>Baseline: | Strategy 1: Evaluate current stream habitat characteristics and develop a plan to meet the designated federal or state standards, whichever is higher. | Action 1: Evaluate the presence and conditions of cold water native fish in the waterways. |
| | | Action 2: Engage property owners adjacent to principle streams in the evaluation of the healthy habitat characteristics, such as diversity and biomass of native riparian vegetation and native aquatic fauna, natural stream flow patterns, and a functioning underground hyporheic zone. |
| | | Action 3: Engage property owners adjacent to principle streams in the planning process to remediate, where necessary, stream characteristics and to preserve the existing healthy stream characteristics. |
| | Strategy 2: Reduce or eliminate piped stormwater from draining directly into streams. | Action 1: Evaluate the number and impact of direct storm drain outfalls on local waterways. |
| | | Action 2: Open and set back piped stormwater outfalls that drain directly into streams. |
| | | Action 3: Construct velocity-reducing wetlands and/or buffers between selected piped stormwater outfalls and stream channels. |
| | Strategy 3: Improve and protect Corvallis urban stream corridors to provide habitat characteristics that support cold water native fish. | Action 1: Pursue acquisition or easement to protect land along principle stream corridors. |
| | | Action 2: Implement plans to improve healthy stream characteristics. |
| | | Action 3: Evaluate and develop plans to increase sufficient vegetation throughout the Corvallis watersheds that will provide ecological and hydrological support to cold-water native fish in the streams. |

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# MEMORANDUM

| | |
|---|---|
| **DATE:** | February 3, 2014 |
| **TO:** | Mayor and City Council |
| **FROM:** | Jason Yaich, Associate Planner |
| **SUBJECT:** | Staff Recommended Motion for OSU Street Standards Text Amendment (LDT13-00001) |

Page 2, of the January 14, 2014, staff memorandum to City Council includes options for a Council decision on the above referenced case, as well as a recommended motion. For your convenience, staff is reiterating the options and recommended motion below:

## Options

The City Council is requested to make one of the following decisions regarding the Text Amendment proposal:

| | |
|---|---|
| Option 1: | Approve the application as recommended by the Planning Commission; or |
| Option 2: | Approve the application with the addition of City Council revisions; or |
| Option 3: | Deny the application. |

Based on findings in support of the application presented in the November 13, 2013, Staff Report to the Planning Commission, additional revisions presented by Staff at the November 20, 2013, public hearing, and findings in support of the application made by the Planning Commission during deliberations on the request, Staff recommend the Council choose Option 1. A decision under Option 1 would approve the application and incorporate the Staff and applicant recommended Code text, as presented in the November 20, 2013, Staff Memorandum to the Planning Commission (Exhibit D). If the City Council accepts this recommendation the following motion is suggested:

## Action / Recommended Motion

**I move to approve the OSU Land Development Code Text Amendment application (LDT13-00001) amending LDC Chapter 3.36, as provided by Staff in Exhibit A to the January 14, 2014, Staff Report, subject to approval of formal findings and an ordinance.**

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# MEMORANDUM

**DATE:** January 31, 2014

**TO:** Mayor and City Council

**FROM:** Jason Yaich, Associate Planner

**SUBJECT:** Final Written Argument from Applicant Related to the OSU Street Standards Land Development Code Text Amendment (LDT13-00001)

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During the January 21, 2014, City Council public hearing for the OSU Street Standards text amendment, the City Council received a request to hold the written record open and granted that request. The record was held open until 5pm, January 28, 2014.

The applicant has submitted final written argument, which is attached to this memorandum for your review.

**Campus Operations - Office of Capital Planning & Development**
3015 SW Western Blvd. | Corvallis, Oregon 97333
Phone 541.737.3102

January 31, 2014

Mayor and City Council
c/o The City Manager's Office
501 SW Madison Avenue
Corvallis, OR 97333

**Subject: Final Written Arguments in Response to Additional Testimony on OSU Street Standards LDC Text Amendment** (LDT13-00001)

Dear Mayor Manning and Members of the City Council:

Oregon State University (OSU) staff have reviewed the additional written testimony submitted following the January 21, 2014 City Council hearing, and the following is OSU's response to concerns raised by Mr. Rick Hangartner's letter dated January 28, 2014.

*ITEMS 1 AND 2: THE OSU ZONE IS A MAJOR BARRIER IN THE HEART OF CORVALLIS TO NORTH-SOUTH TRAFFIC FLOW.*

The proposed text amendment will maintain all existing private north-south streets running through campus, as illustrated by Figure 3.36-3: OSU Street Standards by Category *(refer to City Council Staff Report, Exhibit A, page 26 of 30)*. Anyone traveling by foot, bicycle, bus or automobile will continue to have the same level of access to and through campus. OSU will continue to provide the fundamental elements of a standard public street for vehicles, bicycles, pedestrians, and street trees. Furthermore, if adopted, the proposed changes to LDC Chapter 3.36 will help facilitate safer north-south connectivity by permitting OSU to install bike lanes on local facilities, which is currently not permitted under LDC Chapter 4.0 - Table 4.0-1 Street Functional Classification System *(refer to proposed LDC Section 3.36.18.b.2 and 3.36.18.c.2 on pages 23 and 24 respectively of City Council Staff Report, Exhibit A)*. The proposed LDC text amendment is consistent with the city's Transportation Systems Plan, which facilitates multi-modal transportation throughout our community. Furthermore, the proposed changes are consistent with the *Corvallis Comprehensive Plan*, which lists Oregon State University as a "Special Area of Concern" (Article 13). Both of these documents provide for the development of street standards that support multi-modal transportation options, historic preservation, and protection of the natural environment.

*ITEM 3: THE POORLY-CONCEIVED PARKING DISTRICT PLAN FORCES TRAFFIC FROM POINTS NORTH OF OSU TO PARK ON STREETS NORTH OF CAMPUS INSTEAD OF TRAVELING AROUND CAMPUS TO PARK ON THE SOUTH SIDE.*

LDT 13-00001 is not part of the city's parking district plan. The proposed text amendment maintains all existing private roadways within the OSU Zone, including those that currently have on-street parking. OSU will continue to provide the fundamental elements of a standard city street and will meet or exceed the city's existing minimum dimensional requirements for those elements. The proposed text amendment simply allows OSU flexibility in the location of pedestrian facilities within the street right-of-way. Consequently, the proposed text amendment will have no impact on existing parking and traffic patterns.

*ITEM 4: THERE ARE NUMEROUS UNADDRESSED CONSEQUENCES OF THE INTENT OF THE PARKING DISTRICT AND HOW THE REQUESTED LDC AMENDMENTS WOULD NOT REQUIRE OSU TO ADDRESS THE INCREASING PROBLEMS THAT ON-CAMPUS PLANNING DECISIONS HAVE CREATED FOR THE COMMUNITY.*

LDT 13-00001 is independent of the city's parking district plan, and it will not change parking requirements or access to parking within the OSU Zone. The proposed text amendment requests variation in the location of standard public street components within the existing street right-of-way but does not modify the City's minimum dimensional standards for vehicle travel lanes, bike lanes, or sidewalks. The proposed changes would not remove existing streets or parking from campus.

*ITEM 5: THE REQUEST ASKS FOR AMENDMENTS TO SECTION 3.36.50.8 PARKING IMPROVEMENTS, AND HAS OPENED THE DOOR TO CONSIDERATION OF THE ENTIRE SECTION AND ESPECIALLY NEW REQUIREMENTS ON OSU TO DRAMATICALLY INCREASE THE AVAILABILITY AND REDUCE THE PRICE OF ON-CAMPUS PARKING.*

OSU's request for authorization to amend the Land Development Code specifically focused on the changes to the code that would allow more flexibility in the design of a standard street, specifically the location of pedestrian facilities and landscape strips within the street right-of-way. The Planning Commission unanimously approved this request, which did not include changes to how parking is provided and managed within the OSU Zone.

With respect to LDC Section 3.36.50.8 Parking Improvements, the only substantive change proposed is the addition of item 'j' which references the proposed street standards within the existing section on parking *(refer to City Council Staff Report, Exhibit A, page 17 of 30)*. Specifically, the proposed language would allow on-street parking on OSU Streets to continue to be maintained, replaced, or modified within a street block where it already exists *(refer to proposed LDC Section 3.36.18.b.4 and 3.36.18.c.4 on pages 24 and 25 respectively of City Council Staff Report, Exhibit A)*. This is consistent with what is currently permitted in the LDC Chapter 4.0 - Table 4.0-1 Street Functional Classification System. Thus, the proposed language simply clarifies in LCD Chapter 3.36 the fact that on-street parking is already a permitted activity in LDC Chapter 4.0.

*ITEM 6: OSU RELIES ON THE ARGUMENT THEY ARE THE PASSIVE PRISONER OF HISTORICAL DECISIONS AND THEREFORE EXCEPTIONS SHOULD BE MADE IN THE PRESENT. THE CONTEMPORARY BUSINESS MODEL OSU HAS CHOSEN BRINGS WITH IT DIFFERENT, LEGITIMATE RESPONSIBILITIES TO MITIGATE THE IMPACTS OF THOSE CHOSEN BUSINESS ACTIVITIES ON THE WIDER COMMUNITY COMPARED TO THE HISTORICAL MODEL AND CIVIC CONTEXT IN WHICH THE HISTORICAL COMPROMISES WERE REACHED.*

OSU's campus development began over a hundred years ago, and many of the existing streets do not comply with City standards. Many areas of campus cannot be brought into compliance with the existing code without negatively impacting the historic street trees, structures, and quads in the OSU National Historic District. The proposed text amendment will allow OSU to continue to provide multi-modal street improvements and infrastructure, but it will enable the university to do so in manner that is contextually sensitive to the campus' historic character.

The proposed text amendment will not reduce the university's obligation to provide the required safe pedestrian, bicycle, and vehicle transportation facilities within campus. Rather, the proposed text amendment will allow the university to replace and upgrade existing pedestrian, bike, and vehicular facilities in a manner that is responsive to the high-pedestrian volume on campus and the historic character of the campus and the surrounding community. Furthermore, the proposed text amendment is consistent with *Corvallis Comprehensive Plan* *(e.g., 10.2.5, 10.2.6, 10.2.15, 11.6.4, 11.2.1, 11.5.10, 11.6.10)*, which acknowledges Oregon State University as a

"Special Area of Concern" (Article 13), which suggests an OSU Zone specific solution to the provision of transportation facilities.

*ITEM 7: THE PUBLIC WOULD BE FAR BETTER SERVED BY MAYOR MANNING REQUESTING THAT COUNCIL JUST INCLUDE THIS REQUEST AS PART OF A COMPREHENSIVE REVIEW OF THE OSU MASTER PLAN.*

The Land Development Code has an established process for text amendments whenever public necessity, convenience, and general welfare require such an amendment. The request before City Council is in response to recent development and projects currently in design and under construction, which will have a significant impact on campus streetscape and pedestrian connectivity. Throughout the application process, OSU has demonstrated the proposed text amendment is a response to a public necessity and in the general welfare of the citizens of Corvallis. The proposed text amendment, which has been developed to address existing and future needs, was supported by City staff and was unanimously recommended for approval by the Planning Commission. The proposed LDC text amendment before the Council would allow current projects under construction to provide safe, useful, direct pedestrian and bike connections throughout campus. Delaying the review of the proposed text amendment until the City's review of the Campus Master Plan update is not in the general welfare of the community because street improvements associated with current construction projects would be completed in the interim resulting in inconsistent street profiles within campus. Furthermore, it is not consistent with the City's text amendment process as stated in LDC Section 1.2.80.

**Summary**

The City Council has the authority to amend the Land Development Code whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the *Corvallis Comprehensive Plan* and other applicable policies. The proposed OSU Street standards will contribute to a transportation system that addresses community livability and respects the characteristics of existing natural features. The proposed street standards include flexibility in location and widths of pedestrian facilities, where preservation of significant trees, quads, and other open spaces is a concern. If adopted, the new standards will facilitate a more uniform street profile and a more cohesive streetscape within the OSU Zone, as well as help preserve existing significant trees which would otherwise be impacted by a blanket application of the City's current standards street.

OSU staff appreciated the letter of support from Dr. and Mrs. Craig (January 28, 2014), as well as the opportunity to respond to the additional testimony submitted by Mr. Hangartner.

Respectfully submitted,

Rebecca Houghtaling

Rebecca Houghtaling, AICP
OSU Senior Planner

**AIRPORT COMMISSION**
**MINUTES**
**February 4, 2014**

# DRAFT

**Present**
Rod Berklund, Chair
Lanny Zoeller, Vice-Chair
Louise Parsons
Todd Brown
Bill Dean
Douglas Warrick
Bill Gleaves
Paul Woods
Biff Traber, Council Liaison

**Absent**

**Staff**
Dan Mason, Public Works
Tom Nelson, Economic Development

**Visitors**
Jack Mykrantz

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Open Meeting, Introductions | | | N/A |
| II. Review of January 7, 2014 Minutes | | | Approved |
| III. Visitor Comments | | | N/A |
| IV. Old Business<br>• None | | | N/A |
| V. New Business<br>• WKL Land Lease Addendum | | | Approved |
| VI. Information Sharing<br>• Update on the Airport Industrial Park<br>• Update on the Airport<br>• Update on the City Council<br>• Monthly Financial Report | X | | |

**CONTENT OF DISCUSSION**

**I. Open Meeting, Introductions**
Chair Berklund called the meeting to order and those present introduced themselves.

**II. Review of Minutes**
**Commissioner Brown moved to approve the January 7 minutes. Commissioner Zoeller seconded the motion and the minutes were approved unanimously.**

**III. Visitor Comments**

None.

**IV. Old Business**

None.

**V. New Business**

WKL Land Lease Addendum

Mr. Mason presented the details on this lease addendum, which involves 2 Towns Cider using additional space across from WKL's Hout Street building. **Commissioner Zoeller moved to recommend approval of the addendum to the Urban Services Committee. Commissioner Parsons seconded the motion and the Commission voted unanimously to approve.**

**VI. Information Sharing**

Update on the Industrial Park

Mr. Nelson reported that a client has approached staff about leasing the PlasTech building. Mr. Nelson also stated that he had a meeting with Larry Venell regarding additional rail access, and noted that there are some possibilities for more rail access.

Update on the Airport

Mr. Mason reported the following:

- The windows and siding project on the main hangar has been completed. Crews are waiting until the summer to replant the flower beds and repair any sprinklers that may have been damaged. The exterior office doors will also be painted.
- The east automatic gate was damaged, but has been repaired.
- Helicopter Transport Services (HTSI) is performing some training exercises at the Airport that they cannot perform at their new location in Aurora.
- The main runway has been fog sealed and repainted. Due to inclement weather, the second painting will take place in the spring. The City has requested that Benton County Public Works paint the other runway and the taxi lines this summer.
- Staff is looking into options for snow removal at the Airport and Airport Industrial Park.

Update on the City Council

Councilor Traber reported that the Council has received a report from staff about the December 2013 snow event detailing the City's response and how to better handle such events in the future.

Monthly Financial Report

Mr. Mason noted that he has been asking for the audited 12-13 report, but has been told that it is not available. Councilor Traber stated that Council had received the FY12-13 Audited Budget in December.

**The meeting was adjourned at 7:30 a.m.**

**NEXT MEETING: March 4, 2014, 7:00 a.m., Madison Avenue Meeting Room**

# DRAFT

**CITY OF CORVALLIS**
**MINUTES OF THE CORVALLIS ARTS AND CULTURE COMMISSION**
**JANUARY 15, 2014**

Attendance
Brenda VanDevelder, Chair
Rebecca Badger, Vice Chair
Karyle Butcher
Charles Creighton
Patricia Daniels
Joel Hirsch, City Council Liaison (in at 6:12)
Shelley Moon
Elizabeth Westland

Staff
Stephen DeGhetto, Assistant Director

Visitors
Wayne Wiegand

Absent/Excused
Karen Emery, Parks and Recreation Director
Larry Rodgers

**I. CALL TO ORDER.** Chair Brenda VanDevelder called the meeting to order at 5:32 p.m.

**II. INTRODUCTIONS**. VanDevelder informed members that Rodgers had resigned from ACC. The Mayor is searching for Rodgers' replacement. Daniels will inform the Performing Arts Center of the vacancy.

The ACC welcomed Wayne Wiegand, who has been nominated as a future member and is awaiting confirmation.

**III. REVIEW OF DECEMBER 18, 2013 MINUTES.** The minutes from the December 18, 2013 meeting require two corrections: the spelling of Laura Dellinger's surname, and clarification as to the party issuing payment for use of the image from iStockphoto. With these changes, the minutes were approved following motion proposed by Daniels and seconded by Creighton.

**IV. VISITOR PROPOSITIONS.** None.

**V. STRATEGIC PLAN UPDATE.** VanDevelder stated that an initial meeting with Dellinger would run roughly $3,000, and that this was not ideal for the Commission's needs. The ACC will be reaching out to other prospective candidates who may better suit the Commission.

A draft form for such was circulated as page 10 of the Agenda materials. The phrasing present was discussed, and the following changes were recommended. Point 1 should end with text reading, "... services produced by them as well as the goods and serviced produced in support of them." Points 2 and 4 should have "City's" changed to "cities'." In the lower section, point 3 (regarding a survey) has been omitted and will be replaced by "a list of all documents, websites, etc." The ACC voted unanimously to approve the draft text with these changes, and to forward the amended text to Emery for review.

**VI. BENTON COUNTY CULTURAL COALITION CELEBRATION AND NETWORKING EVENT UPDATE.** Badger explained that the list of invitations is very comprehensive, and that invitees are beginning to RSVP. At present, the majority of work remaining pertains to the networking portion, which will include a slide show, along with information about present and former grant recipients. Networking activities will be involved, and displays on CAFA and the ACC will be present at the event.

VanDevelder called for ACC members to work at the Welcome/Check-In table. Westland and Moon volunteered. VanDevelder conveyed that she will mention ACC's current vacancy at the event.

**VII. SUBCOMMITTEE REPORTS.**

**MARKETING AND OUTREACH SUBCOMMITTEE UPDATE.**

Daniels informed that she will be attending a meeting at The Majestic in the upcoming week, bringing CAFA brochures and posters with her, and seeking information regarding what ongoing needs local performing artists wish the community had. This meeting will include 15 individual organizations, all of which are part of the local performing arts scene.

VanDevelder asked if Tinamarie Ivey could be queried in terms of previously discussed website ideas. Daniels conveyed she would be glad to follow up with Ivey on this.

Westland added that the Parks and Recreation forms have been translated into Spanish, and are being distributed with English on one side and Spanish on the other. Westland added that United Way has already sent out the English language forms.

Badger, Creighton, and Butcher discussed options pertaining to social media profiles to help increase public knowledge in general, and also specifically in areas such as Southtown and with the local Hispanic community.

VanDevelder explained she is on a Task Force evaluating boards and commissions.

VanDevelder asked ACC Subcommittee Chairs to discuss updated goals with their members via email and to submit such by February 1st, to discuss at the February meeting.

**VII. CITY COUNCIL LIAISON UPDATE ON GOAL SETTING.** None.

**VIII. STAFF LIAISON REPORT.** None.

**IX. ADJOURNMENT:** The meeting was adjourned at 6:25 p.m.

**BICYCLE AND PEDESTRIAN ADVISORY COMMISSION**
**MINUTES**
**January 3, 2014**

# DRAFT

**Present**
Brad Upton, Chair
Susan Christie
Meghan Karas
Jeanne Holmes , Vice Chair
Thomas Bahde
Mike Beilstein, City Council

**Absent**
Sayard Schultz
Brian Bovee

**Staff**
Greg Wilson, Public Works

**Visitors**
Vivek Jeevan
Paula Leslie, BikePac of Oregon
Laura Duncan Allen

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Call Meeting to Order/Introductions | X | | |
| II. Review of November 1, 2013 Minutes | | | Approved |
| III. Visitor Comments | X | | |
| IV. Old Business<br>• None | N/A | | |
| V. New Business<br>• Presentation of 2013 Bicycle Counts at Thirteen Area Intersections | X | | |
| VI. Information Sharing | X | | |
| VII. Commission Requests and Reports | N/A | | |
| VIII. Pending Items<br>• Draft Bicycle Parking Policy<br>• Violators Class for Motorists<br>• Potential Bicycle Improvements at Circle Boulevard and 9th Street and Circle Boulevard and Highway 99W<br>• Crossing Options at Kings Boulevard and Garfield Avenue<br>• “Bike Friendly” Map Draft | X | | |

**CONTENT OF DISCUSSION**

**I. Call Meeting to Order/Introductions**

Chair Upton called the meeting to order and those present introduced themselves.

**II. Review of Minutes**

**Commissioner Holmes moved to approve the November 1, 2013 minutes; Commissioner Christie seconded the motion and the minutes were approved unanimously.**

**III. Visitor Comments**

Visitor Paula Leslie, Legislative Director for BikePac of Oregon, reported that her group has been working on a sign or magnetic sticker and will be asking that it be put on the back of County trucks. The sign or sticker would have images of a pedestrian, bicyclist and motorcycle rider and be a reminder for motorists to look out for them. The Commission gave her some ideas for funding sources and recommended that she contact Sheila Lyons, who may know who to contact within ODOT. Ms. Leslie stated that BikePac is also working on other issues, such as slick paint markings and roadway resurfacing projects where only a part of a travel lane is overlaid, leaving an uneven and potentially dangerous pavement surface.

Visitor Laura Duncan Allen expressed continued concern with ODOT's failure to maintain their facilities, specifically south 4th Street and the on-ramp to Philomath Boulevard. Mr. Wilson stated he will contact ODOT regarding the issue and will provide Ms. Duncan Allen with information on a local ODOT staff person for her to directly communicate with.

Visitor Vivek Jeevan asked why crosswalks do not continue the concrete of the sidewalk across the road, rather than the asphalt of the road. Chair Upton responded that the largest issue is cost. Mr. Wilson noted that having concrete extend across all intersections might make drivers less likely to see them as "enhanced" pedestrian crossings and perhaps less responsive to pedestrians wishing to cross. Chair Upton noted that marked crosswalks can also give a false sense of security to pedestrians which sometimes result in colisions.

**IV. Old Business**

None.

**V. New Business**

<u>Presentation of 2013 Bicycle Counts at Thirteen Area Intersections</u>

Greg Wilson and Vivek Jeevan presented the results of the bicycle counts. The counts were conducted by volunteers from BPAC, the Corvallis Sustainability Coalition, and MidValley Bike Club in October of 2013. They noted that the weekday counts were down from the 2012 survey, but that Saturday ridership numbers had increased significantly at nearly all locations. This offset the weekday decline and created an increase in total trips overall.

**VI. Information Sharing**

Chair Upton asked staff for follow-up on the issues of leaf pick up and vegetation complaints that were brought up by visitors at the last BPAC meeting. Mr. Wilson stated that he was preparing to post on the City's website a spreadsheet staff keeps showing the status of vegetation complaints. This hasn't occurred yet, pending a decision on how to handle privacy issues regarding some of the information. Mr. Wilson stated that City staff follows up on complaints regarding leaves in the bike lanes within 24 hours of receipt of the complaint. A safety inspection is made following each complaint. If it is determined that there is an immediate danger to bicyclists a city sweeper will pick up the leaves. If there is no immediate danger to bicyclists, Republic Services is notified

and it is included in their next day's pickup. Property owners who put leaves in the bike lane incorrectly are contacted by phone or email. Door hangers are used if no phone or email information is available for a particular property. Each fall Public Works staff notifies landscape companies, property management companies, OSU, the Corvallis School District, Benton County and other large organizations and businesses of the City's leaf pick up policy through letters and emails. However, there is no code enforcement option for Public Works to exercise for getting leaves removed.

In response to a question regarding the signal timing of cross streets along 3rd and 4th Streets downtown, Mr. Wilson stated that those signals are now controlled by ODOT and outside of the City's control.

**VII. Commission Requests and Reports**

None.

**VIII. Pending Items**

Draft Bicycle Parking Policy

Mr. Wilson stated that he has begun looking through records on this project, but needs clarification from the Commission on what the goal is for the project. Chair Upton stated the item originated some time ago from a belief among Commission members that there was not enough parking for bicycles in the downtown area and on north Monroe Avenue during certain days and times. There was also a concern that certain types of bicycles, such as those with trailers or extended frame styles (cargo type) might not fit in the city's standard bicycle racks. Mr. Wilson stated that he has GIS data that shows all of the locations and numbers of racks in both areas, but the data does not indicate the style or condition of the racks. Mr. Wilson proposed that he draft a survey plan for the Commission's review and that following their review a subcommittee be formed to fine tune the plan and assist with the implementation of the survey. The Commission agreed with this approach.

Violators Class for Motorists

This item was removed from the list of pending items. Commissioner Bahde will determine who he should address a letter to at the City's Municipal Court and express the Commission's support for a class for motorists that violate the rights of bicyclists and pedestrians.

Potential Bicycle Improvements at Circle Boulevard and 9th Street and Circle Boulevard and Highway 99W

The subcommittee has met several times. They aren't ready to present at this time, though they have found some ideas that may be beneficial and are doing additional research on them.

Crossing Options at Kings Boulevard and Garfield Avenue

With the loss of one member of the subcommittee, nothing has progressed with this project. It will remain on the list of pending items.

"Bike Friendly" Map Draft

The subcommittee's next step is to ask the OSU/City Collaboration Group dealing with traffic and parking and OSU's Alternative Transportation Advisory Committee to review a draft of the map. They plan to have something to present in February or March.

**The meeting was adjourned at 8:50 a.m.**
**NEXT MEETING: February 7, 2014, 7:00 a.m., Madison Avenue Meeting Room**

**Draft**
Subject to review &
CACOT approval

# CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
# MINUTES
# January 14, 2014

**Present**
Stephan Friedt, Chair
Steve Harder, Vice Chair
Stephen Black
Eric Cornelius
Cassie Huber
John Oliver

**Staff**
Tim Bates, Public Works
Brie Caffey, Public Works

**Visitors**

**Absent**
Brandon Trelstad
Kriste York
Bruce Sorte, Council Liaison

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Introductions | X | | |
| II. Approval of Nov 12, 2013 Minutes | | | Approved |
| III. CACOT/Visitor Comments | | | N/A |
| IV. Old Business | | | N/A |
| V. New Business | | | N/A |
| VI. Information Sharing | X | | |
| VII. Commission Requests and Reports | | | Requested that staff produce cost to operate Sundays on Beaver Bus type routes |
| VIII. Pending Items | | | N/A |
| IX. Adjournment | | | Adjourned at 8:48 am |

## CONTENT OF DISCUSSION

### I. Introductions

The meeting was called to order at 8:20 am by Chair Freidt. Introductions were made of Commission members and staff.

### II. Approval of Minutes

**Commissioners Black and Cornelius, respectively, moved and seconded to approve the November 12, 2013 minutes. The motion passed unanimously. There were no December minutes to approve, as December's meeting was canceled.**

## III. CACOT/Visitor Comments

None.

## IV. Old Business

None.

## V. New Business

None.

## VI. Information Sharing

Mr. Bates reviewed the written Information Sharing Report. Comments provided in addition to the report included:

Staff demonstrated both the desktop and mobile versions of the real-time bus information software being promoted as "Where's my bus?". Commissioner Black asked if it would be possible to sell advertising on the pages and Mr. Bates replied that it is a possibility, if the City agreed.

Mr. Bates noted a change to the second paragraph of the Information Sharing Report, noting that the remaining VIS software will be installed in February instead of January. The delay corresponds to the delivery of two new CTS buses and ensures they will be outfitted with the equipment at no additional cost to the City. In response to Chair Friedt's request, Mr. Bates said he would email the anticipated installation date.

Mr. Bates said one of the old CTS buses will be dedicated for use as a backup Philomath Connection (PC) bus and will be re-branded with the PC logo. This will allow CTS to maintain two spare buses.

Staff will meet with First Student soon to discuss the feasability of developing and implementing a CTS inclement weather plan. Another possibility would be to have buses waiting at the DTC to fill in as routes get 10 to 20 minutes behind schedule.

Mr. Bates reported that the Transit Operations Fee (TOF), which is reviewed at the end of each year, appears to have dropped due to reduced gas prices in 2013. He will have the official fee amount to be charged at CACOT's next meeting. A reduction in this fee means CTS will receive less revenue but that should be somewhat mitigated by CTS having to pay less for fuel.

Mr. Bates and Commissioner Huber discussed the OSU/City CTS marketing campaign, aimed at reducing vehicle traffic to campus. Mr. Bates said that OSU will lead the campaign after meeting with City staff on how best to spend the $14,000 allotted for this effort. Commissioner Huber reported that the campaign is currently focusing on social media and a newspaper article should be coming out later this week.

## VII. Commission Requests and Reports

Chair Friedt requested that staff provide the cost to operate Sunday service, modeled on the current Beaver Bus service. The Commission can then make an informed decision on possibly recommending Sunday service. Chair Friedt noted that there have been requests for Sunday service from community members for over 10 years.

Vice Chair Harder reported that the Benton County Special Transportation Fund fare increases went into effect on January 1, 2014.

## VIII. Pending Items

None.

## IX. Adjournment

**Commissioners Black and Cornelius, respectively, moved and seconded that the meeting be adjourned. The motion passed unanimously.**

The meeting was adjourned at 8:48 am.

**NEXT MEETING: February 11, 2014, 8:20 am, Madison Avenue Meeting Room**

# CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
## January 8, 2014

| Board Present | Staff Present |
|---|---|
| Scott Elmshaeuser, Chair | Carolyn Rawles-Heiser, Library Director |
| Jacque Schreck, Vice-Chair | Janelle Cook, Senior Administrative Specialist |
| Jennifer Alexander | Mary Finnegan, Adult Services Manager |
| Hal Brauner | Curtis Kiefer, Youth Services Manager |
| Katherine Bremser | Carol Klamkin, Management Assistant |
| Martha Fraundorf | Felicia Uhden, Access Services Manager |
| Paula Krane | |
| Isabela Mackey | |
| Cheryl Maze | |
| Jana Kay Slater | |
| Steve Stephenson | |
| Sravya Tadepalli | |
| **Excused**: | **Visitor**: |
| Linda Modrell | None |

### SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Action |
|---|---|---|
| Call to Order | 7:29 pm | |
| Visitors' Propositions | | None |
| Minutes: December 4, 2013 | | Approved as submitted |
| Library Board Packet | x | |
| Director's Report | x | |
| Budget Discussion | x | |
| Division Manager Reports | x | |
| Board Reports<br>• Library Board Sub-Committees<br>• Friends of the Library Board<br>• Foundation Board | <br>x<br>x<br>x | |
| Information Sharing | x | |
| Adjournment | 8:57 pm | |

### CONTENT OF DISCUSSION

### I. CALL TO ORDER

Chair Scott Elmshaeuser called the meeting to order at 7:29 pm. Introductions were made around the table to Hal Brauner, the Library Board's newly appointed City Council liaison.

## II. VISITORS' PROPOSITIONS

None.

## III. APPROVAL OF MINUTES

Motion: Jacque Schreck moved approval of the December 4, 2013 minutes as submitted. The motion was seconded by Steve Stephenson and passed.

## IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

Isabela Mackey commented that she assisted Reference Librarian Ruth Rose Hennessey with the Spanish translation of the Friends of the Library's Big Book Sale poster. Jana Kay Slater inquired what happened to all of the great books that were supposed to be sold at the Friends' Holiday Book Sales which were cancelled. Jacque replied that no decision has been made yet and the Friends will be meeting later this month to discuss this issue. In the meantime, the books were returned to the warehouse.

## V. DIRECTOR'S REPORT

Carolyn Rawles-Heiser reported the furnace at the Monroe Library has now been repaired. It took the contractor several weeks to figure out the problem. The building contract has not yet been closed because the County still has several items on their punch list.

On January 13 at 6:00 pm, the City Public Participation Task Force will hold a public meeting at the Library to solicit input for improving public participation.

With the pending retirement of Youth Services Manager Curtis Kiefer, there will be a reorganization of staff at the Library. Adult Services Manager Mary Finnegan will take over managerial responsibilities for both Adult and Youth Services after Curtis' departure. There will also be more cross-training of the librarians so they can work in both departments. Due to the nature of the shift in responsibilities at the Reference Desk, the Library Management Team is considering the possibility of hiring two Community Library Specialists (CLS) for initial patron contact at the Reference Desk. A training program would be developed for staff selected for these positions. Most of the time, there would also be a librarian available for more in-depth reference questions. It is likely that the CLS staff will work one shift per week in Circulation too. The current librarians are universally on board with this new staff arrangement because it will free up their time to focus more on community outreach. Martha Fraundorf asked if the Library would do an internal recruitment for the CLS positions and Carolyn said that has yet to be decided. Isabela inquired about the costs for these new paraprofessional positions. Carolyn explained it depends on the health care costs for each employee (single vs. family), but the Library should be able to hire a full-time librarian to replace Robin Fosdick who resigned in December as well as two Community Library Specialists (.625 FTE each) by using the salary savings from Curtis' and Robin's positions, plus there should be budget leftover for extra hours and casuals as needed. Paula Krane wondered about the difference between a librarian and a paraprofessional. Carolyn explained the librarian position requires a Master's Degree in Library Science and currently, the CLS job description requires two years of paid library experience and preferably two years of college. Staff is debating bumping up the educational requirement to require a Bachelor's Degree for the CLS position.

The Library Foundation presented a very large check in the amount of $630K to the City Council to purchase the Fenner property and the preliminary title report was received yesterday. Hal expressed his appreciation as a City Council member in receiving the donation because it would have been very difficult to carve out that much money from the General Fund in light of other budget cuts.

## VI. BUDGET DISCUSSION

The internal service charges for the Library have not been received yet so Carolyn did not have a lot to report on next year's budget. Carolyn does know that based on the Library's current staffing levels, personnel costs will be about $61K more than last year. A more refined number for the Library' spending target will

hopefully be received by the end of this month. Prior to the meeting, Carolyn emailed a service priority survey to the Board members requesting them to rank a number of potential and/or expanded services the Library might pursue. She thanked those who had already returned the survey and encouraged everyone else to do so as well. Martha was not clear on what the outreach to seniors might involve beyond visiting assisted living facilities, which the Library already does. Carolyn responded possibly more programming and technology assistance. Martha also asked if the results of the survey would be compiled and shared. Carolyn said only a handful of surveys have been returned and there has not been a lot of consensus.

Katherine Bremser inquired if funds are being allocated in next year's budget for an updated Library strategic plan. Carolyn replied that is something that needs to be discussed and restated that she does not want to spend money to hire a consultant. However, funds would likely be needed to conduct surveys and focus groups. Jana Kay asked if patron data such as email addresses could be used to collect survey data. Carolyn said that although the Library has never used patron data in that way, the policy governing patron information states that it may be used by the Library for administrative purposes. Jana Kay noted this would be very cost-efficient if there were some questions that would be more logical to pose to general Library users instead of the general population. Jacque pondered how one obtains information from people who do not use the Library. She is more interested in hearing from those residents to find out why they do not use the Library. Carolyn surmised a mail survey might capture that populace.

Cheryl Maze brought up Hoopla and said she heard Multnomah County Libraries have recently added this service. Mary Finnegan explained Hoopla is a web site with downloadables for audiobooks, music, and DVDs. The Library is charged per use which could be around $1.50 for a newly released movie. However, the Library is more accustomed to spending $30 for a book and having 100 patron check-outs for that item which makes the per check-out price very economical. Paula suggested a separate library card could be issued for a small fee to help cover the costs for this type of service. Carolyn cautiously replied this might be possible, but it really goes against the concept of a free public library.

## VII. DIVISION MANAGER REPORTS

Access Services: Felicia Uhden reported the inclement weather in early December presented some unusual challenges for Circulation. The Library was chock-full of Oregon State University students studying for their final exams because the OSU campus was closed. For the purposes of fines and holds, the Library's online system was programmed to act as though the Library was closed during this period of time so patrons would not incur fees and would still be able to pick up their holds when the weather and streets cleared up. Technical Services is working on the annual magazine changeover.

Administration: No report.

Adult Services: Mary Finnegan announced there will be an eBook Clinic tomorrow in the Main Meeting Room starting at 10:00 am. Mary's department is short-staffed right now due to one librarian out on family leave.

Circulation: No report.

Extension Services: No report.

Youth Services: Curtis Kiefer noted his staff is feeling the loss of Reference Librarian Robin Fosdick. Curtis has been busy training Mary Finnegan to take over his managerial responsibilities and also has been working on cleaning out his desk and office.

## VIII. BOARD REPORTS

Library Board Sub-Committees: Jennifer Alexander reported on behalf of the Board Development sub-committee. When they met two months ago, they felt it was prudent to review and clarify the Board's exact role annually. Also, they discussed the importance of clearly stating the Board's role with regard to a specific piece of business (reviewing, advising, deciding, etc). Katherine added there is so much to know as a new Board member such as the unique funding structure of the Library and the unique makeup of the Library Board with City and County representatives, in addition to the many services of the Library. Maybe it would be possible to have existing Board members involved in the orientation of new Board members? Katherine also posed the

question, “Where do we go from here with these sub-committees?” Jacque opined there are a lot of parallels amongst the sub-committee ideas and some items could be folded into the long-range plan. She is concerned about taking on too much in addition to the strategic planning and advising on the budget, but perhaps there are smaller ideas that could be acted on now. Katherine agreed that if she had had the frame of a long-range plan when filling out Carolyn’s survey, it might have been easier. Martha concurred that the Board should try to act on the smaller ideas that have been suggested. Isabela shared about an encounter she had with the Franklin School library employee. There is a crucial need for library services in the schools and Isabela wondered what the Library Board could do to help bridge the gap. Jennifer said the Board needs to make their existence better known to the community and there should be a mechanism in place to contact the Board such as email or a form on the Library’s web site. Carolyn inquired if the Board would be agreeable to a picture of themselves hanging up in the Library. This idea seemed to be acceptable with everyone. The photo can also be included in the Library’s *Check It Out* newsletter along with an article about the Board and its role. Jacque suggested starting the February Board meeting at 7:00 pm to dedicate extra time to drafting a sub-committee to-do list. The majority of the group agreed via a hand vote to meet at 7:00 pm on February 5.

Friends of the Library: Jacque reported the Big Book Sale will be held on February 21-23. Once again, early entrance for Friends only members will be allowed on Friday evening. A new Co-Treasurer, Dean Sartain, has agreed to join the Friends Board. The Friends signed a contract for the Library re-branding project with an outside contractor. Poinsettias and fruit baskets were given out by the Friends to each branch library as a token of staff appreciation. The Friends have recently received two large donations and they are very grateful for the community’s generosity. Their next meeting is scheduled in a couple of weeks.

Foundation Board: The Foundation Board will meet next Monday according to Steve. As previously reported, the big check for the purchase of the Fenner property was presented to the City Council on December 16.

## IX. INFORMATION SHARING

A community reception has been planned for Curtis Kiefer’s retirement on Tuesday, January 28 at 3:00 pm in the Main Meeting Room. Everyone is welcome to attend.

Martha expressed her concern about the implication of the City’s proposed parking districts for Library patrons and employees. She has written a letter to the Urban Services Committee and encouraged other Board members to follow suit. Hal elaborated on his knowledge of the current status of the proposal.

Paula reminded everyone about the children’s piano program at the Library on Saturday at 11:00 am.

## X. ADJOURNMENT

The meeting was adjourned at 8:57 pm.

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**NEXT MEETING: February 5, 2014 7:00 pm**

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

*DRAFT*

# CITY OF CORVALLIS
# DOWNTOWN COMMISSION MINUTES
## Madison Avenue Meeting Room
## January 8, 2014

**Attendance**
Heidi Henry, Chair
Liz White, Vice Chair
Mary Gallagher
Alan Wells
Dee Mooney
Brigetta Olson
Dan Brown, Council Liaison

**Staff**
Ken Gibb, Community Development Director
Sarah Johnson, Associate Planner
Claire Pate, Recorder

**Visitors**
B A Beierle

**Excused**
Ken Pastega
Kirk Bailey
Mike Wiener
Elizabeth Foster

## SUMMARY OF DISCUSSION

| | Agenda Item | Summary of Recommendations/Actions |
|---|---|---|
| I. | Call to Order | |
| II. | Approval of December 11, 2013 Meeting Minutes | Approved as presented. |
| III. | Public Comment | |
| IV. | Presentation – Willamette Neighborhood Housing Services, Julian Hotel Housing Project; Jim Moorefield, Executive Director | Information only. |
| V. | Discussion – OSU/Corvallis Collaboration Project – focus on parking district proposals | Information only. |
| VI. | Committee Reports and other Commissioner Updates | Information only. |
| VII. | Updates | |
| VIII. | Other Business | |
| IX. | Adjournment | The next regular meeting will be held on February 12, 2014, at 5:30 p.m., at Madison Avenue Meeting Room |

Attachments to the January 8, 2014 minutes:

A. Willamette Neighborhood Housing Services Julian Hotel Housing Project handout, submitted by handout, submitted by Jim Moorefield, Executive Director of the Willamette Neighborhood Housing Services.

## CONTENT OF DISCUSSION

## I. CALL TO ORDER

Chair Henry called the regular meeting of the Corvallis Downtown Commission to order at 5:34 p.m.

## II. APPROVAL OF DECEMBER 11, 2013 MEETING MINUTES

**Motion**: Commissioner White moved and Commissioner Olson seconded to approve the minutes as presented, and the motion passed unanimously.

## III. PUBLIC COMMENT: None.

**BA Beierle** said she had come to hear Jim Moorefield's presentation relating to the Julian Hotel Housing project, and congratulated all involved for their work in bringing it to fruition.

## IV. PRESENTATION – WILLAMETTE NEIGHBORHOOD HOUSING SERVICES JULIAN HOTEL HOUSING PROJECT

Jim Moorefield, Executive Director of the Willamette Neighborhood Housing Services (WNHS) gave an overview of their involvement with the Julian Hotel Apartments, a 35-unit affordable housing project with ties to the Housing and Urban Development (HUD) Section 8 Program. He distributed a handout (**Attachment A)** outlining the work that would soon be undertaken to renovate the Designated Historic Resource, with a focus on weatherization and seismic upgrades. He explained the importance of this key downtown property and its rent-assisted studio and one-bedroom apartments which serve as homes to low-income tenants, a majority of whom are disabled. The total project cost is over $8.2 million, with a sizable amount of funding coming from the Federal Low Income Housing Tax Credit program. Mr. Moorefield stressed that though there will be a four-month period in which tenants will have to vacate the property, they will all be assisted in finding temporary housing and will continue to receive rent assistance. It will take approximately eight months to complete the project.

Commissioners thanked Mr. Moorefield for his work and for the presentation. A discussion ensued about the importance of this and other projects to bring housing to the downtown area, and what mechanisms might be needed to augment the limited availability of housing options for all income levels downtown housing. Mr. Moorefield explained that an ECONorthwest housing study done for the downtown area approximately ten years ago had identified the high cost of building downtown as a factor

in making it difficult to provide housing for those in the middle-income market. There is another federal loan program, colloquially known as the "Four Percent Tax Credit Program," for which WNHS will be doing a feasibility analysis to determine whether there might be an opportunity to make it work in Corvallis. This could result in additional units for the middle-income market, but it is unknown at this time whether it might pencil out when applied to the downtown Corvallis area. They had not modeled the possibility of "upper-story" development, but public financing of mixed-use projects comes with a lot of strings attached. If WNHS were to lease space for housing, as opposed to ownership, the lease would have to promise a minimum of twenty years of affordability in order to qualify for their programs.

## V. DISCUSSION – OSU/CORVALLIS COLLABORATION PROJECT

Community Development Director Gibb referred to the report entitled "Collaboration Corvallis Workgroup Recommendation Disposition" which was included in the packet. He gave an overview of the Collaboration Corvallis effort, noting that since its inception in late 2011 three workgroups were formed with 40 citizen and city representatives involved, and over 7,000 hours of volunteer time put in to the effort. A total of 68 recommendations have come forward from those workgroups, some more major efforts than others and many still needing work. He briefly reviewed the status of items which were highlighted in the report.

He then focused the discussion on transportation and parking issues and the proposal for parking management districts and what the potential impact might be on the downtown area. The Parking and Traffic workgroup recommendation was being reviewed by the Urban Services Committee (USC), and Director Gibb suggested that the Downtown Commission might want to look at the juxtaposition of the proposed districts and the downtown area. The districts would be encompassing the west side of 6th Street which is an area that downtown employees often use for parking during the day. The parking district would impact this use. He suggested that the commissioners might want to weigh in on this proposal, and the next opportunity for larger scale public input would be occurring during the USC meetings in February and March 2014.

At this time, the requirement would be to have a permit for parking on the west side of 6th Street, during business hours. There would be different rates for resident permits as opposed to non-resident permits. Council Liaison Brown added that the Urban Services Committee had taken the Task Force's recommendation and was charged with evaluating the detail and turning it into ordinance language. One of the problems they are wrestling with is that some of the parking district zones have businesses located in them and they have to decide how to deal with parking by employees, contractors and vendors serving those businesses.

Discussion ensued about how one determines a formula for the number of permits to issue for residents versus non-residents, and how the permit fees might compare with costs of leasing parking spaces in downtown lots. There was also discussion about the

parking issues around Benton Center, and Director Gibb said that they had been a stakeholder involved in discussions.

Staff would be scheduling a meeting of the Downtown Parking Committee in the next few weeks so that Public Works staff, who have oversight of the issue, could make a presentation and provide the Committee with the opportunity to evaluate the proposal and make a recommendation. Any recommendation that they make would then come to the Downtown Commission for consideration at its February 12, 2014, meeting. At that time, he suggested that the Downtown Commission might want to forward an official recommendation regarding the proposal to USC. He said that any unofficial comments that commissioners might have in the meantime would also be welcomed. It was suggested that the Downtown Commission members also be notified of the Downtown Parking Committee's meeting date/time so that they might attend to hear any presentation.

Chair Henry said that Mayor Manning was looking for one or more of the commissioners to volunteer to serve on the Parking Committee to take Steve Uerlings place, and she asked that commissioners give it consideration.

## VI. COMMITTEE REPORTS AND OTHER COMMISSIONER UPDATES

Chair Henry said that Mayor Manning was hoping to have a prospective candidate from OSU to be considered for appointment to the Downtown Commission. It was suggested that Steve Clark, Vice President for University Relations and Marketing, might be able to recommend a possible candidate, and Director Gibb said he would mention that to Mayor Manning.

## VII. UPDATES

No meetings had been held for which a report was needed, and there were no other updates.

## VIII. OTHER BUSINESS:

Planner Johnson reminded commissioners to fill out and turn in the waiver of liability forms.

## IX. ADJOURNMENT:

The meeting was adjourned at 6:50pm. The next meeting of the Downtown Commission will be held on February 12, 2014, at 5:30pm; at the Madison Avenue Meeting Room.

Willamette Neighborhood Housing Services

257 SW Madison Ave., Suite 113, Corvallis, OR 97333
541.752.7220 • 800.403.0957 • Fax: 541.752.5037
info@w-nhs.org • w-nhs.org

ML-4909
NMLS 260098

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## Julian Hotel Apartments
## A project of Willamette Neighborhood Housing Services

### Property description

The building was first constructed as the Hotel Corvallis in 1893 – 121 years ago! - and was renovated in 1911 and re-opened as the Julian Hotel. Based on historic photographs, a 4th floor was added, perhaps in 1911. A comprehensive renovation were performed in 1985, which converted the building from a hotel into a 35-unit affordable-living apartment building. A seismic-retrofit program was also included in the 1985 renovation. The property is an individually listed Designated Historic Resource on the National Register of Historic Landmarks and Districts, and is also listed in the local Register of Historic Landmarks and Districts. The building now has a total of 35 dwelling units consisting of five studio and 30, one-bedroom apartments.

### Who lives at the Julian?

Tenants occupy 34 of the units and one unit is for an on-site property manager. Of the 34 tenant households:

- Almost all are extremely low-income: median Income is $8,796; 22 of 32 residents (69%) have incomes at or below the 2013 federal poverty level.
- Most are disabled: 24 of 32 (75%) residents have a disability.
- Almost a third are seniors: 9 of 32 (28%) residents are seniors.
- There is a waitlist of 95 households.

### Why is this an important project for Corvallis?

- The Julian is a key downtown property of historical importance and character. It's also been a long time since it was comprehensively rehabilitated and is in sore need of repair. It's time to add modern levels of weatherization and additional seismic upgrades.
- It provides a housing type rare in the Corvallis market: all of the units are studio or one-bedroom apartments. Its location downtown means most of the residents can get by without a car and still have easy access to shopping, work, entertainment, and socialization opportunities.
- All of the apartments are rent-assisted, meaning tenants pay rent on a sliding scale with the HUD Section 8 Program picking up the rest. As noted in "Benton County's Ten Year Plan to Address Homelessness," *there is no housing program more critical to the well-being of extremely low-income people than rent assistance programs like the one at the Julian*. If the Julian was acquired by a developer not committed to affordable housing, this rent assistance could have been lost and the apartments converted to market rate rentals or condos.

### What sort of rehabilitation will be done?

The current scope of work includes:

- a new roof
- tuck pointing and moisture sealing of brick exterior
- window re-building/repairs
- elevator modernization
- efficiency upgrades in all units and common areas
- a reconfiguration of the ground floor to create additional commercial space, a community room, a property manager's office, and a resident services office
- improved lighting in the corridors
- new appliances, cabinets, plumbing fixtures, and flooring in all apartments
- correction of the sloping floors on the third and fourth floors
- voluntary seismic upgrades
- temporary relocation of all tenants

### Will the current residents be displaced?

No one is being permanently displaced as a result of this project. Residents will be temporarily displaced for up to four months during rehab, however the project budget includes WNHS finding and paying for temporary housing, and paying for moving costs and any out of pocket expenses the tenants incur because they have to live somewhere else during that time. We are currently in the process of securing places for everyone to live, including a handful of other apartments downtown and a number of motel rooms. We're trying to make sure all the temporary housing is in and around downtown since many residents don't have cars and downtown is their home. Some resident may choose to live with family or friends and will receive cash payments to compensate for their temporary displacement. Current tenants will be able to move back into the Julian when the rehab is completed enough to make their apartments ready to live in.

### What's the schedule?

Closing on the financing and starting the rehab should happen in July 2014 (although this is still an estimate). The whole rehab project should take about eight months.

### How is the acquisition and rehab being paid for?

The total project cost is a little over $8.2 million, of which $3.7 million will be spent on construction costs. Source of funding include:

| | |
|---|---|
| Federal Low Income Housing Tax Credit program | 5,403,114 |
| State Housing Trust Fund | 200,000 |
| State Weatherization program | 92,757 |
| HOME Investment Partnership Program* | 595,000 |
| Community Development Block Grant* | 100,000 |
| WNHS' own funds | 285,489 |
| rent collected during rehab | 92,537 |
| mortgage loan | 1,464,033 |
| TOTAL sources | $8,232,929 |

*federal funds administered by the City of Corvallis

# CITY OF CORVALLIS
# ECONOMIC DEVELOPMENT COMMISSION
**Minutes – January 13, 2014**

**Present**
Elizabeth French, Chair
Skip Rung, Vice-Chair
Rick Spinrad
Nick Fowler
Jay Dixon
Ann Malosh
Pat Lampton
Tim Weber
Jason Bradford
Biff Traber, Council Liaison

**Staff**
Tom Nelson, Economic Development Manager
Claire Pate, Recorder

**Visitors**
Julie Manning, Corvallis Mayor
Barbara Bessey, LBCC SBDC
Joe Raia, *Corvallis TidBits*
Jim Day, *Corvallis Gazette-Times*

## SUMMARY OF DISCUSSION

| | Agenda Item | Summary of Recommendations/Actions |
|---|---|---|
| I. | Call to Order/Introductions | |
| II. | Approval of Minutes:<br>• November 12, 2013 | Approved, as drafted. |
| III | Visitor Comments | For Information Only |
| IV | Strategy/Business Activity Update | For Information only |
| V | Regional Accelerator Innovation Network (RAIN) update (Mayor Manning) | Presentation |
| VI | EDC 2014 Priorities | Discussion |
| VII | Next Meeting /Agenda Planning | Next meeting scheduled for 3pm; February 10, 2014, Madison Avenue Meeting Room. , 500 SW Madison |
| VIII | Adjournment – 5pm | |

## CONTENT OF DISCUSSION

### I. CALL TO ORDER.

Chair French welcomed everyone to the meeting.

### II. APPROVAL OF MINUTES – November 12, 2013.

Commissioner Dixon **moved** to approve the minutes as revised; Commissioner Bradford seconded the motion which **passed** unanimously.

## III. VISITOR COMMENTS.

Barbara Bessey, LBCC Small Business Development Center (SBDC) Director, addressed the Commission with regard to the services they provide for businesses (both startups and Stage 2) and entrepreneurs throughout both Linn and Benton County (Attachment A). They have an intergovernmental contract with the Corvallis Benton County Economic Development Office (EDO) to provide business advisory and training services, and will be submitting monthly reports on their work in this regard. They have recently picked up some grants from both State and Federal sources which have allowed them to move into serving Stage 2 companies, defined as having five or more employees. High caliber advisors have been hired who have the capacity to review financials for established businesses and spot gaps and opportunities for funding strategies. They also have the ability to do technology audits. They have gotten another Grow Oregon contract from the State and will be looking for high-level companies in the area that might be candidates for this program. One of their resources for identifying potential candidates is through the use of the data provided by ReferenceUSA.

Mark Manley, Co-director, will be taking over the directorship next year, and is a highly respected and capable person with a high caliber business background.

A brief discussion ensued around the need for coordination of outreach services and clarity for metrics used to track services provided and results obtained. Chair French again stressed the need for the EDO to sponsor forums for small businesses and entrepreneurs with the purpose of making them aware of available resources.

Ms. Bessey said that at the next meeting she attends she would bring some written information. Commissioners thanked her for the update.

## IV. STRATEGY AND BUSINESS ACTIVITY UPDATE.

**Discussion of Business Activity & Metrics Report**

Economic Development Manager Nelson said his report was in the packet, and he would be happy to answer questions or elaborate on any item. There had been very little activity during the holidays. Economic Development Officer Jauron was absent from the meeting because she was attending the Northwest Food Processing Conference, as part of the Team Oregon's booth. Upon reviewing her report (Attachment B), Commission Fowler requested that Ms. Jauron summarize for them any insights and observations gleaned from her business visitations, related to what was working/not working for those businesses.

Chair French requested that staff put together a work plan so that the Commission could be brought up to date on what their focus would be for 2014. Mr. Nelson said that to date he had been using the ED Strategy as their work plan.

A brief discussion ensued around the need for a community commercial kitchen facility, and Commissioner Dixon mentioned that the County was exploring the feasibility of having such a facility at the Fairgrounds. Commissioner Bradford suggested that Cassie Peters, Ten Rivers Food Web, might be a resource for information about commercial kitchen startups. Other suggestions as resources included LBCC's Culinary Arts program manager and EcoTrust, to help determine whether the market demand is in place. Chair French suggested that this might be a good topic to have discussed in more detail at a future meeting, with potential presenters being asked to address the Commission.

## V. REGIONAL ACCELERATOR INNOVATION NETWORK (RAIN) UPDATE (MAYOR MANNING).

Chair French and other commissioners thanked Mayor Manning for her contributions to the community. In return, Mayor Manning thanked the members for their work and spoke briefly about the Chamber-sponsored Economic Forum, at which Commissioner Rung represented the Commission. She said she was heartened to hear from the panelists how much progress is being made by the Corvallis community toward achieving the ED Strategy.

Mayor Manning referred to her handout (Attachment C) and highlighted some of the information. She mentioned that at the Oregon Leadership Conference held in December there had been a breakout session related to innovation and traded sector technology. The RAIN was called out as the very first example, and they were asked to talk about the project. This initiative has caught the attention of others in the state of Oregon.

The big news is that they have extended an offer to Jim Coonan for the Interim Executive Director position, and he had accepted the offer. He will begin the one-year position and will have a short list of responsibilities which include forming a 501(c)(3) organization and establishing a founding board of directors. The recommendation is that there would be four permanent seats on the board filled by the Mayors of Eugene and Corvallis and the research Vice Presidents from UO and OSU. The remainder of the board members would be from the private sector. Once the board is in place, Mr. Coonan will work with the board on a work plan and metrics for measuring success. He will divide his time between Corvallis and Eugene.

The OSU Advantage Accelerator has provided a framework and given the initiative a running start because of the work it is doing to support the commercialization of startups. Mark Lieberman, Co-Director and Chief Startup Officer, addressed City Council and shared that they had gotten a good response from community-based mentors who were willing and eager to work with startups. Mayor Manning then reviewed other points in the handout relating to the RAIN Corvallis plan and the next steps for the core team. A Declaration of Cooperation will be developed which will outline the various commitments to be made by the core team members. She then called on Commissioner Spinrad to fill in any details she might have left out.

Commissioner Spinrad added that Oregon Inc. was being encouraged to have an ex officio member on the governing board. It was also suggested to them that they conduct a meeting in the south Willamette Valley, and this might be something the EDC could work on. He went on to say that one of the first things on which Mr. Coonan would need to focus was the “spend” plan for the $3.75 million mix of capital and operational resources. It will likely be spent differently in the two communities. He suggested that the EDC spend some time determining what the spending priorities might be for Corvallis/Benton County’s portion of the RAIN resources, and invite Mr. Coonan to a meeting to have that discussion. It will be important to determine how to use RAIN resources to leverage what OSU is doing with the Advantage Accelerator – which is about OSU – so that the concepts might be adapted and used to benefit the larger community at large. If a focus was determined to be agricultural applications through development of a commercial kitchen that might be something they could prioritize.

Commissioner Spinrad went on to suggest that it would be highly desirable for Mr. Coonan to get involved with the Willamette Angels Conference, for which speakers and events are already getting scheduled.

In response to a question from Chair French, Mayor Manning suggested that they invite Mr. Coonan to meet with the EDC and that the commissioners first familiarize themselves with the Oregon Business Plan which was shared with the Oregon Legislature. It was agreed that the EDC February meeting would include information on the Oregon Business Plan and that Mr. Coonan would be invited to their March meeting.

## VI. EDC 2014 PRIORITIES.

Chair French said that her intention was to have a brainstorming session to identify Commission priorities for 2014. Council Liaison Traber said that the EDC presentation to City Council had been well received but he had not gotten much feedback about the priorities that had been outlined in the presentation. Mr. Nelson suggested that commissioners review the ED Strategy and identify any items that do not make sense to keep in the plan. His belief was that it still seemed solid.

The following are highlights of the commissioner comments during the brainstorm:

- There has been success with developing and supporting seed-stage companies; now it is time to keep the momentum up for those companies and focus on advancing them into “Stage 2” or “Series B” businesses, which requires more capital than the local community has.

- We should be identifying and inviting Venture Capitalists to come witness the vibrancy of the startup community and culture in Corvallis. The primary pitch should be our environmental community as opposed to pitching individual companies - which can follow on that.

- It is important to get the feedback from the businesses from ED Officer Jauron’s visitations before knowing what to champion for the next year.

- The community does not have certain resources such as a securities attorney, a patent attorney, human resources or a CPA who is conversant with startups and structuring tax advantaged limited liability companies. This is important “infrastructure,” as is undeveloped, unencumbered land.

- Again, some of it comes down to not having the “water cooler” culture, wherein some of those resources can be obtained and/or identified. This is why ONAMI has been able to be very successful.

- There are varying stories about the need for infrastructure for the food system, and it would be good for the EDC to bring the Ecotrust and other agricultural and food business representatives together to identify what the food economy might need to grow right now.

- Another need is to take stock of how the community sees the EDC efforts, and to determine if its work is being communicated effectively.

- We fail because people do not connect jobs and tax base and investments by venture capitalists with quality of life in the community.

- There is a continual need - when opportunities arise - to make the connection between economic activity and the City's budget and amenities. Investment in economic development translates into jobs and infrastructure which translates into an increase in the assessed valuation of property which provides the funds for keeping the pool and library open. This case has to be made in as many ways as is possible, since many people glaze over when this type of information is presented.

- It would be good to identify other communities that have been successful in communicating the benefits of economic development, and to examine what tactics and tools they use to market the efforts.

- Some people are upset by certain types of jobs and/or industries. There are many members of the community who are supportive of local food production, but might not tolerate having a food production facility in their neighborhood. It is important to identify what types of jobs and production facilities people will accept.

- People in this community are comfortable, especially with a 5% unemployment rate. Though many say they would like diversity in the community, there are few that really embrace change. It is important to connect how economic development will keep the educational system strong and will not necessarily mean more traffic and have other negative impacts on the "charm" of Corvallis' lifestyle. It is a community of people who embrace riding bicycles but would not likely embrace facilities that produce the metal, rubber or plastic that might go into those bicycles.

- This might be changing. More people are drawn to a real economy – one that is not all information-technology based but one that also involves use of tools, mechanical equipment, local food production capabilities, etc.

- It might be that EDC needs professional help with a two-way, multi-phased communication process.

- One metric that cannot really be tracked by the EDC but which is an indicator of success is if adult kids can be attracted to come back and live in Corvallis. There is a scarcity of the 25-40 year-old population.

- There needs to be dynamism and opportunity, and it is these aspects that need to be stressed as opposed to the need for growth. There needs to be a continuing opportunity for renewal.

- It might be useful to look back and analyze what the community has done that might have "disincentivized" this age group from living in the area.

- We also need to look at what we mean by making an investment in infrastructure. What are the smart plays in infrastructure investment that might influence how to use the available funding? We need a gap analysis to identify what is needed.

- Case studies would be useful in order to hear what the needs are. Those case studies could be of businesses like Two Towns Cider or NuScale, or of families who have been

involved in settling here and working with startups. The intent would be to understand roadblocks and what resources might be needed to continue to succeed.

- Case studies can be used as a more effective means of communicating economic development to the community as well. Personal stories are more powerful and tell the story better.

Mr. Nelson suggested that he, Chair French and a few other commissioners meet to outline a scope of work for getting assistance with the communication effort.

Council Liaison Traber spoke briefly about the process being proposed to update to the City's Vision 2020, likely in 2015. This undertaking will be a community-wide conversation and would be an opportunity to talk about economic development and its impact on the City's ability to pay for the services and infrastructure envisioned. Commissioners agreed that an important priority would be to have input into that new vision as the process unfolds.

Chair French also asked that staff provide the data that would show what adding one job means; i.e. what is the flow down from one job, or multiple jobs, being added. It is likely that Business Oregon has that type of graphic data/information.

It was agreed that another meeting with OSU representatives would be useful, perhaps with other departments like Forestry and Oceanography speaking to innovative undertakings in their various fields.

## VII. NEXT MEETING/ AGENDA SETTING/OTHER BUSINESS.

- It was agreed that commissioners would come to the next meeting prepared to figure out what the two or three top priorities are for using the RAIN funding.
- Eric Blackledge has been invited to speak about the Oregon Business Plan at the February 10, 2014, EDC meeting.
- Staff is working with SBDC (Mark Manley) to put together a workshop/resource fair for the first part of March, targeting small businesses.
- Jill Miles, Business Recruitment Officer for the State, will be invited to an upcoming meeting.
- Chair French and Mr. Nelson will finalize the agenda for the next meeting to ensure that the time-sensitive and higher priority topics get covered, before scheduling additional presenters.
- Chair French announced the Celebrate Corvallis event on Friday, and the PPTF workshop/event later that evening.

## VIII. ADJOURNMENT.

The meeting was adjourned at 5pm. The next meeting will be held at 3pm on February 10, 2014; at the Madison Avenue Meeting Room, 500 SW Madison.

ATTACHMENT A

# SBDC Report

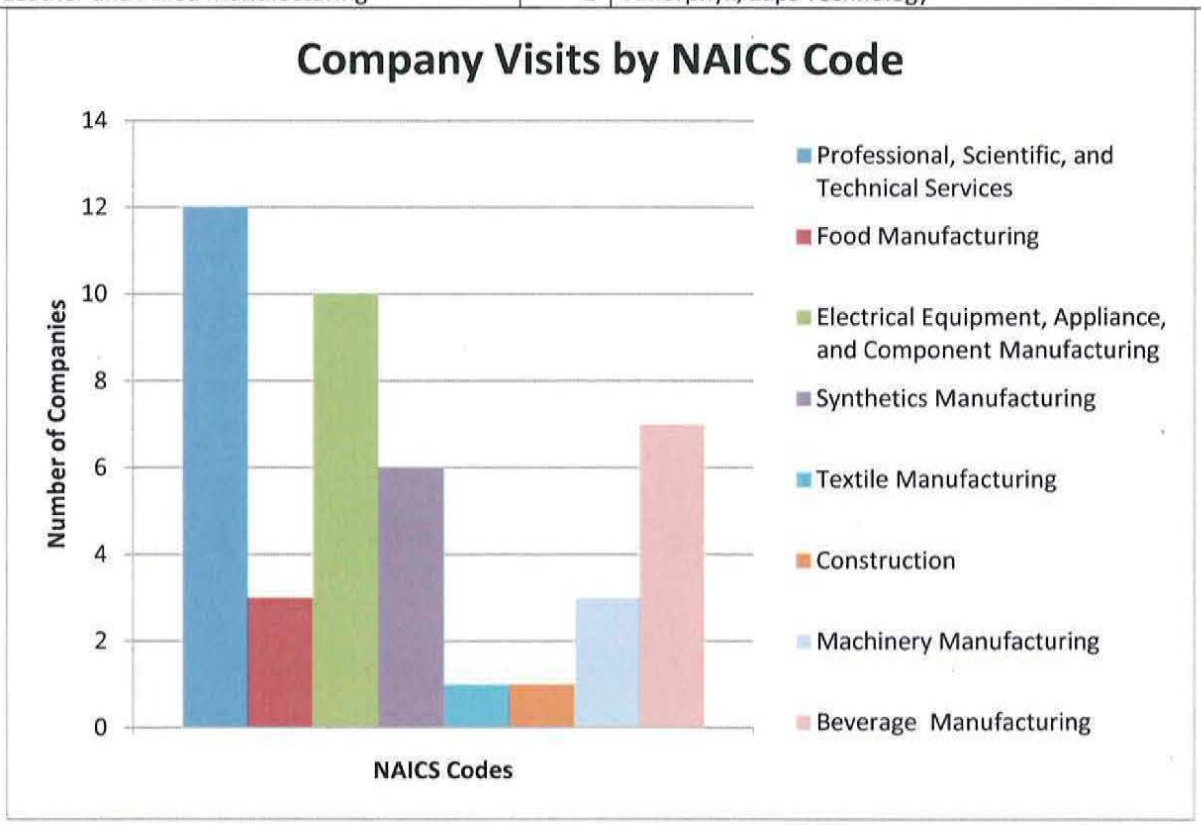
The Corvallis Benton County Economic development Office began contracting with the Small Business Development Center at LBCC last fall (2013) to provide business advisory and training services for Corvallis and Benton County. Here are result of that partnership for last quarter.

- 31 clients received 114.75 hours of counseling by SBDC advisors
- Of these clients, 8 were long-term clients (those with whom we have provided 5+ hours of counseling). These clients received 33.65 hours of counseling this quarter.
- Clients reported the following impacts: 13 jobs created, 2 new businesses started, plus 1 business reported a $100,000 increase in sales.
- The MicroEnterprise Explore program was conducted at LBCC's Benton Center with 10 Corvallis participants (plus 6 other participants). Two of the Corvallis participants started microenterprises (reported above in 'new business starts')
- The Going Into Business seminar was presented in Corvallis with 11 attendees, 7 of whom were from Corvallis & Benton County
- A Guided Tour of QuickBooks was presented to 11 attendees, 2 of whom were from Corvallis
- 3 Corvallis businesses completed our Small Business Management Program

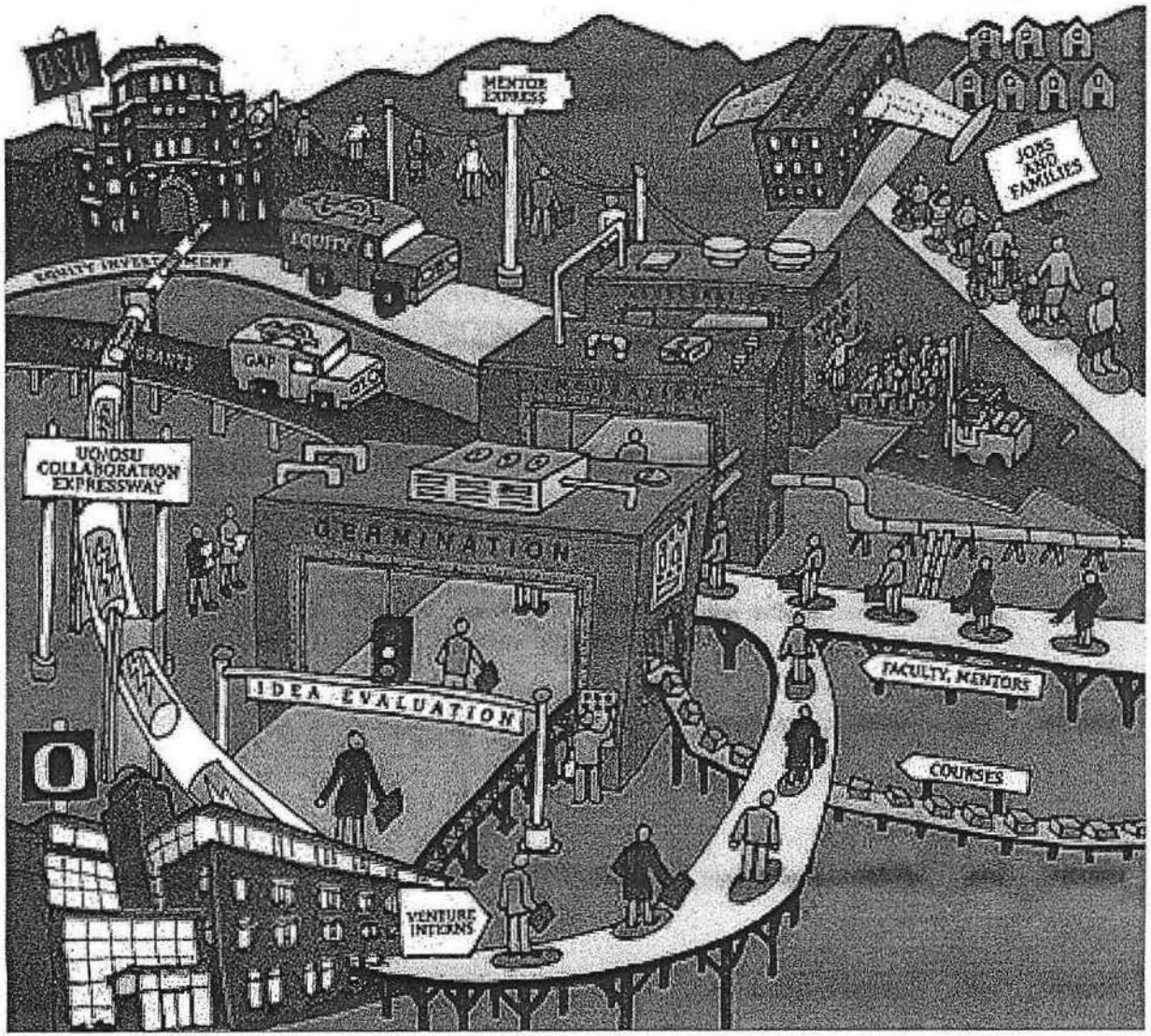
CORVALLIS
BENTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

## Economic Dev. Officer Company Visit Summary: July 1- January 10

| Category | Total | Company |
|---|---|---|
| Professional, Scientific, and Technical Services | 12 | CH2M Hill, Aptina Imaging, Spiral Elements Design, VDOS, Alsea GeoSpatial, Baker Group LLP, East Gate Industrial Park, InsightsNow!, MBI, Monroe Telephone Company, Polycom, SOS Employment Group |
| Food Manufacturing | 3 | Bursts Chocolates, Food Smart Foods, Living Earth bakery |
| Electrical Equipment, Appliance, and Component Manufacturing | 10 | Carts and Tools, Hewlett & Packard, NaturalPoint, ONAMI, Perpetua Power, RelianceCM, ViewPlus, Inspired Light, OilExTech, Trimble |
| Synthetics Manufacturing | 6 | CSD Nano, Trillium Fiber Fuels, Valliscor, Inpria, Oregon Rubber, Gene Tools/Brain Tools/Onco Tools |
| Textile Manufacturing | 1 | NSExtreme |
| Construction | 1 | Design.Christonium |
| Machinery Manufacturing | 1 | Gerding Companies |
| Beverage Product Manufacturing | 3 | Korvis Automation, Ram-Z Fabrication, Corvallis Tool Company/Porter Tractors |
| Computer and Electronic Product Manufacturing | 7 | Oregon Ryegrass Spirits, 2Towns Cider, 4 Spirits Distillery, Mazama Brewery, Vivacity Spirits, Nectar Creek Honeywine, Oregon Trail Brewery |
| Leather and Allied Manufacturing | 2 | Amorphyx, Zaps Technology |



ATTACHMENT C

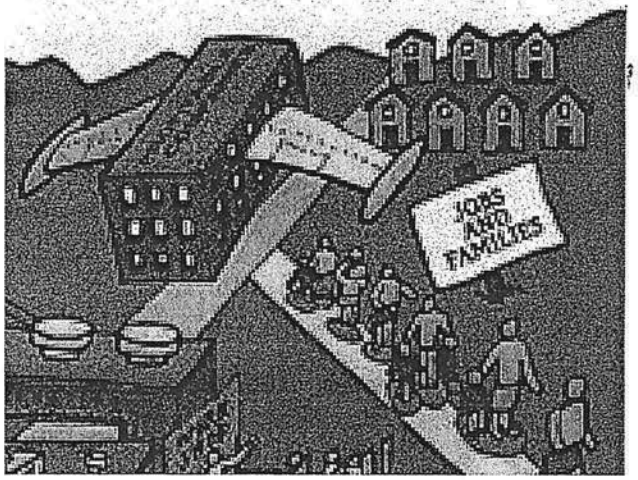



# RAIN

REGIONAL ACCELERATOR & INNOVATION NETWORK

# Why RAIN Now?

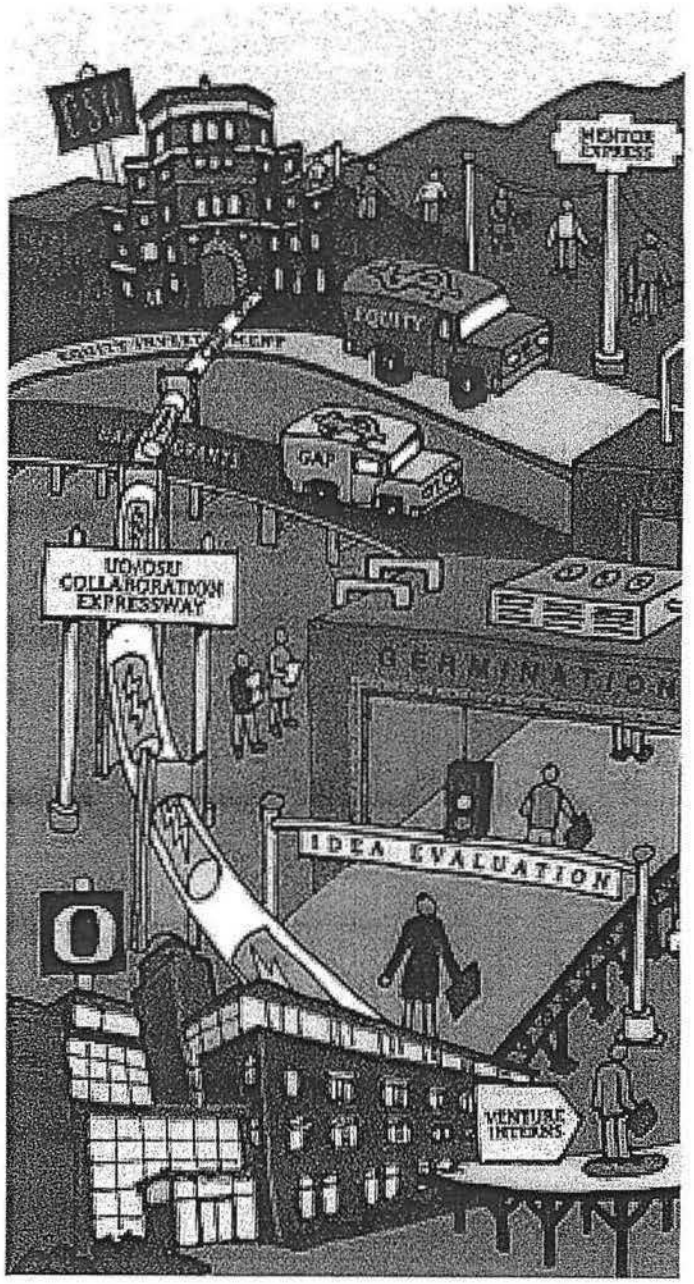
- Our region is changing from a natural resource-based economy to one that is knowledge-based
- Job creation in our region is critical to support families and stem the out-migration of talented young people by connecting the community to the excitement of innovation and accelerating high- growth/high-tech companies
- Universities, together with their communities in our region comprise a unique connected ecosystem of human capital, ideas, and talent.
- Business startups are constrained by limited access to capital, facilities and mentoring
- Local entrepreneurs bring real world experience and gain an educated workforce
- Economic development benefits the community through an increased tax base, stemming out-



# Core Team Progress

- Eugene Mayor Piercy; Corvallis Mayor Manning; VPs of Research Dr. Spinrad (OSU) and Dr. Espy (UO), Jamie Damon, Regional Solutions Coordinator with additional participation from the local jurisdictions, business community and universities as needed

- Has met eight times since August:
  - Key messages and communication materials developed
  - Presentations at LOC; AOC; Regional Economic Summit; Regional Solutions Advisory Committee
  - Media coverage in local papers; chamber publications; university quarterlies
  - Convened vision session with local/regional entrepreneurs
  - Developed vision and governance structure for RAIN with plan for execution in January



# Progress

- OSU Advantage Accelerator is open and has processes in place to incorporate RAIN network
- Processes
  - Eight student interns (to be increased in January)
  - 19 Mentors (13 from Corvallis)
  - Entrepreneurial thinking, acting and metrics
  - Strategic Partners
- 12 current clients and ready to increase to 20
- Included in Corvallis's Economic Development Strategy

RAIN
CORVALLIS

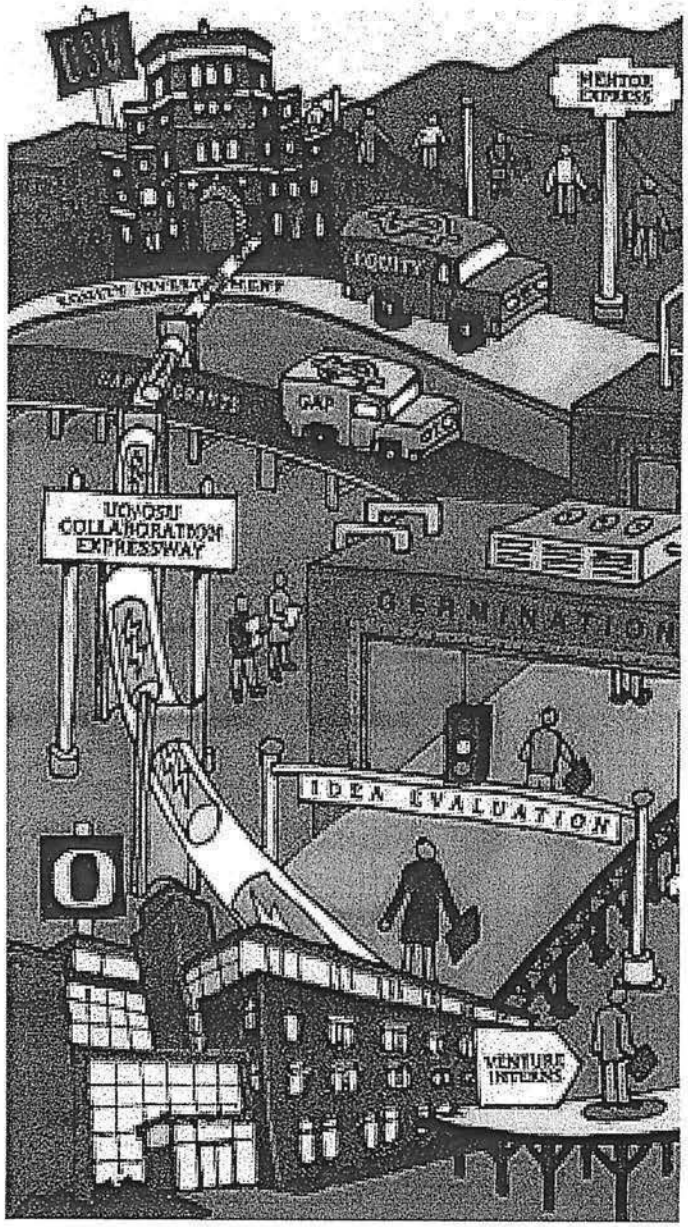
# Progress

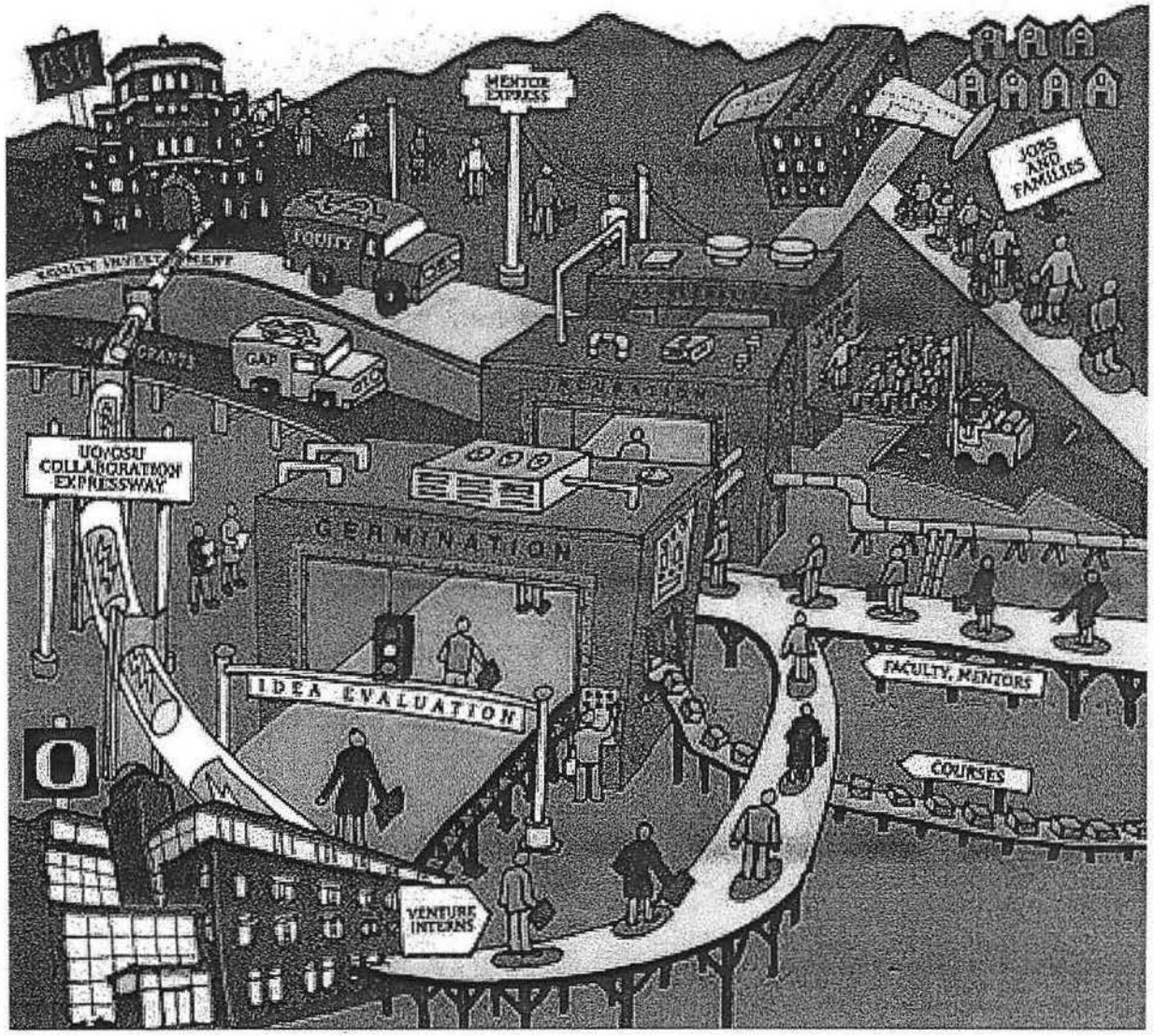
- RAIN MOU signed between UO, City of Eugene and Eugene Chamber of Commerce in October
- RAIN included in Regional Prosperity Economic Development Plan
- Sponsored Eugene Startup Weekend in October
- Eugene Chamber delivered 4 new startup education programs this fall
- Launched "Starve Ups" chapter in Eugene
- Thinkersmith, a collaborative software engineering apprenticeship program, is being piloted in cooperation with the City of Eugene

RAIN
EUGENE

# Next Steps for Core Team

- Finalize contract with Interim Executive Director – December 2013
- Establish governing board and form Nonprofit – January 2013
- Convene Oregon Solutions meeting with Mayor Piercy, Mayor Manning and area stakeholders to develop a Declaration of Cooperation outlining commitments – January 2013
- Continue to work with the South Valley Regional Solutions Center to provide facilitation and process guidance






# RAIN

REGIONAL ACCELERATOR
& INNOVATION NETWORK

oregonrain.info

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

# DRAFT
# CITY OF CORVALLIS
# HISTORIC RESOURCES COMMISSION MINUTES
# WORK SESSION
# JANUARY 7, 2014

**Present**
Geoffrey Wathen, Chair
Lori Stephens, Vice Chair
Rosalind Keeney
Kristin Bertilson
Cathy Kerr
Jim Ridlington, Planning Comm. Liaison

**Absent/Excused**
Tyler Jacobsen
Eric Hand
Charles Robinson
Roen Hogg, Council Liaison

**Staff**
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Bob Richardson, Associate Planner
Carl Metz, Associate Planner
Mark Lindgren, Recorder

**Guests**
Rebecca Houghtaling
Sara Robertson
B.A. Beierle

## SUMMARY OF DISCUSSION

| | Agenda Item | Held for Further Review | Recommendations |
|---|---|---|---|
| I. | Visitor Propositions | | None. |
| II. | Work Session. LDC Chapter 2.9 – Historical Preservation Provision Revisions | | Discussion on proposed LDC Chapter 2.9 text amendments. |
| III. | Minutes Review – December 3, 2013 | | Due to lack of quorum, minutes could not be approved. |
| IV. | Other Business/Info Sharing | | Staff presented updates. |
| V. | Adjournment | | Meeting adjourned at 9:56 p.m. The next regular meeting of the HRC will be held at 6 p.m. on January 14, 2014 in the Downtown Fire Station. |

Attachments to the January 7, 2014 minutes:

A. Materials distributed by OSU on the subject of antennas.
B. Buildings likely to require new ADA ramps and facilities handout, submitted by OSU Senior Planner Rebecca Houghtaling.
C. Memo regarding Long Range Planning Opportunities, submitted by Planning Division Manager Kevin Young.

## CONTENT OF DISCUSSION

The Chair opened the meeting at 6:06 p.m. at the Downtown Fire Station Meeting room at 400 NW Harrison Blvd. He noted that a topic of debate that came up repeatedly at the previous work session, "Nonhistoric" versus age, was in the record, and will be considered further, but asked that it not be addressed during tonight's discussion. He said the public in attendance would be given a chance to respond periodically on upcoming points.

## I. VISITOR PROPOSITIONS: None.

## II. WORK SESSION.

### A. LDC Chapter 2.9 – Historic Preservation Provision Revisions

Chair Wathen solicited commissioners' comments regarding whether they felt the staff's summary of December 3, 2013 discussion and decisions was accurate. Regarding 2.9.70.a, Interior Alterations, Commissioner Keeney said her understanding was that OSU would report to the commission in the future on whether any interiors were called out. There were no commissioner comments regarding items 2.9.70.b through 2.9.70.y.

Regarding item 2.9.70.z, Ground Level and Rooftop Equipment Servicing Buildings, Planner Richardson highlighted materials distributed by OSU on the subject of antennas, saying he'd encouraged OSU a chance to submit fresh ideas for commission consideration following the previous commission work session. **(Attachment A)**

Regarding 2.9.70.a.a., Required Ground Level Screening, Planner Richardson said that regarding a.a.1 #5, Vegetation, Planner Richardson said it was language largely proposed by OSU, with numbers changed to reflect the staff perspective. Item #5 discusses how vegetation could be used for screening; however, staff recommended that it be removed, as a landscaping standard is more appropriate under Chapter 4.2. Commissioner Wathen noted that the current iteration of a.a.2.4 reverted back to the 10' length found in the original text.

Commissioner Wathen noted that the commission previously had postponed discussion of several challenging Exemptions items, and wanted to ensure there was discussion of them this evening.

Regarding 2.9.70.i, Demolition, Planner Richardson said staff recommended leaving the current language as it was, as it wouldn't save staff or OSU any time. Regarding 2.9.70.e, Alterations to Nonhistoric, Noncontributing Structures, staff combined it with 2.9.70.t, as it seemed to make more organizational sense in the code. The commission also tabled items 2.9.70.i and 2.9.70.e. Rebecca Houghtaling said OSU brought information forward on item 2.9.70.k.

OSU Senior Planner Rebecca Houghtaling stated that regarding 2.9.70.a.a., OSU proposed leaving #5 in place, but deleting everything in the item after the phrase "..except as follows.."; Planner Richardson concurred.

Regarding 2.9.70.e, Ms. Houghtaling said OSU was fine with the proposed language. Regarding 2.9.70.k, ADA ramps, Sara Robertson stated that in response to Commissioner Keeney's request for information, OSU compiled a list of the buildings most likely to require exterior modifications for replacement or new ADA ramps in the future. She highlighted the distributed map of those buildings, saying that the entrances fell into one of three categories: they would be covered under proposed new language, with a slight height increase; or would meet the current ADA standards; or, due to the nature of a particular entrance, there would be no way to add an ADA ramp without altering features, and thus triggering HRC review. **(Attachment B)**

She highlighted buildings that could potentially have ramps installed that meet the proposed criteria under proposed exemption language. Bexell Hall has an existing below-grade ramp that could be replaced without triggering HRC review, but the rear entrances would likely require review. At Covell Hall, ramps could be installed at a below-grade entrance from the parking lot, but alterations to the front entrance would require HRC review. At Gilbert Hall, ramps could be installed at two rear entrances, but alterations to the main north entrance would require HRC review. At Gleeson Hall, an existing ADA ramp may need to be replaced in the future; it exceeds the 30" high criteria under existing language, but would be covered under proposed language. The front entrance would require alteration of columns, triggering HRC review.

At Kidder Hall, the replacement of existing ramp would be covered under existing language, but alterations to the north would require HRC review. At Langdon Hall, there is an existing below-grade entrance that exceeds 30" where an ADA ramp could be potentially installed, but alterations to the main entrance would trigger HRC review.

Commissioner Keeney thanked OSU for the clear presentation on the proposed exemption language. She asked why two separate ADA entrances were needed for a building; Ms. Houghtaling replied that OSU policy was that whenever possible, it sought to have everyone use the same entrance, to avoid users feeling they were second-class citizens. Ms. Robertson added that there may also be an internal reason why entry to one section of the building may not give access to another section. Planner Richardson said the materials illustrate the second iteration in the packet; it is not a new proposal from OSU. Ms. Houghtaling disagreed, saying that it actually goes back to the original proposal, for ramps to go to the first level, not to 30". Planner Richardson highlighted the difference between below-grade exempt, and below-grade to 30", saying that this was something for the HRC to consider.

Ms. Houghtaling said OSU's original request, at the previous meeting, instead of the 30", was to the first level building entrance. Few campus buildings would meet the exemption, but it would allow OSU to install ADA ramps to the first level where it currently doesn't have them; ramps that would impact an architectural feature would still come before the HRC. Ms. Robertson said that among likely candidates for upgrades, Gilbert Hall was the only existing above-grade example (under previously proposed language) to have a first floor entrance that would get a new ramp. Replacement of existing ramps often requires dimensional changes; for example, changing the grade of a non-complying ramp usually makes it longer. Replacing an existing a ramp over 30" can trigger an HRC review; the previously proposed first floor language would allow for that; an example is Gleeson Hall. In-kind replacements require using the same dimensions.

Regarding 2.9.70.z, Ms. Robertson highlighted materials proposing adding a section specific to the OSU Historic District; the language is mostly identical, except under z.b.1, where there is added language in a) and b). Currently, OSU anticipates increased interest in improving the wireless infrastructure. Current language requires screening of wireless antennae and telecommunications facilities within the OSU Historic District. The proposed language would allow some of those to be visible if installed on buildings at least 30' in height, and if the equipment is a permitted use within the OSU Zone. The only uses permitted outright within the OSU Zone are whip antennas under 25' in

height and other antennas under 10' in height, including mounting equipment. This would include small-scale wireless and telecommunications equipment and antennae. The small antennae would be visible but would seem fairly inconsequential on a large building. The current code 3.36, OSU Zone, still requires screening, and so even if this exemption were approved by the HRC, OSU would still have to screen these antennae, but the anticipated Campus Master Plan update would likely revisit the screening requirement in the future.

Ms. Houghtaling said screening would still apply to mechanical equipment; only the antennae would not be screened. She said when antennas are set back in the middle of a parapet roof, a pedestrian would not see it, and mechanical equipment will be screened. Antennas would become *more* noticeable if they must be screened.

She explained that the screen is already exempt under 2.9.70; mechanical equipment is already allowed on a roof if there is already a parapet wall and one can't see it, where there is existing screening. Planner Richardson said *new* screening would require an Historic Preservation Permit. Ms. Robertson said that OSU's 3.36 proposed modifications clearly identified wireless telecommunications facilities separately from other rooftop equipment that requires screening. Planner Richardson asked whether it would be more appropriate to change Chapter 2.9 at the same time as 3.36 is modified. Commissioner Wathen added that the request to allow something in Chapter 2.9 at the same time that OSU states that it will seek change in 3.36.20 puts the commission in a situation where it doesn't know what the change would be. Ms. Robertson replied that the exemption was specific to only limited permitted uses, only some antennae.

Kevin Young stated that 3.36.20 could be a broad category. Ms. Houghtaling replied by highlighting proposed language under b.8, noting that it is only intended for those uses; Planner Young then agreed it was a fairly narrow category.

Commissioner Wathen asked if 3.36 was revised, and 01.b.8 renumbered, whether the re-numbering would filter down to the HRC's revisions; Planner Young replied that staff would chase down every reference in the amended code. Ms. Houghtaling suggested the phrase "..antenna, as allowed in 3.36.20", which limits it to antennas as the permitted uses. Ms. Robertson argued against using "*whip* antennae" specifically, since wireless telecommunication antenna technology would likely change in the future. Ms. Houghtaling added that the giant KBVR antenna currently atop Snell Hall would be replaced with a much smaller one on Reser Stadium, for example.

Commissioner Wathen summarized that the commission was OK with proposed language, except for z.b.1.b, "..the equipment is a permitted use antenna within the OSU Zone as defined in 3.36.20", simply adding the one word "antenna".

Commissioner Bertilson suggested just adding a new a) to read "The equipment is an antenna. The equipment is installed on a building at least 30' high". Commissioner Kerr suggested changing a), so that "The equipment is defined as an antenna, to be installed on a building at least 30' high"; Planner Richardson concurred with this version.

Regarding screening in a.a.5 on page 21, Ms. Houghtaling advocated removing section "a", and leaving in #5; Planner Richardson concurred.

B.A. Beierle asked about 2.9.70.e, Exempt Window Installations, whether the commission was truly unconcerned about materials. She said that a.3 states that "..may be replaced with new windows and doors in the same location, and of the same size"; the proposed code is silent on materials. It is also silent on the function of the windows; or whether a window could be replaced with a different style of window. Commissioner Keeney replied that this code only applied to Nonhistoric Noncontributing

structures. Ms. Beierle said the proposed code was hard for a non-expert to interpret, so she was uncomfortable with it being an Exemption, and suggested moving all of 2.9.70(e) to be Director Level, to promote staff involvement that could otherwise prevent a rash of unintended replacements.

Regarding 2.9.70.h.1.3.a, Ms. Beierle expressed concern that it would allow construction of rock or masonry walls without review. Regarding 2.9.70.h.2, second iteration, #2, on page 7, she said she was concerned about creating an exemption.

Regarding the proposed code on lawn furniture, she asked whether the commission's concern was that it would be fixed. Planner Richardson replied the current code reads that technically, lawn furniture or anything could not be put in a front yard, as it would be visible from the street. He said the intent was to allow small ornamentation and lawn furniture. Ms. Beierle suggested addressing the issue elsewhere, and framing it as whether it is attached; this could have the unintended consequence of speculating review of things that no one was particularly concerned about, since they are not permanent. Planner Richardson said staff would take direction from the HRC. People can say that *anything* is movable; when staff look at this, they try to not assume the worst case. Commissioner Stephens said the language uses "freestanding". Planner Richardson said everything in this section of code was supposed to be non-visible, except in the front yard. Commissioner Wathen said that 3) seems as though it should be split into two sections, an a) and a (b), connected by an "or"; Planner Richardson concurred.

Commissioner Kerr asked whether the intention was to encourage portability of furniture and ornamentation; she said some furniture could be anchored and could be very obtrusive. She suggested using "portable". Planner Metz replied that the language was deliberately left vague to encompass both portable and anchored objects (some things, like iron furniture, could be stolen otherwise). Staff felt there was probably not a great difference. A strict reading would limit what could be put in a front yard under the current code. Commissioner Kerr asked whether the code would not affect the OSU Historic District; Planner Richardson replied it only impacted the other two historic districts. Ms. Beierle noted that theft of iron furniture was a serious problem and was a valid concern.

Regarding 2.9.70.l, page 11, Ms. Beierle suggested including language on page 12, 2.9.70.m.3, the last sentence, "This exemption does not apply to Contributing open space areas within the OSU Historic District". She said she couldn't imagine OSU putting ADA vehicle parking in the lower campus or the quad; however; this language allows that. Commissioner Wathen said the section was regarding vehicle parking spaces to achieve compliance with the ADA. Ms. Beierle said she was seeking to clarify the language.

Regarding 2.9.70.q.1, Gutters, Downspouts and Scuppers, on page 14, Ms. Beierle said she couldn't find the detail she needed online. She suggested the commission may wish to be careful on providing latitude on materials, noting that copper materials were very distinctive, for example. In "..different than materials that match the appearance..", she proposed dropping the word "appearance" in this item. Commissioner Wathen said that in the case of installation of *new* gutters, there was a desire to match the appearance of those typically used on similar style buildings from the same period of significance, and proposed "..match material *and* appearance.."; Ms. Beierle agreed that that was clearer.

Regarding 2.9.70.w, page 17, second column, Ms. Beierle cited "..external pipes, venting and conduit shall be painted"; however, earlier in the code states that paint shall not be regulated; she said that could present a contradiction in the code. Commissioner Kerr asked why painting was not a consideration; Ms. Beierle noted that painting has never been considered in the code from the very beginning. Commissioner Keeney added that paint was considered personal and more importantly, reversible. Planner Richardson said the color of paint was not a consideration, but that the idea was

simply to cover shiny galvanized metal materials and suggested removing the language. Ms. Beierle said staff could suggest to applicants painting galvanized materials to improve longevity of the material. Commissioner Kerr said the intent was to make the appearance of conduit and pipes as unobtrusive as possible; Planner Richardson said the desire was to have language that was as clear and objective as possible.

Ms. Beierle said she was uncomfortable about the direction of writing different code for different areas: residential, commercial, industrial, OSU, etc. Code should be universal.

Regarding Ms. Beierle's proposal to reverse existing language in 2.9.70.e and 2.9.70.t (which staff combined), Ms. Houghtaling advocated the commission not limit it beyond what it currently is, rather than moving things to Director Level review. Some of the things that are currently already allowed would be affected. On page 11, in regards to conversion of ADA parking spaces, OSU's intent is not to be putting in ADA parking in open space. The current language states that "..there are no additional impervious surfaces created..", which limits expanding an ADA space. However, sometimes, to make an ADA parking space complaint, an extra 6-24" are needed for the aisle, for example. In this case, the issue is not for creating new spaces, but rather, converting existing spaces, and the concern is for definitions in open spaces. She advocated that any definitions not be in conflict with those in Chapter 1.6 in the LDC.

Commissioner Wathen said the proposed language change was from OSU; he asked whether OSU would prefer to continue to use existing language, but add making an allowance for expansion of ADA aisles; this would effectively block creating such spaces in open spaces. Ms. Robertson asked for something more nuanced than simply calling out access aisles; it is hard to anticipate all the configurations required to convert an existing parking space to an ADA space.

Ms. Houghtaling said the intent was to provide ADA compliant spaces within existing hardscape and existing parking lots and adjacent walkways. Commissioner Wathen asked whether it would be helpful to use previous language along with adding language to allow a limited expansion of space. Ms. Houghtaling commented it would be important not to specific what the expansion of space would be dimensionally, since it's hard to guess; she opposed a numerical increase.

Planner Richardson said there could be, within the existing hardscape area, an unlimited amount of conversion possible, but a limited amount of new pavement, that could be done through an exemption or at Director Level. There is an exemption in the current language. The new language was intended to allow new impervious surface when necessary to accommodate the new aisle width or sidewalk; or to simply exempt all of this ADA activity. He summarized that the commission could consider options of conversion; expansion; or just put a parameter on it.

Commissioner Wathen noted that under this proposed language, a parking lot with ADA spaces could have those spaces removed, and since ADA parking spaces are exempt, new ADA parking spaces could be built where there were no parking spaces before, thereby building new parking lots under exemption. Ms. Houghtaling said it seemed impractical; the reasons to create ADA spaces are to be near a building, so it doesn't make sense to create ADA spaces in an open space. She said it was important to carefully craft the language, since creating accessibility was something that OSU had to do increasingly. She suggested going back to first iteration and include conversion of existing vehicle parking spaces to achieve compliance, striking the "..provided no impervious surfaces required.." so that it addresses the conversion of existing spaces, with no dimensional limitation. Planner Richardson remarked that that addressed the issue of only converting existing spaces, and would not be an expansion of spaces; not under an exemption. Things like sidewalks are exempt under proposed language. Ms. Houghtaling said her proposed language would allow an aisle or a walkway.

Commissioner Stephens suggested keeping the second iteration, but adding "..this exemption does not apply to Contributing open space areas within the OSU Historic District..", so that OSU would have to come before the HRC to build such spaces within an open space. Ms. Houghtaling clarified that OSU would only support such language regarding "*Contributing*" open space, but not just "open space".

Commissioner Kerr suggested keeping the first iteration, substituting "..conversion of vehicle parking required to achieve ADA.." for ".. creation of vehicle parking.."; this would prevent using the language in a shell game for building new parking lots. Commissioner Wathen said the key point was that it would prevent it being an exempt activity; it would require either Director Level or HRC level approval. He queried staff on Commissioner Kerr's language, along with striking "no additional impervious surfaces." Planner Richardson suggested using the current draft language of 2.9.70.l and striking the last clause "..no additional impervious surface created.."; this converts existing vehicle parking areas to comply with ADA.

Ms. Houghtaling suggested adding back "Director level item c)", since the second iteration eliminated the Director level review for additional ADA spaces. Planner Richardson said that under current language, if an applicant complies with ADA, they can create new parking spaces, and don't need staff to say that. Commissioner Stephens said ADA spaces were a requirement; and suggested specifying "..*required* ADA parking spaces.."; Planner Richardson replied that current language specifies "*if* required".

Planner Richardson suggested keeping the status quo; it has been working. Commissioner Wathen said by changing 2.9.70.l by striking "no additional impervious surface created" and specifying conversion, it would free up applicants. Commissioner Wathen said that having it be Director Level allows staff to have an eye on it. Commissioner Kerr asked if there was any objection to adding a clause stating that "The exemption does not apply to *Contributing* open space areas"; this would address why the issue was originally brought up. Commissioner Keeney said if the word *conversion* is present, it doesn't create new spaces; adding additional spaces would be Director Level. Planner Richardson said it makes sense, since at Director Level, they could add parking spaces anywhere, so we could add at Director level "..except for *Contributing* open spaces". Commissioner Keeney summarized we're keeping it as it is now, except eliminating the last "provided no additional impervious surfaces created", and adding the clause at Director Level "..except for *Contributing* open spaces".

Ms. Houghtaling stated that regarding 2.9.70.e and 2.9.70.t, OSU would not be in favor of restricting beyond the existing language already present in the far left column. Ms. Robertson added that OSU would not be in favor of Ms. Beierle's comments regarding freestanding accessory structure rock or masonry walls as an exempt activity (on page 6; 2.9.70.h.3.a); OSU advocated leaving the language exactly as it was.

Chair Wathen suggested commission consideration of 2.9.70.e, saying both visitors had commented on it, and noting that it was tied to the language issue of Nonhistoric, Noncontributing. There was a question of materials of windows and doors on point a.3. Commissioner Keeney concurred with Ms. Beierle's recommendation to make it Director Level, since it helped give staff the opportunity to educate the public on what would be more compatible. There are many Nonhistoric Noncontributing resources; it gives an opportunity for staff to make thoughtful suggestions and distribute handouts.

Planner Richardson said the commission should first look at proposed Director level e. 2; staff would not support making it more restrictive. Staff combined current exemptions 2.9.70.e and 2.9.70.t, and broadened it by specifying that it was only in regards to location and size, and not materials or style. Commissioner Wathen noted that the Council's directive was to streamline the process and make it

easier for staff and the public. Planner Richardson suggested first looking at what was already exempt and then looking at what else could be moved to Director Level review.

Commissioner Wathen said regarding Ms. Beierle's concern about the ease of interpretation on this exemption, he asked staff to try to clarify the language and make it more straightforward. Planner Richardson said he could bring back that language at next Tuesday's meeting.

Commissioner Wathen said visitors differed on 2.9.70.h, construction of rock or masonry walls, saying he felt rock or masonry walls would fall under Fencing, not Accessory Development. Planner Young said there were scenarios where a rock or masonry wall served a function as a retaining wall, so it wouldn't be considered to be Fencing. Chair Wathen said he was hearing that the second iteration language would stand.

Regarding lawn furniture, Chair Wathen summarized that it was addressed by making point 3 be "a) *or* b)". Commissioner Keeney asked whether there had been a decision on including "portable"; Chair Wathen replied the general consensus was that there could be some furniture that owners would want to be bolted down to prevent its theft and thus would not qualify as portable, but was the kind of simple activity that the commission would still allow as exempt.

Chair Wathen sought feedback on Access Ramps on Historic Contributing resources in item 2.9.70.k.1. He said OSU sought separate code that only applied the OSU Historic District regarding ramps coming up to first level (outside the OSU District it would still be 30"). He asked if there were any objections to letting OSU have ramps below-grade or up to the first level inside the OSU District; he heard no objections. Planner Richardson said it should be changed for Noncontributing resources; Commissioner Wathen agreed that the same would also apply to Noncontributing, as well, within the OSU Historic District. Planner Richardson said staff would wordsmith, if directed. Chair Wathen suggested language be added that a ramp would not affect architectural details. Commissioner Stephens suggested clarifying that it could be a full level, above or below grade.

Regarding 2.9.70.q, matching the appearance, versus matching gutters and downspouts, Planner Richardson commented that currently it gives a lot more freedom for the average homeowner to put up gutters. If they are required to match material, they might have to then put up more white vinyl. Unless it is a historically important gutter, you can put up new gutters. However, if you make them match materials, it becomes more restrictive. Commissioner Wathen noted that some gutters and downspouts used lead-based products, and matching those would not be possible now. Commissioner Bertilson suggested removing the first use of "appearance"; Planner Richardson replied that that made sense; Chair Wathen concurred.

Chair Wathen said point a.a was well covered, with removal of point 5.a (not all of .5) for OSU.

Regarding Director Level Review, 2.9.100.03, items a, b, c, and d; there were no visitor comments. Regarding Solar Equipment, Commissioner Wathen related that his own personal experience was that the Director Level approval process was easy. When non-compliant solar projects come to the HRC, where applicants cannot mount them as per Director Level, he advocated that the commission consider the proposals from the standpoint of sustainability as much as possible within the code.

Regarding 2.9.100.03.b, Replacement Using Dissimilar Materials or Different Design or Style for Select Limited Site Features, he said the recommendation was striking "paths and sidewalks". There was no comment by commissioners.

Regarding 2.9.100.03.c, Addition of Vehicular Spaces Needed to Achieve Compliance with ADA, that was previously discussed; there were no additional comments. (He noted the commission

recommended reversing the first iteration revisions, to have this code not deleted). Chair Wathen clarified the commission proposed keeping as it is, but adding "*contributing* open spaces".

Regarding 2.9.70.03.d, there were no changes and there was consensus.

Regarding Director Level e), there were no visitor comments. Planner Richardson said staff proposed combining exemptions e) and t), since they both dealt with Nonhistoric and Noncontributing structures. It focuses on alterations (the current language addresses alterations and new construction); this section is on additions and alterations, not freestanding structures. Regarding Structures and Properties not Within the OSU Historic District, the first part, a) is new: The alteration does not exceed the height of the structure being altered; it shall not exceed a footprint of 200 square feet".

He said that items under #4 would be permitted as exemptions if they are not visible from the rights-of-way. Regarding #3, windows and doors of facades *not* visible from the street may be replaced with any window or door, regardless of location or size. Materials and shape are referenced in t). In the case of a Nonhistoric Noncontributing structure, the current code language seeks a close match. He said staff proposed that in locations that are not visible, it be expanded so that any window or door could be replaced with any window or door, regardless of size, material, of style. Commissioner Wathen suggested that the huge paragraph of a) be split into windows and doors, point 3: a) visible from a right-of-way; and b), not visible from a right-of-way.

Commissioner Keeney cited Ms. Beierle's concern regarding function, suggesting adding location and the same size and function, so that sliders can't replace double-hung windows. Commissioner Wathen noted the HRC must decide what is allowed as an exempt activity; we want to strike a balance between making it easier for the public while still providing some protection for resources within historic districts that may have missed the period of significance by a year or two. Planner Richardson noted the definition "visible from the street" in practice was interpreted as the front façade. Planner Metz said the exemptions language under t) allows the replacement of existing windows and doors with new windows and doors with double-paned glazing and meeting current building codes; beyond that, they must match the material, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original non-glass materials.

Commissioner Wathen said the old language didn't address design or function; you could change the number of divided lites or from a double-hung to a slider. Commissioner Keeney said the old code specified "not visible from the public right-of-way". Commissioner Wathen said t.1. is in relation to visibility from the public right-of-way. Planner Metz said t.2 allows the same provisions as the proposed language that allows any additional new windows or doors. Planner Richardson highlighted the difference between "replacement" and "new" in the current code; you can replace existing windows with double-paned windows that match the materials, dimensions, and shape, but not the style; the big change is regarding materials.

Ms. Houghtaling proposed under e), second iteration as proposed, the items under a.3 and a.4 are not included under b), the OSU National Register of Historic Districts. She said that under her reading, OSU could not replace windows under this exemption; currently, they can be replaced under t). OSU proposed leaving t) as it is, or adding language similar to #3 or #4 under b). Planner Richardson said that the intent was not to not allow that for OSU; staff will look at it. Planner Young said that one read is that for alterations to Nonhistoric Noncontributing structures in the Historic District, these are the parameters under which changes can occur; the fact that it doesn't stipulate windows or doors could be read to allow for broader exemptions. Planner Richardson agreed that it needed to be clarified.

Commissioner Keeney suggested deleting #3 and #4 from e), and putting them under t), or putting t) in e). Planner Richardson said t) is already part of e). Commissioner Wathen suggested pulling #3 and #4 out; so that #3 and #4 came under point a), and shifting the other letters out; so that #3 and #4, as apply to windows, apply to any windows under the code, and distinctions between the districts would be split. Point a) would apply to windows and doors; and b), alterations not in the OSU Historic District; and c) other alterations within the OSU Historic District. Point 4 ("unless exempt under the above criteria") needs to be pulled out as a point d) that applies to everything above. Planner Richardson agreed that the structure made sense.

Commissioner Wathen asked for discussion on the loosening of the material restriction, adding that there was no specification on function before, so there is no change in the level of specificity. Commissioner Stephens said that for her, function was more important than materials, saying that replacing a single-hung window with a slider was more visible change than replacing the material.

Commissioner Wathen said the HRC could loosen on materials but tighten on function. Planner Richardson said staff was comfortable with changing one, but not both.

Ms. Robertson said that in regards to restricting function on windows, there are cases that when required for fire egress; OSU changes function of windows, and when it is not visible, such as on the rear of buildings. Commissioner Wathen said that as the code is structured, it wouldn't restrict function on windows not facing the right of way; Commissioner Keeney added that you can do anything on the back of a building. Ms. Robertson agreed, but added that in general, on Nonhistoric Noncontributing buildings, OSU would want the option to have change function, for cases such as fire egress. Commissioner Wathen said the HRC intends to look at this under e) of Director Level Review; this is only a question of Exempt activities. Ms. Robertson objected that the HRC was adding a level of restriction; Commissioner Wathen countered that another was also being removed.

Commissioner Keeney said a residential building is different from a dorm, so the criteria could be different. Ms. Robertson said that the way the code is being structured, they are being combined. Commissioner Keeney said that we may need to separate them.

Commissioner Stephens said horizontal sliders typically weren't used for egress. Planner Richardson noted that window "function" typically means "style". Commissioner Kerr asked about the intention of the language; Planner Richardson replied that one of the goals was to find ways to reduce time and resources to the review of historic applications that don't necessarily need to be reviewed. The Council is seeking to lessen the amount of required review; it is a piece of a broader effort.

Planner Richardson suggested giving staff direction to draft language to address commission concerns and OSU comments, especially regarding windows and doors. He highlighted a), with certain criteria for elevations for facing streets, and a separate section for those facades not facing streets (matching the current code structure) so that it applies to all designated resources the same: OSU and not OSU. Regarding elevations facing the right-of-way, he was hearing concern for maintaining style. If changing style, that could go to Director Level review. Commissioner Wathen said fire egress requirements were one criterion that could be applied. Planner Richardson said that clear criteria were needed for Director Level review.

Ms. Houghtaling said sometimes window replacements were concerned with improving energy efficiency, so that could be under a criterion; Commissioner Wathen replied that that fell under Exemption e). Ms. Houghtaling replied that that was being stricken under proposed t). Commissioner Wathen asked staff to look carefully at e) to not eliminate higher energy efficiency. Commissioner Kerr asked if the intent was exempt items of windows and doors, why location, size, style were not simply exempt if they were matching. Commissioner Wathen said that those would be exempt, and

OSU brought up that in adding in style, that restricts more than the current code, which does not restrict styles, but does restrict materials. Planner Richardson emphasized that these were only for Nonhistoric, Noncontributing buildings. Commissioner Kerr said she'd rather see the windows match. Commissioner Keeney said that while the intention is to make it easier for the applicant, in a district, the neighbors should be respected.

Planner Richardson suggested keeping the current language for exemptions for windows under t). There may be conflicts with t) and e) regarding additions with windows; and the HRC could focus language for Director Level. Under Director Level, you need to either use a metal-clad wood window or match the materials, design, size, and style of the existing window. There's no sense to having Director Level if there's nothing to check. Commissioner Keeney said that that process allowed staff to give advice. Commissioner Wathen said that in his experience, Director Level review meant filling out forms, and staff either approve or not; it is supposed to be cut and dry, and anything needing judgment goes through the HRC; Planner Young concurred.

Commissioner Stephens said she was in favor with how it is worded, in terms of whether it is visible from public or private street rights-of-way, not just the main facade. Regarding egress windows, there could be language requiring matching the style unless it is required for egress. Commissioner Wathen said that if you need to enlarge the window to meet fire egress requirements, then that would bump it from qualifying for an Exemption. Commissioner Wathen summarized that style can only be changed in the event that it is needed for fire egress.

Commissioner Kerr said in a historic district, you're expected to comply with more rules and restrictions; by loosening up materials, you're opening up a can of worms, even with Nonhistoric Noncontributing structures. Planner Richardson suggested that the commission could think about it in terms of existing materials. Commissioner Kerr said vinyl wasn't the only issue; aluminum can also be bad; she said it was an issue of cost. Commissioner Wathen said that in his experience living in a historic district, allowing vinyl on Nonhistoric Noncontributing structures wasn't that big a deal and allows owners of non-protected buildings more flexibility with their properties. Commissioner Stephens said she was more concerned with style than materials in Nonhistoric Noncontributing buildings; Commissioners Keeney and Wathen concurred. Commissioner Keeney added that she was also concerned with size and location. Commissioner Wathen said there was also Commissioner Stephens' concern with adding a level of restriction of facades of more than 90 degrees from the street, but not restricting size and location as much as the front. Also, visually matching to some degree between the front and side elevations (visible from the right-of-way).

Commissioner Wathen said Commissioner Stephens suggested giving an exemption for style only if required for fire egress, as long as it doesn't change the size of the opening; Commissioner Keeney concurred. There was a discussion on angles of visibility.

Ms. Houghtaling cited Chapter 1.6, saying that "visible from public rights-of-way, excluding alleys" was diagrammed and defined in the code (in figure 1.6.28); it's based on the 90 degrees concept. She urged the commission to be careful about changing existing code language.

Commissioner Wathen asked about the departure of Commissioner Bertilson; Planner Richardson said the commission was simply making recommendations and so could continue its discussion.

Planner Richardson summarized that he was hearing that for elevations visible from the street, if it is an exempt activity, then windows should be the same style, location, and size; except that if required for egress, then the style could change, but not the location or size. He said the different material is a big change. The Director Level review proposes allowing an increase in size of up to 10%.

The current Director Level is only for Historic Contributing. Regarding the new e.2, the existing Director Level talks about window and door replacements on Historic Contributing, and Historic Noncontributing resources. The proposed Director Level addresses Nonhistoric, Noncontributing resources as well. He suggested a provision to allow window enlargement of up to a certain amount, and to stick with the size, style and location in order to have clear and objective criteria.

Ms. Houghtaling said that in general, OSU was supportive of increasing the percentage of a certain size of window, with no change in location or style, as it promotes addressing ADA compliance. Planner Richardson asked if the draft figure of 10% accomplished that; Ms. Houghtaling replied that usually just a few inches was enough to make the egress possible. Ms. Houghtaling suggested language of "up to a size necessary to achieve ADA compliance". Ms. Robertson noted that ADA compliance requirements can and do change, so 10% may not be enough in the future. Planner Richardson said that Ms. Houghtaling's language was OK with staff.

Commissioner Wathen said the process of changing the size of an opening does not currently meet Director Level approval. Planner Richardson said you'd want to try to accommodate such changes. Ms. Houghtaling said it may be easier to use "the same location"; it may require removing side lites, for example, and not be a structural change. Planner Richardson agreed that if a door must be increased in size, then side lites may need to be shrunk. Ms. Houghtaling said the terms "same opening" and "increase" conflicted; Commissioner Wathen noted that this code was restricted to Nonhistoric, Noncontributing structures.

Planner Metz asked if the increase in the dimensions included emergency egress or only ADA compliance; Commissioner Wathen assumed it should be both; Commissioner Wathen concurred. Commissioner Wathen said regarding the 10% figure on a Nonhistoric, Noncontributing building, the structural window opening is typically large enough to allow a larger modern window to go into that, and to do so under Director Level review. The 10% gives a little wiggle room, as well as the language that ADA compliance and fire safety are not restricted by the 10%, but have their own separate restrictions.

Planner Richardson said a percentage level was something that a Director Level review could adhere to; something staff could check. Commissioner Wathen said there were two concepts: one was in the same opening, allowing a 10% change; and another in the same location, allowing change of size to meet egress and ADA compliance. Planner Richardson said that's what he was hearing; apart from those provisions, you have to keep the same size and style. Commissioner Wathen said these are on windows and doors visible from streets and public rights of way; non-visible facades are wide open.

Regarding items, f, g, i, and j; there were no changes and Chair Wathen heard no objections.

Regarding item h), Skylights, Commissioner Wathen said the big change was the elimination of the Nonhistoric, Noncontributing restriction. Planner Richardson suggested checking the 2.9.70.x exemption, since they work together. He read out the exemption "Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric Noncontributing Buildings". Commissioner Wathen noted that each of the three points were independent, and not cumulative. Ms. Houghtaling summed up that skylights were allowed, as long as you can't see them. Planner Richardson said there was comment that the HRC was concerned about allowing skylights on Historic Contributing buildings, even if they were visible. Planner Richardson noted that this Director Level item was written contrary to previous HRC direction.

Commissioner Wathen said the key question was whether the criteria were intended to be cumulative. Ms. Houghtaling said there was concern about cutting into a roof of a designated Historic Contributing structure, which may be a designated feature. However, Noncontributing Nonhistoric

resources were different, and if it is not visible from rights-of-way, or behind a parapet, then that should be considered, and is allowed under the second iteration of Exemption under 1), Installation, Removal or Alteration of the Nonhistoric Noncontributing Buildings. Planner Young said that there were three types of structures under consideration: Nonhistoric Noncontributing structures; structures with flat roofs; or where the skylight would otherwise be obscured by a parapet, or portions of structures not visible from private street rights-of-way, etc. He could envision scenarios where #2 and #3 weren't necessarily the same; and because of that, it would not be an additive requirement. Ms. Houghtaling deemed it was superfluous, since it was already covered under x.i; Planner Richardson said it was struck out.

Commissioner Wathen said that apart from the original intent, it comes down to how the commission feels about allowing skylights to be installed on Historic Contributing buildings as a Director Level approval, if the skylights are on structures with flat roofs, where the skylight would otherwise be obstructed by a parapet; or is installed on a portion of a structure not visible from private or public street right-of-ways except for alleys. Planner Richardson concurred with Planner Young, saying that currently skylights would be allowed under Director Level review under the stated conditions. He suggested looking at Exemptions to make sure they correspond correctly. Planner Young said the thrust is to not apply additional restrictions beyond what is currently in code and it appears the current code would allow for this. He could not recall recent examples.

Ms. Robertson highlighted a recent example of a skylight replacement at the Memorial Union that required slight modification, so it was not replacement in kind; it was not visible from rights-of-way; and was Director Level, and it was not interpreted as cumulative. Commissioner Wathen highlighted Commissioner Hand's previously expressed concern. Commissioners were OK with the proposed alteration; Planner Richardson said it was important to clarify how it was read, and suggested adding an "or" to make it more understandable.

## III. MINUTES REVIEW- December 3, 2013.

Since there was no quorum, the December 3, 2013 minutes could not be approved.

## IV. OTHER BUSINESS/INFORMATION SHARING.

Planner Young highlighted a memo on Long Range Planning Opportunities for the months and years ahead. **(Attachment C)** He said it reflected a consensus of the Council and the community that there was a need to update many long-range documents. A recent levy will fund a full-time position to do long-range planning; however, it will require more than one FTE, as well as streamlining other planning efforts. He highlighted Package #1, which includes LDC streamlining. The Package #2 includes neighborhood design standards. Public Works got a significant ODOT grant to update the Transportation Plan. The Council has a goal to complete a housing study. The Buildable Lands Update was finalized in 1998 and needs to be updated, along with the Vision 2020, saying the ambitious plan was to try to complete these by 2018.

He highlighted the meeting this week with all Planning boards and commissions, saying that while the department was in good shape this fiscal year, the City will have to learn to do things more efficiently, including efficiencies in reviews, and he welcomed suggestions along these lines. Commissioner Wathen replied that the department currently helps people to prepare good applications; the department could consider stepping back to allow private consultants to do this (though he wasn't advocating this). Planner Young said staff does a fair amount of handholding on some applications, but the mission has been to support historic preservation, and coming in shouldn't be a negative experience; balancing that is a challenge.

Commissioner Keeney asked if there were any way to make applications shorter. Commissioner Stephens said OSU applications were complete, but some homeowner applications were quite short. Planner Richardson said the length also tends to vary according to the kind of application. Commissioner Wathen said that OSU had probably determined that its applications go smoother when they are more detailed. Planner Young said the development of the staff report is the time consuming part, and if it goes to LUBA on appeal, a detailed staff report is important. Commissioner Wathen said staff's language is very readable and with little legalese.

Planner Richardson said the Historic Preservation Project grant program deadline is January 31, 2014. He has not had applications yet, but expects a couple. A special meeting is lined up for February, if needed. A subgroup could review the applications.

Commissioner Wathen stated that it was now difficult for him to meet at 6 p.m., and proposed moving it back to 6:30 p.m. Planner Richardson said one possibility was to go through some business before the public hearing and said it could be further discussed at a future meeting.

**V. ADJOURNMENT:** The meeting was adjourned at 9:56 p.m.

# OSU Proposed Revisions to Chapter 2.9 Exemptions

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | OSU Proposed Revisions | OSU staff explanation and rationale of proposed revisions |
|---|---|---|---|---|
| z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop mechanical equipment, including solar and hydronic equipment provided all of the following standards are met:<br><br>1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop ~~mechanical~~ equipment servicing buildings, including solar and hydronic equipment provided all of the following standards are met:<br><br>1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level ~~mechanical~~ equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop ~~mechanical~~ equipment servicing buildings, including solar and hydronic equipment provided all of the following standards are met:<br><br>A. Structures and Properties Not in the OSU National Register<br><br>1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level ~~mechanical~~ equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.<br><br>B. Structures within the OSU National Register Historic District<br><br>1. Equipment shall not be visible from public rights-of-way or private street rights-of-way, except that the equipment may | OSU staff anticipates increased demand for upgraded wireless facilities on campus. Current facilities are limited, and there is demand for additional capacity.<br><br>Within the OSU Zone, Collocated /attached Wireless Telecommunication Facilities on nonresidential structures are an accessory use that is permitted outright with some height limitations.<br><br>***Section 3.36.20 – PERMITTED USES***<br><br>***3.36.20.01 – General Development for University-owned Properties***<br><br>*b. Accessory Uses Permitted Outright for University-owned Properties*<br><br>*8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.*<br><br>Currently, Chapter 3.36 OREGON STATE UNIVERSITY (OSU) ZONE of the LDC, also requires all roof-mounted equipment to be screened.<br><br>***Section 3.36.50.02 – Roof-Mounted Equipment***<br>***a.*** *No roof-mounted mechanical equipment shall be visible from the entrance of buildings that abut the development site.*<br>**b.** *Satellite dishes, antennas, Colocated/attached Wireless Telecommunications Facilities, and other* |

| | | | | |
|---|---|---|---|---|
| | | | be visible from alleys; unless it meets all of the following:<br>a. The equipment is installed on a building at least 30 feet in height as calculated per Chapter 1.6 – Definitions.<br>b. The equipment is a permitted use within the OSU zone as identified in Section 3.36.20 of the Land Development Code.<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;<br><br>3. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | *telecommunications equipment shall not be visible from nearby streets or buildings and must be screened behind a parapet wall or architectural feature.*<br><br>The proposed change to language in Chapter 2.9 would remove the screening requirements within the OSU National Historic District for whip antenna under 25 ft in height and other antenna under 10 ft in height located on buildings over 30 feet in height.<br><br>Despite these changes to Chapter 2.9, the screening requirements for roof-mounted equipment in the OSU zoned outlined in Chapter 3.36 - OREGON STATE UNIVERSITY (OSU) ZONE would remain in place. This would result in no effective change in the screening requirements at this time.<br><br>OSU is pursuing this revision to chapter 2.9 in anticipation of possible changes to Chapter 3.36 resulting from the future update of the Campus Master Plan. At the time of the Campus Master Plan update, OSU may revise the screening requirement for antennas and Colocated/attached Wireless Telecommunications Facilities that are uses allowed outright (under 25ft for whip antenna and under 10 ft for all other *equipment*). If the revisions to chapter 2.9 are approved as part of this effort and the revisions to Chapter 3.36 are approved as part of the Campus Master Plan update, there would be no screening required for whip antenna under 25 ft in height and other antenna under 10 ft in height located on buildings over 30 feet in height. We believe that small scale antenna located on large scale buildings will have a minimal visual impact to the OSU National Historic District. |

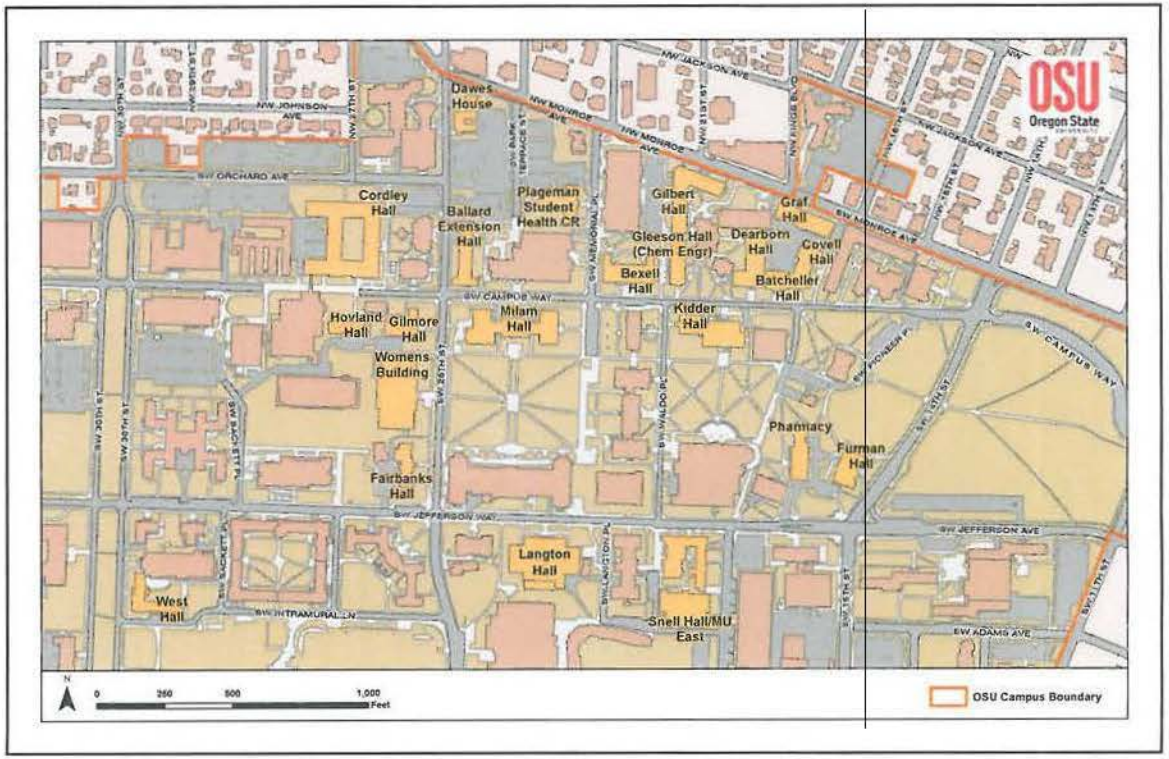
# Possible Exterior Building Modifications Required to Comply with ADA

OSU staff reviewed all building locations where it is currently anticipated that an exterior building modification will be required to comply with ADA provisions. The anticipated modifications generally fell into three categories:

1. Modifications that would likely meet proposed exemption criteria under Section 2.9.70.k.;
2. Modifications that would likely meet current exemption criteria under Section 2.9.70.k; and
3. Modifications that would not meet either existing or proposed exemption criteria. This last group of modifications would likely require an alteration to another architectural feature, which would trigger an HRC level review of criteria.

In general, the building modifications that would be exempt under the proposed Section 2.9.70.k were existing below grade entrances or existing non-compliant ADA ramps over 30" above or below grade.

## Buildings likely to require new ADA ramps and facilities



## ADA access upgrades that would be exempt under <u>proposed</u> exemption language:

Yes

### Bexell Hall

- Existing below grade ADA ramp could be replaced
- Ramps at rear (north) entrances would likely require HRC review

No

### Covell Hall

- Ramp could be installed at a below grade entrance from parking lot (NW entrance)
- Alterations to the front entrance along Campus Way would require HRC review

### Gilbert Hall

- Ramps could be installed at two rear entrances
- Alterations to main north entrance along Monroe Ave. would require HRC review

## ADA access upgrades that would be exempt under <u>proposed</u> exemption language:

Yes

### Gleeson Hall

- Ramp at west entrance could be replaced
- Alterations to south entrance along Campus Way would require HRC review

No

### Kidder Hall

- Existing ADA ramp at south entrance could be replaced
- Alterations to north entrance along Campus Way would require HRC review

### Langton Hall

- ADA ramp to existing below grade entrance could be constructed
- Alterations to main entrance along Jefferson Way would require HRC review

# Memorandum

**Date:** December 16, 2013

**To:** Mayor and City Council
Planning Commission

**From:** Ken Gibb, Community Development Director

**Re:** Long Range Planning Opportunities

As the City Council reviews Vision 2020 progress and the need to update the City's planning documents is discussed, the following information is intended to help inform this conversation:

- The Planning Commission recommended and City Council approved 2013-14 Planning Work Program included several long range planning projects for 2014 such as updating the Buildable Lands Inventory, and updating the Vision 2020 to a 2040 Vision Statement. At the time of adoption, the work program acknowledged the limited capacity to do all of these projects.

- Community Development will be prepared to hire an additional staff position as soon as possible in order to provide the levy supported long range planning services that will be available in FY 14-15.

- In the meantime and as recently communicated to the City Council, we will be working on 2 LDC update packages related to Collaboration recommendations over the next 10 months or so.

- The City is in the process of securing ODOT funding to update the City's Transportation System Plan (TSP).

Here is a rough outline of a potential game plan for the next few years relative to long range planning activities:

| | | |
|---|---|---|
| Prepare LDC Package # 1 for Planning Commission consideration | December 2013 – March 2014 | Work being done w/ in-house planning staff. Council review should occur in April/May 2014 |
| Develop LDC Package #2 ((neighborhood design standards) for PC consideration | January – September 2014 | Consultant assistance with staff and advisory committee engagement |

| | | |
|---|---|---|
| Initiate/undertake TSP update | July 2014 – TBD (likely 2016) | PW will take the lead – ODOT funded |
| Complete housing study (CC goal) | July 2014 | Consultant will be engaged – staff support from CD |
| Initiate/complete BLI update | Summer 2014 – early 2015 | Consultant will be required, CD to manage project assuming funds are available through housing goal $ and/or grant application approval |
| Develop a scope of work for Vision 2020 Update | Fall 2014 | Process TBD |
| Develop Vision 2040 | February – September 2015 | Presumably, a citizen committee will be formed to assist |
| Update Comprehensive Plan | Fall 2015 through 2016 | Staff managed with lots of citizen work group involvement |
| Major LDC update to reflect Comp Plan changes | 2017-18 | Staff managed with PC/citizen work group guidance – may require some outside expertise |

While this may seem like a long time frame (2014-2018), it is aggressive in consideration of the amount of work and public involvement required – and this timeline generally matches up with the last round of vision/comp plan/LDC update work.

As we look to the long range planning projects ahead, it is useful to reflect on significant work done in the late 1990s /early 2000s. Here is a brief review:

- In 1997, a citizen based Vision Committee (led by Chair Julie Manning) and with the assistance of staff, completed the Vision 2020 update engaging 2000 citizens in the process. The project was essentially completed in about 6 months and garnered enough widespread support that it was officially adopted by the City Council, unlike the previous community vision project.

- Managed in-house by staff with the full involvement of multiple citizen-based work groups, the Comprehensive Plan was then updated, reviewed by the Planning Commission and approved by the City Council by the end of 1998 and acknowledged by the State of Oregon in 2000.

- The LDC Phase 1 update was then completed and approved locally by 2000 (although various appeals delayed implementation until 2006).

- During the same time period, the West Corvallis / North Philomath Plan was approved and the South Corvallis Area Plan was initiated, completed and approved between 1996-98.

- In the early 2000s, the North Corvallis Area Plan was initiated, completed and approved.

- The Natural Features Project, a landmark effort to identify natural features and develop tools for protecting highest priority resources while accommodating efficient urbanization within the Corvallis Urban Growth Boundary, was undertaken in the early 2000s. The resulting protection measures were incorporated into the current LDC.

In my opinion, these projects were conducted with the right mix of staff support, citizen, Planning Commission and City Council engagement along with a strategic amount of consultant assistance primarily the area plans and natural features project. While circumstances are different now (including less staff and contractual service resources) and we don't want to necessarily be locked in to how things were done in the past, I believe that is a good model to start with. I can assure you that Community Development staff are very excited about having the levy funded planning resources available soon and to be part of the upcoming round of long range planning projects in Corvallis.

Review and Concur:

Jim Patterson, City Manager

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

# DRAFT
# CITY OF CORVALLIS
# HISTORIC RESOURCES COMMISSION MINUTES
## JANUARY 14, 2014

**Present**
Geoffrey Wathen, Chair
Lori Stephens, Vice Chair
Charles Robinson
Eric Hand
Tyler Jacobson
Rosalind Keeney
Jim Ridlington, Planning Comm. Liaison

**Absent/Excused**
Cathy Kerr
Kristin Bertilson
Roen Hogg, Council Liaison

**Staff**
David Coulombe, Deputy City Attorney
Bob Richardson, Associate Planner
Carl Metz, Associate Planner
Mark Lindgren, Recorder

**Guests**
Rebecca Houghtaling
Sara Robertson

**SUMMARY OF DISCUSSION**

| | Agenda Item | Held for Further Review | Recommendations |
|---|---|---|---|
| I. | Visitor Propositions | | None. |
| II. | Public Hearings<br>A. OSU Agriculture and Life Sciences Building, and Nash Hall (HPP13-00027)<br>B. Mason House (HPP13-00034) | | A. Motion passed to approve the application as conditioned.<br>B. Motion passed to approve the application as conditioned. |
| III. | Minutes Review- December 3, 2013<br>December 10, 2013 | | December 3, 2013 minutes passed as presented. December 10, 2013 minutes passed as presented. |
| VI. | Other Business/Info Sharing<br>a. Chapter 2.9 Text Amendments<br>b. Historic Preservation Project Grant Update | | a. Motion passed unanimously that the HRC recommend that the LDC Chapter 2.9 Historic Preservation provisions be approved as amended. |
| V. | Adjournment | | Meeting adjourned at 9:00 p.m. |

Attachments to the January 14, 2014 minutes:

A. Iterations of Exemptions and Director-level items, submitted by Associate Planner Bob Richardson.

**CONTENT OF DISCUSSION**

The Chair opened the meeting at 6:02 p.m. at the Downtown Fire Station Meeting room.

**I. VISITOR PROPOSITIONS:** None.

**II. PUBLIC HEARINGS –A. OSU AGRICULTURE AND LIFE SCIENCES BUILDING, AND NASH HALL (HPP13-00027)**

**A. Opening and Procedures:**

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest. None declared.
2. Ex Parte Contacts. None declared.
3. Site Visits. Commissioner Robinson related he made a cursory site visit.
4. Objections on Jurisdictional Grounds. No rebuttals or objections were made.

**C. Staff Overview:**

Planner Richardson said the request was to expand an existing utility closure located south of Nash Hall, and to replace an existing nitrogen tank enclosure located south of the Agriculture and Life Sciences (ALS) Building with a larger enclosure in the same location.

The ALS and Nash Hall buildings are located at 2750 and 2820 SW Campus Way, respectively. They are classified as Noncontributing (Not Eligible / Out of Period) structures within the OSU National Register Historic District.

**D. Legal Declaration:**

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

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

**E. Applicant's Presentation:**

OSU Associate Planner Sara Robertson stated that the university was seeking approval to construct two mechanical enclosures at Nash Hall and ALS buildings. They are both located are on the north side of the Women's Building field, and both are Noncontributing resources within the district. They were constructed in 1969 and 1992, respectively.

The proposed enclosures are on the south, rear side of each building (their primary entrances are on their north facades, facing Campus Way). She displayed how the area would be developed, the existing enclosures in both locations, and displayed existing conditions. At Nash Hall, a 944 square foot addition to the existing enclosure is proposed. It will contain electrical equipment needed for the new Classroom Building and the ALS. It will replace an existing nitrogen tank enclosure with a new enclosure, and contain a larger nitrogen tank, a compactor, and a recycling area to serve ALS and adjoining buildings. She said the existing service drive will be re-aligned and landscaping replaced.

The existing electrical/utility enclosure at Nash Hall is built with white painted concrete masonry units, with a recessed panel design and landscaping on the south. The proposed addition will extend from the existing structure's southern façade; a short stem wall will be removed. The addition will be constructed from concrete masonry units and painted to match the existing enclosure, and the same recessed panel design will be continued on the other three walls of the addition. The wall height will vary between ten and nine feet, with metal coping on top of the walls. On the west side, there will be a gate of steel frame with 80% opaque woven wire mesh. Handrails will be re-installed along the stairs to meet requirements. All metal elements will be painted black or dark gray.

The ALS building's existing enclosure is constructed of vertical wood fencing, abutting the south just west of the loading dock, and screened behind existing landscaping. The proposal is to replace the existing enclosure and replace it with a larger one in the approximate location. It will be freestanding and separated from the southern façade by 3.5'.

The proposed enclosure will be constructed of vertical Douglas fir 2" by 6" planks, mounted to a steel frame painted dark gray or black, and finished with a clear finish. The eastern portion will be 9' tall and the western portion about 7' tall.

Both enclosure designs are compatible with the historic district, and neither enclosure modifies existing buildings. The Nash enclosure will abut an existing utility enclosure; the ALS structure is

freestanding. The enclosures will be adjacent to Noncontributing buildings and will be much smaller scale than the primary buildings they service and surrounding Contributing buildings. The Nash enclosure masonry will match the existing enclosure. She noted that while red brick material predominated in the historic district, the proposed materials are also found elsewhere in the district. The Nash Hall enclosure materials will match the existing enclosure, while OSU felt the ALS enclosure's proposed wood plank created a lighter, less obtrusive feel than a masonry wall; wood enclosures are used elsewhere in the district.

Commissioner Wathen asked about the Nash Hall enclosure, saying that it appeared that the wall didn't completely wrap around. Ms. Robertson replied that there was a loading dock into the area, though it was screened, with a gate on the west, and was enclosed by the same materials. Commissioner Wathen said the east elevation shows the wall ending. Ms. Robertson agreed, adding that it may be enclosed by some other material not called out in the architect's drawings, but is facing the existing building and not the pedestrian area on the south side. Ms. Houghtaling added that the enclosure is for screening purposes, not for security.

Commissioner Jacobsen asked if people would be walking between the building and the enclosure; Ms. Robertson replied that there was no path of travel. Commissioner Jacobsen asked if there was a way to fully enclose it; Ms. Houghtaling said the design was intended was to create a buffer zone for trucks to safely back in.

**F. Complete Staff Report:**

Planner Richardson stated the applicant presentation was accurate and that staff supported recommending the request, finding it historically compatible.

The enclosure to the south of Nash Hall is proposed to be made of CMU with a mesh gate; the ALS enclosure is proposed to be a metal wrap with wood slats. Based on consideration of criteria in 2.9.100.04.b.1 and b.2, the design and style of the features was found to be historically compatible with the structures and the district, partially due to their simple design, small relative size and compatible or matching materials. The appearance is compatible with historic characteristics of the districts, based on 2.9.100.04.b.2.b. In regards to 2.9.100.04.b.3, no changes are proposed to architectural features, except the Nash Hall enclosure will be attached to the existing enclosure.

Regarding the Scale and Proportion criteria, the enclosures are smaller than the adjoining buildings and continue the existing Accessory Development Pattern, consistent with Site Development criteria. While CMU block is being used, and though the LDC directs that it shall not be used; in this case, the applicant is proposing to match the existing CMU block with a similar design; based on the Building Materials criterion, staff found the CMU block would be historically compatible. He summarized that staff found the application satisfied criteria in Chapter 2.9 and recommended approval with two standard Conditions of Approval.

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

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

**I. Neutral testimony:** None.

**J. Additional Questions for Staff:** None.

**K. Rebuttal by Applicant:** None.

**L. Sur-rebuttal**: None.

**M. Additional time for applicant to submit final argument:**

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

**N. Close the public hearing**:

Chair Wathen closed the public hearing.

**O. Discussion and Action by the Commission:**

Commissioner Jacobsen said the materials were consistent.

**MOTION:**

Chair Jacobsen moved to approve the request as conditioned in the staff report; Commissioner Stephens seconded; motion passed unanimously.

**P. Appeal Period**:

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

## II. PUBLIC HEARINGS –B. MASON HOUSE (HPP13-00034)

**A. Opening and Procedures:**

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest. Commissioner Lori Stephens recused herself. All commissioners stated that the presence of the Vice Chair as an applicant would not bias their decisions either for or against the application; Attorney Coulombe noted that there was still a quorum.
2. Ex Parte Contacts. None declared.
3. Site Visits. Commissioner Jacobsen visited the home and walked the perimeter. Commissioner Keeney drove by the house several times, compared the plans and looked at surrounding buildings. Commissioner Wathen said he lived in the neighborhood and was very familiar with the house.
4. Objections on Jurisdictional Grounds. No rebuttals or objections were made.

## C. Staff Overview:

Planner Carl Metz said the request was to modify an Approved and Unexpired Historic Preservation Permit to enclose an existing 165 square foot covered porch; construct a one-story addition; expand a portion of the second-floor shed roof; relocate the garage; construct an addition and covered porch onto it; and construct a covered porch and walkway running from the house to the garage. The Mason House is located at 124 NW 29th Street and is a Contributing resource in the College Hill West National Register Historic District.

## D. Legal Declaration:

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

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

## E. Applicant's Presentation:

Troy Brandt said the previous approval was under a year ago, but revisions were made to that design. The current proposal is to enclose an existing covered porch on the southwest corner, adding a kitchen and mudroom. The existing entrance is in the approximate area of the mudroom. An existing covered breezeway will be relocated and extended to connect the west side of the house with the relocated garage. An addition would be added to on the south side of the garage. The breezeway would connect from the covered porch area of the modified garage to the mudroom on the west.

The second floor will extend an existing shed roof 7.5' west to expand the footprint of an existing bathroom on the second floor. Replicating the existing covered porch, a gazebo would cover the west (rear) side of the house. Existing windows will be salvaged and used for the garage addition and the mudroom addition. Existing French doors on the existing west exit will be maintained within the house and new additional French doors will be purchased. The new six-pane windows will all be double-hung. Fiberboard siding will replicate existing wood siding. There will be a separation between the addition and the existing structure. The venting at the peak of the mudroom will be similar to venting on existing gables; screening on the breezeway will be similar to existing.

Mr. Brandt said changes will be in smaller scale than remodeling over the last few years in other surrounding houses. He highlighted an addition to the house on the south; an apartment added across the street; a nearby shed addition re-model; and a garage remodel in the north. Ms. Stephens noted the request was for a modification to an existing application. The main purpose of moving the garage was because it was in the center of the backyard; moving it will allow more space in the back yard and easier access to the garage.

**F. Complete Staff Report:**

Planner Metz said it was a modification of a previously approved permit, though a significant change. He said he would focus on the modifications, not on the items remaining the same (such as moving the garage and the breezeway).

Regarding 2.9.100.04.b, Planner Metz stated that it is a Colonial style building constructed in 1939; it is a common style in the district, with no rare or unusual architectural characteristics. Both house and garage are listed as Historic Contributing buildings. Since changes would occur on the rear, and would not exceed the height of the primary resource, the changes would only be minimally visible from the street or little different from its current appearance, so it is compatible with the criteria, including b.2.b (requiring it be compatible with both the resource and the district).

Regarding 2.9.10.04.b.3, Facades and Architectural Details, the biggest difference is on the rear; the original approved design had a two-story addition roughly in the same footprint of the currently proposed one-story mudroom, but the rear façade would be treated very differently. The Facades criterion requires attention be paid to facades visible to the public. The eastern façade facing 29th Street is not proposed to be altered, consistent with the criterion. Features are designed to complement the primary structure; inconsistent or conjectural architectural elements are not proposed; and so satisfies the criterion. Regarding Building Materials, while some previously approved materials are not in this proposal, the currently proposed materials match those of the previous application and were found to be historically compatible. The Scale and Proportion and Height criteria require that additions be generally smaller and shorter than the resource; the modified proposal, changing from a second-story addition to a one-story addition, meets the criterion. Regarding the Roof Shape criterion, the only significant change is on the back side, with the extension of the shed dormer. The new mudroom addition comes out of the back of the façade, introducing a new roof, but has a gable end similar to the primary resource, and so satisfies the criterion.

The proposal substantially reduces the number of windows to be added, and the applicant is proposing salvaging and repurposing several existing windows in the modification. The pattern of openings either matches the previously approved alteration or is arranged in a manner that continues the established pattern. Staff found the proposal satisfied the Pattern of Windows and Door Opening criterion.

Based on the analysis, staff found the proposal consistent with the review criteria and recommended approval with two Conditions of Approval. The first, Consistency with Plans, states that this approval shall replace all of the existing HPP in whole. There were no questions of staff.

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

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

**I. Neutral testimony:** None.

**J. Additional Questions for Staff:**

**K. Rebuttal by Applicant:** None.

**L. Sur-rebuttal**: None.

**M. Additional time for applicant to submit final argument:**

There was no request for a continuance or to hold the record open, and applicant waived a seven-day period to submit additional written testimony.

**N. Close the public hearing**:

The Chair closed the public hearing.

**O. Discussion and Action by the Commission:**

Commissioner Jacobsen said the changes were striking, especially to a Historically Contributing resource, and praised the applicant to making the changes in compliance to Chapter 2.9. Commissioner Keeney said she liked the revised plan better than the original, especially the lowering it from the original two-story addition.

**Motion:**

Commissioner Keeney moved to approve the application as conditioned in the staff report; Commissioner Robinson seconded. Commissioner Wathen said the modified application was in better accord with both the letter and intent of Chapter 2.9, and the modifications were welcomed, especially as the modifications were in scale and proportion, making them more in line with the existing historic resource. Motion passed unanimously.

## III. MINUTES REVIEW:

Chair Wathen noted that Vice Chair Stephens re-joined the commission.

**December 3, 2013-**
Recorder Lindgren noted the December 3, 2013 minutes could not be approved at the previous meeting due to the lack of quorum, though those minutes were not in this commission packet. Commissioner Stephens moved and Commissioner Hand seconded to approve the December 3, 2013 minutes as presented; motion passed.

**December 10, 2013-**
Commissioner Robinson moved and Commissioner Stephens seconded to approve the December 10, 2013 minutes as presented; motion passed.

## IV. OTHER BUSINESS/INFORMATION SHARING.

**a). Chapter 2.9 Text Amendments.**

Planner Richardson said the intent was to bring the revised text amendments to the Planning Commission's February 5 meeting for consideration. The 2.9.70, Exemptions revisions are in their third iteration tonight and Director-level criteria are in their second iteration. He highlighted distributed iterations of Exemptions and Director-level items. Chair Wathen noted the purpose was not to re-debate previous issues; items in 2.70 or 2.9.100 should only be remarked upon if they have not been accurately presented by the staff summary.

Commissioner Wathen suggested quick review of items a) through d), and then starting with item e) as presented in Planner Richardson's memo. Chair Wathen invited comment on those points; there was none.

Regarding point e), Planner Richardson said it had generated a lot of previous discussion, and highlighted third iteration language on pages 23 and 24, saying he'd tried to present it as discussed by the commission. He understood that the HRC restructured how the exemption was structured, with Section 1 applying to all Nonhistoric and Noncontributing structures; Section 2 would apply to structures outside the OSU district; Section 3 would apply to OSU structures; and Section 4 (related to visibility) would apply to all. A big change was that the style of window or door replacements must match the existing style on all elevations of a building (though perhaps the commission only intended that that apply to street-facing elevations). The window or door material would not be regulated through any part of 2.9.70.e. New window and door openings (as compared to a replacement of a window or a door) are permitted on elevations not visible from public or private streets; an applicant could put into a new opening without looking at the design, size or style.

Regarding Alterations to buildings *not* in the OSU District, (covering additions or dormers, etc.), if they do not exceed the building's height, are less than 200 square feet, and are not visible from rights-of-way, then they are Exempt. This means that if there is an existing window or door in the area where the alteration would occur, then those windows could be removed (in a façade not visible from public rights-of-way).

In the OSU historic district, alterations to buildings may be 400 square feet and include Projections as listed in 4.9.50.01, such as elevator shafts on a Nonhistoric Noncontributing building.

Section 4 clarifies that the Exemption only applies to alterations not visible from rights-of-way, unless specified by the criteria preceding it. He said he understood that Section 4 applied to both OSU and non-OSU properties. He sought feedback. Commissioner Wathen said there was discussion to make allowance for an exception to the change in style if required for fire egress; Planner Richardson replied that that was captured in Director-level Provisions.

Commissioner Keeney asked if the proposed language would have prevented the commission from reviewing OSU's application tonight: Planner Richardson replied that the application fell under Enclosure Screening- Mechanical Equipment, under the current 2.9.70.a.a; the square footage was greater than 400 square feet, and taller than six feet. Commissioner Stephens asked about the change in styles under 1.b. Planner Richardson asked if the HRC was comfortable in allowing a change in style to replacement windows and doors in elevations not visible from streets. Commissioner Wathen said previous discussion had pointed out that if that were to be restricted, that would be a significant tightening of the code from before. In c), because windows and doors can be modified on non-facing elevations, there could be a potential loophole where someone could take out a window and cover it with a wall, then later put in a new window; we're not regulating that new windows must match style with existing windows. He stated that it was a can of worms to try to regulate style on non-right-of-way facing properties, the way the code is now structured. Planner Richardson said b) was consistent with what Commissioner Wathen just said, but his memo was inconsistent with that. Commissioner Stephens said that the way it is written in the Third Iteration matrix makes sense.

OSU Senior Planner Rebecca Houghtaling said that egress didn't appear to be covered by Director-level; Commissioner Wathen answered that it was covered under e.2 on the next page for Nonhistoric, and Nonhistoric Noncontributing.

Planner Richardson asked if the 11" by 17" handout was consistent with the commission's intent in the third iteration. Commissioner Stephens clarified that it was regarding Nonhistoric,

Noncontributing resources. Commissioner Keeney said it captured what the commission intended. Commissioner Wathen praised Planner Richardson's work in capturing the commission's discussions.

Chair Wathen heard no commission comments regarding points f), g), and h).

Planner Richardson stated that regarding h.2, Accessory Development, *not* within the OSU Historic District, the issue was in #3 in the second iteration, "not visible from public or private street rights-of-way, except for alleys, from which they may be visible"; and "Lawn furniture and ornamental landscape accessories with a footprint of 25 square feet or less are also exempt". He said how it was previously written was confusing, so he combined everything under the second iteration #3 into one sentence (in the third column), and deleted the parenthetical "except for alleys, from which it may be visible" in order to try to simplify the language; he said his understanding was that that was OK, based on the definition excluding alleys in Chapter 1.6. Commissioner Wathen said it captured it well.

Regarding points i), and j), there were no changes.

Regarding k), Access Ramps, Planner Richardson said the text on page 10 was restructured, with Sections 1 and 2 addressing non-OSU buildings, and Section 3 addressing OSU buildings. Regarding k.1, in "..individually listed structures (meaning structures not within historic districts that are historically regulated) and Historic Contributing resources not within the OSU Historic District, hand and guard rails shall not exceed an opacity of 25%; ramps shall be installed below grade, or to 30" above grade, not including hand rails". He clarified that that applies to all Historic Contributing and otherwise Historic Buildings outside the OSU Historic District.

He highlighted #2, Access Ramps on Nonhistoric and Noncontributing resources, not within the OSU Historic District, below grade or to 48" (he said 48" was in current code). In the OSU District, the same hand and guardrail opacity requirement was proposed, and ramps shall be installed below grade or to the first level of the building. He understood that both the HRC and OSU accepted that language. He said the discussion focused on OSU, and asked if the commission sought to apply it to non-OSU buildings as well. Commissioner Wathen said that he recalled discussion of only applying it to OSU buildings. Apart from the missing two "ors", he said that it looked OK. Commissioner Stephens concurred with the proposed language.

Regarding point l), ADA Parking, Planner Richardson said that following lengthy discussion, he understood the commission's final intent was to use current code language in column 1 on page 11, to delete the last clause. Staff suggested that existing parking spaces could be converted into ADA spaces, provided "no additional impervious surface was created in Contributing open space areas". The intention is to allow creation of additional impervious surface in other areas. Commissioner Wathen said his recollection was the final clause was when converting a standard parking space into an ADA parking space, there is often a need to create additional space for an aisle, and the "no additional impervious surface" clause was inhibiting that ability. By restricting that to "..in Contributing open space areas", it opens up the door as an exempt activity to create an aisle, but not to create a brand new parking space as an Exempt Activity.

Regarding points m), n), o), and p), there were no changes in the third iteration.

Regarding point q), Planner Richardson said there was discussion about removing the phrase "appearance"; the final HRC suggestion was to strike the second occurrence of the word "appearance". However, if the word is deleted, and someone wants to add *new* gutters, then "match" could be problematic; we just want to ensure that gutters and downspouts are fairly consistent.

Commissioner Stephens recalled that both "appearances" were left in, while Commissioner Keeney recalled removing one of them. Commissioner Jacobsen suggested considering language to replace or match those that were, or are, typically used in similar style buildings. Commissioner Hand said it was more important to match the appearance of what is there; Commissioner Stephens concurred. Commissioner Keeney said perhaps the first "appearance" was deleted, since that could mean potentially matching something that was new. Commissioner Stephens agreed, saying that that gave one the option of matching something from the period.

Planner Richardson said that even today, someone could match what was there under Exemption criteria for repair and replacement. Commissioner Wathen suggested that deleting the first appearance was actually redundant. Planner Richardson said both could be kept in. Commissioner Hand said existing in-kind language was inappropriate, since it allows a contemporary feature to be replaced in kind; this is an opportunity to correct that. Commissioner Wathen recalled that by striking the first "appearance", you could end up requiring materials that match gutters and downspouts, and there could be materials that are no longer available nor advisable, such as lead. Commissioner Hand said if a historic building had copper gutters, he'd want them to match and would want the ability to review that. Commissioner Stephens said you could match the appearance of something typically used in the period. If there were copper gutters, you could replace them with something that matched their appearance.

Commissioner Wathen said that much of the first section could be struck along with the word "appearance", we could simply give permission to match the appearance with materials typically used on similar style buildings from the same period of significance, based on evidence supplied by the property owner. Commissioner Stephens asked about those only replacing one section; Commissioner Wathen replied that you'd be allowed to do that under Routine Maintenance and/or In-kind Repair or Replacement. You could reference point b), "..where not covered under in-kind repair or replacement, installation of new and repaired or replacement gutters.." and striking out "materials that match the appearance of gutters and downspouts being replaced, or..".

Commissioner Keeney asked why not simply delete the first "appearance"; Commissioner Wathen replied that it was redundant in the code. Commissioner Keeney countered that this was where you'd look for it in the code; even if it is redundant, it is useful. Commissioner Wathen replied that that was why he suggested adding at the beginning, "except where covered under In-Kind Repair and Replacement, referencing 2.9.70.b, so there were not two parts of code regulating the same activity. Commissioner Hand noted that then, everything would fall under In-Kind Repair and Replacement. Commissioner Wathen said it allowed a property owner to remove the old ones, and put new ones on which did not match the old ones. Commissioner Hand said he wanted the HRC to have the chance to review replacing in-kind old ones that were not historically compatible, and seek that the new ones were more historically compatible. Commissioner Wathen said that as the code was currently written, replacing something with the exact same thing (even if historically incompatible) was outside the commission's purview; Commissioner Hand replied that that was wrong.

Planner Richardson noted that that could apply to any feature on a building, with a homeowner simply replacing an incompatible feature in-kind, such as an inappropriate window or siding. Commissioner Hand responded that restoring historic integrity was part of the code, and facilitating inappropriate repairs defeats the point. Commissioner Keeney asked how would staff would view such an application in regards to a), b) and q). Planner Richardson replied that some activities were exempt under q), so staff would look at the code and tell people whether they need a permit or whether it is exempt, based on the criteria. If there was something in the Statement of Significance that would indicate that the gutters and downspouts were a certain material or had a certain feature that gave them historic importance, then it would require a permit.

Commissioner Keeney suggested leaving "match" of the gutters, and lose the "or". Planner Richardson said the redundancy wasn't bad. The issue originally came up with people that didn't have any gutters on their home, and the idea was to require matching what would have typically been on a house of that style. Regarding replacement, there is a challenge to require someone to match something that was there, since it might not be the right thing to match, or it might be very difficult to match; that's why the fuzzier term "appearance" was used.

Commissioner Wathen said that if b) were changed later to provide more restriction on in-kind repair or replacement, then it could conflict with q); this is why not to have the same activity regulated in two different places, so this is the reason, if the sentence around the word "appearance" is deleted, to make a reference to in-kind repair and replacement. Commissioner Stephens concurred.

Commissioner Hand asked if in-kind repair and replacement was true for windows, as well; Planner Richardson replied that it was. Commissioner Wathen said if someone wants to replace a vinyl window with a vinyl window of the same style, design, and size (falling under the tight definition of in-kind), then it is an exempt activity. Planner Richardson agreed that that is how the code has been applied; Commissioner Hand disagreed with that. Commissioner Wathen said that if the commission, down the road, looked at requiring someone replacing a vinyl window to get it closer to its historic aspect, then that would be a changed point b), and we'd want it to capture everything.

Planner Richardson read his draft introductory phrase: "Where not covered under 2.9.70.b, installation of new and repair or replacement of existing gutters and downspouts using materials that match the appearance of those that were typically used in the style of the building..", keeping what he'd previously deleted. Ms. Robertson said her concerns on the point were addressed. She asked if the draft 2.9.70.b could preclude someone who has a portion of a structure with gutters, and wanted to add gutters to another portion to match what was existing; Commissioner Wathen replied that that should still be an exempt activity under q).

Chair Wathen said there'd been a previous discussion of scuppers, but there was no change from the second iteration.

Regarding points r), s), t), u), and v), there was no change.

Planner Richardson said in w), the phrase "external pipes and conduit shall be painted" had been removed in the third iteration. Commissioner Hand asked if there was any limit on the size of the penetrations; that seemed like the biggest change. Planner Richardson replied there was no discussion of penetrations for conduits; previously, there was no limitation on the sizes of meters or pipes, either. As proposed, there are no size limits.

Regarding points x) and y), there were no changes.

Regarding point z), Planner Richardson said there had been a lot of previous discussion, and OSU would want to respond to several concerns. The structure of z) changed a little from the second iteration. The word "antennas" was added to the introductory sentence. The Exemptions were divided into two parts, with Part 1 addressing OSU structures and properties and Part 2 addressing non-OSU structures and properties. There was no real change outside OSU.

In subsection 2, regarding OSU structures, OSU proposed allowing equipment to be installed on any OSU building, including Contributing buildings, as an exemption, as long as that equipment, including antennas, was not visible from right-of-ways, unless it was an antenna installed on a building at least 30' tall, and that antenna was a permitted use within the OSU Zone, and would not damage architectural features. He related that staff raised a couple concerns; in the OSU Zone, there

are multiple uses that could include antennas on buildings and some uses don't include height restrictions, there could be a potential for a very large tower antenna on top of a building. Unless there were some restrictions put on that, and even if it were not visible from the street, that could negatively impact the district.

Ms. Houghtaling clarified that permitted antennas were very restricted; what Planner Richardson was describing would not possible under the LDC 3.36. As it is proposed, it would prohibit antennas such as the KBVR antenna on Snell Hall under 2.a.2 (antennas permitted within the OSU Zone); OSU would have to go through something like a PUD to get that. Planner Richardson countered that it would be permitted under Conditional Use or Major Adjustment. Commissioner Wathen suggested adjusting the language to cite 3.36, which lays out specific permitted uses, and making more explicit what is an exemption.

Ms. Houghtaling said last week OSU suggested that it is permitted outright. Planner Richardson said staff's concern is that it is not clear; items that are permitted outright include major services and utilities, which could have antennas associated with them. They don't have the same height limitations as the co-located facilities or the other referenced antennas and their accessory permitted uses. Ms. Houghtaling said OSU would be OK with only having co-located facilities being covered under the exemptions, which is what OSU proposed. Planner Richardson said these co-located facilities and antennas would be specifically identified under 3.36.20.01.b.7 and 3.36.20.01.b.8. The HRC could consider crafting code with specific reference to that. Those have height limitations, listed in his memo; a co-located wireless telecommunications facility on a residential structure can be up to 25', including mounting. A whip antenna may be up to 25' on a non-residential structure. This would provide some limitations and parameters, which staff felt were desirable.

Commissioner Wathen said the commission was leaning toward directly referencing the 3.36 code. Commissioner Jacobsen commented that 2.a.2 was really vague; Commissioner Wathen said OSU's intent was to reference 3.36.20.01.b.7 and 3.36.20.01.b.8 to specify the intended antenna use. He highlighted the memo regarding 3.36.50.02, which requires that antennas be screened, and that OSU will seek to change that. Commissioner Jacobsen said the language in 2.a.2 should reference what the HRC intends to be controlling.

Commissioner Hand asked whether the commission sought to review a 20' antenna on the MU or not. Commissioner Wathen replied that OSU's argument, from a Scale and Proportions standpoint, was basically that a simple whip antenna on top of a large building would be virtually invisible, and that is why OSU wanted an exemption. Commissioner Hand said a 25' antenna on a 30' tall building didn't seem invisible to him; Commissioner Keeney concurred. Planner Richardson suggested that at a minimum, it would be helpful to allow replacement of existing co-location panels, and addition of new ones, on existing antennas, as an exemption. Commissioner Hand said he understood reducing use of staff time for review but some items seemed as if they were going too far; he wanted the HRC to have the opportunity to review a 25' antenna on a 30' building, for example.

Ms. Houghtaling said OSU picked a height of 30' assuming that most locations will exceed 30'; however, from a pedestrian standpoint, an antenna, or a co-located antenna, will be set back, so what can be seen will typically be very minimal, especially on the many buildings with parapet walls. The various types of roofs could be discussed. Most antennas won't be visible; most will be very small; most won't take effect right away; and the heights of buildings and the sizes of antennas can be discussed.

Commissioner Hand said sight lines, such as across quads, need to be preserved; a blanket allowance would allow very visible antennas. He said scale was critical; 25' seemed excessive, and that their size should be tied to building height. Commissioner Hand said he would need examples of different

height antennas in order to make a good assessment on allowable, appropriate sizes. Commissioner Stephens said if a 25' antenna came before the commission, she didn't see how she how she could over-rule it; she couldn't recall any antennas on Valley Library; they are so common that they are not noticed.

Commissioner Wathen summarized that it was a maximum of 25' for whip antennas, and 10' for other types of antennas. Commissioner Wathen said if an antenna did not fall under specific allowed uses in 3.36.20.01.b.7 and 3.36.20.01.b.8, then it would not be exempt, and it would fall under Director-level Review or HRC review. Planner Richardson highlighted the two sections on page 5 of the memo distributed this evening; Commissioner Hand disagreed with the proposal. Commissioner Stephens said that antennas were a changing technology, and didn't see them affecting the architecture of a building. Commissioner Jacobsen cautioned that some antennas can be large and placed so that they could detract from a historic resource; without HRC review, those considerations may not be taken. Hopefully antennas will shrink over time and placed in a place where they will not detract from historic resources. The commission can restrict as much as possible what OSU can do without review.

Commissioner Wathen related that OSU had volunteered the further restriction on the proposed exempt activity of saying that they would be placed on flat roofs with parapets. Commissioner Hand said that didn't make much of a difference to him; his main concern was consistency of sight lines of open quads, how they could be seen from farther away, and not having antennas part of the views in future years. He said he didn't like the language as written and didn't agree with giving OSU the latitude to avoid review as proposed. Commissioner Stephens said she would be in agreement with citing 3.36.20.01.b.7 and 3.36.20.01.b.8; that limits the height of the antennae. Planner Richardson said the commission could limit the buildings that the antennas are placed on to Noncontributing buildings. Commissioner Wathen noted the commission was simply making a recommendation, and the commission could vote on it.

Commissioner Hand moved to strike the entire section, Antenna Exemption 2.70.z.2.a.1 and 2; Commissioner Kenney seconded, given the lack of consensus. Motion passed, with Commissioners Robinson, Jacobsen, Keeney and Hand in favor, and Commissioner Stephens opposed.

Regarding 2.9.70.a.a, Ground Level Screening, Planner Richardson highlighted page 21, second iteration revisions. He said that point 5.a should be deleted, since it is not consistent with other landscaping provisions in Chapter 4.2.

Regarding Director-level Review Criteria, points a) and b), there was no change. He noted that point c) was deleted in the first iteration; with the further changes to 2.9.70.l, point 2.9.100.03.c needed to be brought back (with language "not with Contributing open spaces"); there were no objections. There were no changes to points d) or e).

Regarding e.2, on changes in door and window size to meet egress, Planner Richardson said #1 was changed to "same style in the same location"; that gives flexibility in opening size. Commissioner Wathen said if a door enlarged to meet ADA compatibility didn't fit the same opening, often it would come within HRC level anyway. Planner Richardson said this would allow it to be within the same location, even if not the exact opening. Commissioner Wathen said we're allowing change in size only for these two contingencies rather than the percentile increase allowance. Planner Richardson said this only addresses windows or doors visible from streets on Nonhistoric Noncontributing buildings. There were no comments.

Regarding points f) and g), there was no change. Regarding point h), Planner Richardson said there was a lot of previous discussion on Skylights, with points 1, 2, and 3 re-ordered, adding an "or". There was no objection.

Regarding sections i) and j); there were no changes.

Planner Richardson noted that commissioners could allow dissenting opinions could be put on the record. Chair Wathen offered OSU a chance to comment; OSU representatives did not comment. Commissioner Stephens asked to be put on the record regarding antennas, 2.9.70.z.a.1 and 2, saying she would've approved it with staff's recommendations allowing for reference to 3.36.20.

Commissioner Stephens moved that the HRC recommend that the LDC Chapter 2.9 Historic Preservation provisions be amended as shown in the proposed third iteration revisions to exemptions matrix, and proposed second iteration revisions to Director-level review criteria matrix, as presented to the HRC on January 14, 2014, except as modified by the HRC during the January 14, 2014 HRC meeting. Commissioner Jacobsen seconded; motion passed unanimously.

Planner Richardson said the proposals next go to the Planning Commission and then to the City Council.

**V. ADJOURNMENT:** The meeting was adjourned at 9:00 p.m.

# Second Iteration Revisions to Director-level Review Criteria

| Section 2.9.100.03 | First Iteration Revisions | Second Iteration Revisions | Second Iteration Staff Comments |
|---|---|---|---|
| a. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible. | None. | None. | None. |
| b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:<br><br>1. Driveways;<br>2. Paths and sidewalks;<br>3. Bicycle parking areas; and/or<br>4. Vehicular parking areas that involve 800 sq. ft. or less. | b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:<br><br>1. Driveways;<br>~~2. Paths and sidewalks;~~<br>3. Bicycle parking areas; and/or<br>4. Vehicular parking areas that involve 800 sq. ft. or less. | None. | None. |
| c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.I. | ~~c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.I.~~ | c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.I and not within Contributing Open Space areas. | Per HRC direction, the current language is proposed to be retained with the exception of clarifying that parking may not be added in Contributing Open Space areas as a Director-level approval.<br><br>This Director-level criterion corresponds with the exemption in Section 2.9.70.I. |

| Section 2.9.100.03 | First Iteration Revisions | Second Iteration Revisions | Second Iteration Staff Comments |
|---|---|---|---|
| d. **Certain Alteration or New Construction to Nonhistoric/ Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height. | None. | None. | None. |

| Section 2.9.100.03 | First Iteration Revisions | Second Iteration Revisions | Second Iteration Staff Comments |
|---|---|---|---|
| e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources**- Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:<br><br>1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:<br>a. Materials;<br>b. Design or style;<br>c. Size;<br>d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);<br>e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and<br>f. Shape.<br><br>2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.<br><br>3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.<br><br>4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.<br><br>5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t. | e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing ~~Resources~~Structures**- Windows and doors may be replaced with new windows and doors if the following standards and criteria are satisfied. ~~containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:~~<br><br>1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:<br>a. Materials;<br>b. Design or style;<br>c. Size;<br>d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);<br>e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and<br>f. Shape.<br><br>2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.<br><br>3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.<br><br>4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.<br><br>~~5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.~~ | None. | None. |

| Section 2.9.100.03 | First Iteration Revisions | Second Iteration Revisions | Second Iteration Staff Comments |
|---|---|---|---|
| See above. | e.2 Replacement of Windows or Doors Visible from Streets on Nonhistoric, and Nonhistoric / Noncontributing Structures – Windows and doors visible from public or private street rights-of-way may be replaced with new windows and doors if the following standards and criteria are satisfied.<br><br>1. The window or door is in the same opening as the window or door to be replaced; and<br><br>2. The new window or door is within 10% of the size of the window or door to be replaced. | **e.2 Replacement of Windows or Doors Visible from Streets on Nonhistoric, and Nonhistoric / Noncontributing Structures** – Windows and doors visible from public or private street rights-of-way may be replaced with new windows and doors if the following standards and criteria are satisfied.<br><br>1. The window or door is the same style and in the same ~~opening~~ location as the window or door to be replaced; and<br><br>2. The window or door is the same size as the window or door to be replaced, except that the size of windows and doors may be modified to the minimum extent necessary to comply with the Americans with Disabilities Act and emergency egress requirements. ~~; and~~<br><br>~~3. The new window or door is within 10% of the size of the window or door to be replaced.~~ | This section is new to the LDC and specifically addresses street facing doors and windows on Nonhistoric and Nonhistoric / Contributing buildings.<br><br>Subsection 1 changes the word "opening" to "location" to provide some flexibility in the window size if permitted per subsection 2.<br><br>Subsection 2 requires windows to be of the same size as existing windows except to comply with ADA or emergency egress requirements. |
| **f. Extension of Fencing Other than Wood** - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard. | None. | None. | None. |

| Section 2.9.100.03 | First Iteration Revisions | Second Iteration Revisions | Second Iteration Staff Comments |
|---|---|---|---|
| **g.** **Awnings** - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b. | None. | None. | None. |
| **h.** **Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:<br><br>1. Nonhistoric/Noncontributing structures;<br><br>2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;<br><br>3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.<br><br>All other modifications or installations of skylights shall be processed via Section 2.9.100.04. | **h.** **Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x, and new skylights are allowed on:<br><br>1. ~~Nonhistoric/Noncontributing structures~~;<br><br>2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;<br><br>3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.<br><br>All other modifications or installations of skylights shall be processed via Section 2.9.100.04. | **h.** **Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x, and new skylights are allowed on:<br><br>1. ~~Nonhistoric/Noncontributing structures~~; or<br><br>2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet; or<br><br>3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.<br><br>All other modifications or installations of skylights shall be processed via Section 2.9.100.04. | Proposed text amendment corresponds with Section 2.9.70.x and changes proposed under that exemption criterion.<br><br>During the January 7, 2014, HRC meeting it was determined that subsections 1 – 3 were not additive, i.e. only one of those criteria needed to be satisfied. To clarify this, the word "or" was added after sections 1 and 2. |

| Section 2.9.100.03 | First Iteration Revisions | Second Iteration Revisions | Second Iteration Staff Comments |
|---|---|---|---|
| i. **Single (First) Story Exterior Steps and/or Stairways** - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant. | None. | None. | None. |
| j. **Driveway Width Expansion** - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements. | None. | None. | None. |

# Proposed Third Iteration Revisions to Exemptions

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| a. **Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior. | None. | None. | None. |
| b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:<br><br>1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;<br><br>2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and<br><br>3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions. | None. | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry. | c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This e~~E~~xemption does not apply to ~~artwork attached to buildings, murals, or~~signs that are 50-years old or older, or painting ~~over existing architectural features, such as signs, or~~ previously unpainted~~ metalwork~~, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion. | c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This e~~E~~xemption does not apply to ~~artwork attached to buildings, murals, or~~ murals that are 50-years old or older, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| **d. Signs and Tablets** - Installation of the following:<br><br>1. Signs and tablets that are exempt from City Sign Code regulations per Section 4.7.70;<br><br>2. Freestanding signs in the OSU Zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per Section 4.7.90.05.a and b;<br><br>3. Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and<br><br>4. Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are:<br><br>a) 32. sq. ft. or less; or<br><br>b) If greater than 32 sq. ft., attached signs that:<br>1. Replace existing signs:<br>2. Are not variable message;<br>3. Have the same approach to illumination as the sign to be replaced (none, internal, or external);<br>4. Fit completely within the footprint of the original sign; and<br><br>5. Are equal to or smaller than area of the sign to be replaced. | | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade. | Refer to November 26, 2013, Staff Report. | **e. Alterations to Nonhistoric and Nonhistoric / Noncontributing Structures –**<br>Exterior Alterations , including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include not freestanding structures which are addressed in Section 2.9.70.h, nor equipment enclosures, which are addressed in Section 2.9.70.aa.<br><br>A. Structures and Properties Not in the OSU National Register Historic District<br><br>1. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code.<br><br>2. The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.<br><br>3. Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size. Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different sizes than existing windows and doors. New window and door openings may be created on facades not visible from public or private street rights-of-way.<br><br>4. Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys.<br><br>B. Structures within the OSU National Register Historic District<br><br>1. The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations.<br><br>2. An addition to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval. | See Pages 23-24. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| f. **Installation of Removable Screen and Storm Doors and Windows** - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or window against weather impacts. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt. | None. | None. | None. |
| g. **Installation of a Removable Heating or Cooling Device** - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered. | g. **Installation of a Removable Heating or Cooling Device** - Installation <u>or removal</u> of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered. | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| h. **Accessory Development** - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit:<br><br>1. Benches;<br>2. City-standard bus shelters;<br>3. Blue light security kiosks;<br>4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.<br>5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and<br>6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade. | h. **Accessory ~~Development~~ Structures Within the OSU Historic District** – Installation of ~~of the following~~of ~~a~~Accessory Structures within the OSU Historic District ~~items~~ are exempt from the need for a Historic Preservation Permit if all of the following standards are met:<br><br>1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and<br><br>2. The structure is free-standing, less than 200 sq. ft., and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and<br><br>3. The structure is not located within a Contributing open space area, except as permitted by (a) and (b) below:<br><br>a. The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.:<br><br>b. Site furnishings and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (h.3.a) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening unless exempt under Section 2.9.70.z and 2.9.70.aa. | h. **Accessory ~~Development~~ Structures Within the OSU Historic District** – Installation of ~~of the following~~of ~~a~~Accessory Structures within the OSU Historic District ~~items~~ are exempt from the need for a Historic Preservation Permit if all of the following standards are met:<br><br>1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and<br><br>2. The structure is free-standing, less than 200 sq. ft., and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and<br><br>3. The structure is not located within a Contributing open space area, except as permitted by (a) and (b) below:<br><br>a. The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.:<br><br>~~a.~~b. Site furnishings and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (h.3.a) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening, which are exempt under Section 2.9.70.z and 2.9.70.aa. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| h. **Accessory Development** - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit:<br><br>1. Benches;<br>2. City-standard bus shelters;<br>3. Blue light security kiosks;<br>4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.<br>5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and<br>6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade. | h.2 **Accessory Development** Not Within the OSU Historic District - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met:<br><br>1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and<br><br>2. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and<br><br>3. Is not visible from public or private street rights-of-way (except for alleys, from which it may be visible).<br>~~Benches;~~<br>~~2. City-standard bus shelters;~~<br>~~3. Blue light security kiosks;~~<br>~~4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other hard mounting/parking surface.~~<br>~~5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and~~<br>~~6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, is not visible from public rights-of-way or private street rights-of-way (except for alleys, from which it may be visible), is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.~~ | h.2 **Accessory Development** Not Within the OSU Historic District - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met:<br><br>1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and<br><br>2. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and<br><br>3. Is not visible from public or private street rights-of-way (except for alleys, from which it may be visible).<br><br>Lawn furniture and ornamental landscape accessories with footprints of 25 sq. ft. or less are also exempt | h.2 **Accessory Development** Not Within the OSU Historic District - Installation of the following ~~accessory items~~Accessory Structures are exempt from the need for a Historic Preservation Permit if all of the following standards are met:<br><br>1. The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and<br><br>2. The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and<br><br>3. Is not visible from public or private street rights-of-way, except lawn furniture and ornamental landscape accessories with footprints of 25 sq. ft. or less. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| i. **Moving or Demolishing Structures** - Moving or demolition of structures, provided:<br><br>1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or<br><br>2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and<br><br>a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and<br><br>b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and<br><br>3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource. | i. **Moving or Demolishing Structures** - Moving or demolition of Accessory ~~s~~Structures, provided the structure is:<br><br>1. Freestanding, less than 200 sq. ft. (building footprint) and less than 14 ft. in height; and<br><br>1. ~~The structure is~~Within ~~in~~ a National Register Historic District~~,~~ and ~~is~~ classified as Nonhistoric/Noncontributing, ~~or Nonhistoric per the definition in Chapter 1.6 - Definitions~~; or<br><br>2. ~~The structure is o~~ A Nonhistoric structure on an Individually Designated Historic Resource property outside of a National Register District. ~~; and~~<br><br>~~a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and~~<br><br>~~b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and~~<br><br>3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource. | No revisions proposed. Staff recommend leaving existing LDC text in Section 2.9.70.i as is. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| j. **Installation of Satellite Dishes** - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter. | | | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
|---|---|---|---|
| k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:<br><br>1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>3 Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.<br><br>4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone. | k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:<br><br>1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.<br><br>4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.<br><br>5. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code. | k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:<br><br>1. Access Ramps on Historic Contributing Resources — Below grade to ~~No more than~~ 30 in. above ~~or below~~ grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>2. Access Ramps on Nonhistoric/ Noncontributing Resources - Below grade to ~~No more than~~ 48 in. above ~~or below~~ grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>3. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.<br><br>4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.<br><br>5. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code. | k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:<br><br>1. Access Ramps on Individually Listed, and Historic and Historic Contributing Resources Not within the OSU Historic District —<br>a. Hand and guard rails shall not exceed an opacity of 25%; and<br>b. Ramps shall be installed ~~-~~below grade to ~~No more than~~ 30 in. above ~~or below~~ grade, not including hand or guard rails.<br><br>2. Access Ramps on Nonhistoric/ Noncontributing Resources Not within the OSU Historic District - Below grade to ~~No more than~~ 48 in. above ~~or below~~ grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.<br><br>3. Access Ramps on buildings within the OSU Historic District –<br>a. Hand and guard rails shall not exceed an opacity of 25%; and<br>~~1.~~b. Ramps shall be installed below grade to the first-level of the building.<br><br>~~2.~~4. Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.<br><br>5. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.<br><br>6. Roof Top Fall Protection Rails and Anchors – If required to comply with the Building Code. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| l. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created. | l. **~~Conversion of Existing Vehicular~~ Vehicle Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - ~~Conversion of existing vehicular~~Creation of vehicle parking spaces ~~to vehicular parking spaces that are needed~~ required to achieve compliance with the Americans with Disabilities Act (ADA). ~~, provided no additional impervious surface is created.~~ | Americans with Disabilities Act (ADA) Vehicle Parking - Creation of required ADA vehicle parking spaces. | l. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created in Contributing Open Space areas. |
| m. **Fencing Installation, Extension, or Removal** - Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. | m. **Fencing Installation, Extension, or Removal** –<br><br>1. Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50.<br><br>2. ~~Additionally, the r~~Removal of ~~an existing wood or chainlink~~ a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.<br><br>3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c. | m. **Fencing Installation, Extension, or Removal** –<br><br>1. Installation or extension of ~~new~~ wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50.<br><br>2. ~~Additionally, the r~~Removal of ~~an existing wood or chainlink~~ a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.<br><br>3. If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c. This exemption does not apply to Contributing open space areas within the OSU Historic District. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| n. **Freestanding Trellises** - Installation of freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated Historic Resource. | | | None. |
| o. **New, Repair, or Replacement Landscaping and Tree Planting** - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c. | None. | None. | None. |
| p. **Building Foundations** - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and:<br><br>1. The Alteration or New Construction is required to meet present-day Building Code requirements;<br>2. The building elevation is not raised by more than 12 in.; and<br>3. The existing foundation is 18 in. high or less. | | | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| q. **Installation of New, and Repair or Replacement of Gutters and Downspouts** - Installation of new, and repair or replacement of existing gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure. | q. **Installation of New, and Repair or Replacement of Gutters and Downspouts** - Installation of new, and repair or replacement of existing gutters and downspouts, including scuppers, using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts, and scuppers shall not damage or obscure any significant architectural features of the structure. | q. **Installation of New, and Repair or Replacement of Gutters ~~and~~, Downspouts, and Scuppers** –<br>1. Installation of new, and repair or replacement of existing gutters and downspouts, using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.<br><br>2. Changing the size of existing scuppers to comply with current Building Code standards. The resized scupper shall not damage any significant architectural features of the structure. | q. **Installation of New, and Repair or Replacement of Gutters ~~and~~, Downspouts, and Scuppers** –<br>1. Installation of new, and repair or replacement of existing gutters and downspouts, using materials that match the appearance of the gutters and downspouts being replaced or match ~~the appearance of~~ those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.<br><br>2. Changing the size of existing scuppers to comply with current Building Code standards. The resized scupper shall not damage any significant architectural features of the structure. |
| r. **Utility Poles** - Installing, relocating, or removing utility poles. | None. | None. | None. |
| s. **Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible. | s. **Uncovered Rear Deck or Patio Additions ~~350 Sq. Ft. or Less~~** - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible. | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| t. **Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources**- Installation of new, or replacement of existing windows and doors as follows:<br><br>1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and<br><br>2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed. | t. **Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing** ~~Resources~~ **Structures -** Installation of new, or replacement of existing windows and doors as follows:<br><br>1. ~~Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and~~<br><br>2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed. | ~~t. Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources- Installation of new, or replacement of existing windows and doors as follows:~~<br><br>~~1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and~~<br><br>~~2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.~~ | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and<br><br>1. The roof is flat and obscured by a parapet; or<br><br>2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable. | u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and<br><br>1. The roof is flat and ~~obscured by a parapet~~not visible from public or private street rights-of-way; or<br><br>2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable. | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are:<br><br>1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;<br><br>2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or<br><br>3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites. | v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are not within Contributing open space areas, e.g. OSU Memorial Union Quad.<br><br>~~1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;~~<br><br>~~2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or~~<br><br>~~3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.~~ | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| w. **Utility Meters, Pipes, and Venting** - Utility meters, pipes, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities. | w. **Utility Meters, Pipes, and Venting** - Utility meters, pipes, penetration for conduit, wireless routers, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. External pipes, venting, and conduit shall be painted. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities, except under Section 2.9.70.e. Within the OSU Historic District existing fume stacks may be replaced or extended to a maximum height of 16-ft. | None. | w. **Utility Meters, Pipes, and Venting** - Utility meters, pipes, penetration for conduit, wireless routers, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities, except under Section 2.9.70.e. Within the OSU Historic District existing fume stacks may be replaced or extended to a maximum height of 16-ft. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| x. **Skylights** -<br><br>1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass.<br><br>2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable.<br><br>3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable. | x. **Skylights** – The following activities involving skylights are exempt:<br><br>1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings;<br><br>2. Installation of new skylights where they would not be visible from public or private street rights-of-way, except for alleys.<br><br>3. If in a Historic District, replacement or removal of a skylight that was installed after the District's Period of Significance. | x. **Skylights** – The following activities involving skylights are exempt:<br><br>1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings;<br><br>2. If in a Historic District, removal or replacement of a skylight that was installed after the District's Period of Significance. If a skylight is replaced it shall be of an equal or lesser size than the existing skylight. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| y. **Historically Significant Hazardous Trees** - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions. | None. | None. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | z. **Ground-Level and Rooftop ~~Mechanical~~ Equipment**- Installation of ground-level and rooftop ~~mechanical~~ equipment, including solar and hydronic equipment provided all of the following standards are met:<br><br>1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | z. **Ground-Level and Rooftop ~~Mechanical~~ Equipment Servicing Buildings**- Installation of ground-level and rooftop ~~mechanical~~ equipment servicing buildings, including solar and hydronic equipment provided all of the following standards are met:<br><br>1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level ~~mechanical~~ equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions~~,~~ is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | See Page 24. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| aa. **Required Ground-level Screening** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:<br><br>1. Complies with development standards of the underlying zone;<br><br>2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;<br><br>3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,<br><br>4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft. | aa. **Required Ground-level Screening** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:<br><br>1. Complies with development standards of the underlying zone;<br><br>2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;<br><br>3. Is composed of either vegetation, masonry walls, ~~solid~~ wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,<br><br>4. Does not exceed 6 ft. in height, does not exceed ~~10~~ 15 ft. in length or width, and does not enclose an area greater than ~~100~~ 225 sq. ft. | aa.1 **Required Ground-level Screening within the OSU Historic District** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:<br><br>1. Complies with development standards of Chapter 3.36 – OSU Zone;<br><br>2. Does not exceed 6-ft in height and 20 ft. in length or width, and does not enclose an area greater than 400 sq. ft.<br><br>3. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;<br><br>4. Is composed of vegetation, stone, brick, masonry, wrought iron, solid wood fencing, or a combination of these materials. Metal gates/doors may be used to access enclosures.<br><br>a) If attached to a Designated Historic Resource, the screening material shall match materials used on the Designated Historic Resource structure, except in the case of vegetation.<br><br>b) If free standing, the screening material(s) shall be reflective of, and complementary to, those found on any existing surrounding comparable Designated Historic Resources, except in the case of vegetation.<br><br>5. If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting except as follows:<br><br>a. It shall be at least six ft. in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 48 months following installation. | aa.1 **Required Ground-level Screening within the OSU Historic District** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:<br><br>1. Complies with development standards of Chapter 3.36 – OSU Zone;<br><br>2. Does not exceed 6-ft in height and 20 ft. in length or width, and does not enclose an area greater than 400 sq. ft.<br><br>3. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;<br><br>4. Is composed of vegetation, stone, brick, masonry, wrought iron, solid wood fencing, or a combination of these materials. Metal gates/doors may be used to access enclosures.<br><br>a) If attached to a Designated Historic Resource, the screening material shall match materials used on the Designated Historic Resource structure, except in the case of vegetation.<br><br>b) If free standing, the screening material(s) shall be reflective of, and complementary to, those found on any existing surrounding comparable Designated Historic Resources, except in the case of vegetation.<br><br>5. If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| | | **aa.2 Required Ground-level Screening Not within the OSU Historic District** - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:<br><br>1. Complies with development standards of the underlying zone;<br><br>2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;<br><br>3. Is composed of ~~either~~ vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,<br><br>4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft. | None. |

| Existing Text in LDC Section 2.9.70<br><br>2.9.70: | First Iteration Revisions | Second Iteration Revisions | Third Iteration Revisions |
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| e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - Exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade. | None. | **e.Alterations to Nonhistoric and Nonhistoric / Noncontributing Structures –**<br>Exterior Alterations , including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include not freestanding structures which are addressed in Section 2.9.70.h, nor equipment enclosures, which are addressed in Section 2.9.70.aa.<br><br>A. Structures and Properties Not in the OSU National Register Historic District<br><br>1. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code.<br><br>2. The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.<br><br>3. Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size. Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different sizes than existing windows and doors. New window and door openings may be created on facades not visible from public or private street rights-of-way. | **e. Alterations to Nonhistoric and Nonhistoric/ Noncontributing Structures –**<br>Exterior Alterations, including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include freestanding structures which are addressed in Section 2.9.70.h, nor equipment enclosures, which are addressed in Section 2.9.70.aa.<br><br>**1. Windows and Doors on All Nonhistoric and Nonhistoric / Noncontributing Structures**<br><br>a. Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size and style.<br><br>b. Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different sizes and styles than existing windows and doors.<br><br>c. New window and door openings may be created on facades not visible from public or private street rights-of-way.<br><br>**2. Structures and Properties Not in the OSU National Register Historic District**<br><br>a. The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure's height to the extent necessary to comply with the Building Code. |

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| | | 4. Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys.<br><br>B. Structures within the OSU National Register Historic District<br><br>a. The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations.<br><br>b. An addition to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval. | b. The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.<br><br>**3. Structures within the OSU National Register Historic District**<br><br>a. The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations.<br><br>b. An addition to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.<br><br>4. **Not Visible from Public or Private Streets** - Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys. |

| **Existing Text in LDC Section 2.9.70**<br><br>**2.9.70:** | **First Iteration Revisions** | **Second Iteration Revisions** | **Third Iteration Revisions** |
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| **z. Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per | **z. Ground-Level and Rooftop ~~Mechanical~~ Equipment**- Installation of ground-level and rooftop ~~mechanical~~ equipment, including solar and hydronic equipment provided all of the following standards are met:<br><br>*1.* Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic Resource, it shall be attached in a | **z. Ground-Level and Rooftop ~~Mechanical~~ Equipment Servicing Buildings**- Installation of ground-level and rooftop ~~mechanical~~ equipment servicing buildings, including solar and hydronic equipment provided all of the following standards are met:<br><br>1. Equipment shall ~~limited to equipment~~ not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys;~~.~~<br><br>2. If attached to the Designated Historic | **z. Ground-Level and Rooftop ~~Mechanical~~ Equipment Servicing Buildings**- Installation of ground-level and rooftop ~~mechanical~~ equipment servicing buildings, including solar and hydronic equipment, and antennas, provided all of the following standards are met:<br><br>1. Structures and Properties Not in the OSU Historic District<br><br>a) Equipment shall not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys; |

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| Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;~~.~~<br><br>3. Screening required by Code to conceal ground-level ~~mechanical~~ equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions~~,~~ is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening. | b) If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible;<br><br>c) Screening required by Code to conceal ground-level equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.<br><br>2. Structures within the OSU National Register Historic District<br><br>a. Unless the criteria in a.i and a.ii are satisfied, equipment shall not be visible from public rights-of-way, (except for alleys from which they may be visible):<br><br>i. The equipment is an antenna installed on a building at least 30-ft in height.<br>ii. The antenna is a permitted use within the OSU zone.<br><br>b. If attached to a structure, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.<br><br>~~a.~~c. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of-way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa – Required Ground-level screening. |

# CITY OF CORVALLIS
# INVESTMENT COUNCIL MEETING
# NOVEMBER 7, 2013
# MINUTES

The City of Corvallis Investment Council meeting was called to order at 7:31 a.m. in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon.

**ROLL CALL**

Present: Jim Patterson, Richard Hervey, Scott Fewel, Nancy Brewer, Janet Chenard
Absent: Bill Mercer

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| Approve Draft Minutes of August 8, 2013 | | | Approved as drafted. |
| Fiscal Year 2013-2014 First Quarter Review | X | | |
| Investment Procedure – Admin Policy Finaled | X | | |
| Financial Policy Update – Sunset Review | X | | Follow-up needed. |
| Open Discussion | X | | |
| Adjournment – 8:07 a.m. | | | |

**CONTENT OF DISCUSSION**

## I. APPROVE DRAFT MINUTES OF AUGUST 8, 2013

City Manager Jim Patterson invited any corrections to the draft minutes of the August 8th meeting. There being none, Scott Fewel moved, Nancy Brewer seconded, Richard Hervey abstained (due to absence from previous meeting), and the minutes were approved unanimously as submitted.

## II. FISCAL YEAR 2013-2014 FIRST QUARTER REVIEW

Budget & Financial Planning Manager Janet Chenard presented the Quarterly Portfolio Summary for the quarter ending September 30, 2013 (Attachment A). The portfolio balance decreased substantially in the first quarter, as is normal at this time of year awaiting the property tax influx in November. The $7 million decline was also a function of the nearly $1.5 million paid out for the Hewlett-Packard property tax refund in July. There was no investment activity in the form of purchases or maturities. Book yields for the total portfolio fell by 1 basis point. The 2-Year Treasury benchmark went up marginally, but not enough to provide for any real opportunities to place the remaining $1.5 million of the City's core portfolio. However, Ms. Chenard noted that Davidson Fixed Income Management (DFIM), the City's Financial Advisor, has been in touch this week to suggest that a bid list of potential investment purchases

would be forthcoming given some improvement in the market, as well as impending maturities this quarter that should be reinvested to maintain the City's portfolio term-laddering strategy.

In response to City Attorney Fewel's question on the balance being maintained at OSU-Federal Credit Union, Ms. Chenard responded that the $918 shown under the Cash "Savings" account is the unswept interest balance on the $1 million Certificate of Deposit that is included in the $13.5 million investment total in the line below. Finance Director Brewer reminded Investment Council that the City was required to open the savings account with a minimum balance ($10) as a condition of doing business with OSU-FCU. Mr. Fewel asked if the City could place more funds in the OSU-FCU CD, but staff responded that the above-market rate was based on attracting the relationship and additional capacity was not viable for the credit union.

## III. INVESTMENT PROCEDURE – ADMIN POLICY FINALED

This agenda item was primarily added to update the Investment Council on some offline activity that staff was charged with at the past meeting and to have added to this meeting's minutes the finalization and formal approval of the policy on Sept.9, 2013. After reviewing language added to the Investment Administrative Procedures with regard to the review process for the Corporate Securities list, the City Manager signed and published same. Ms. Chenard also circulated a revised Annual Investment Administrative Procedures Acceptance certificate to Investment Councilors for signature, based on a corrected reference to the current (vs. prior) fiscal year. Lastly, it was noted that the Corporate Listing that DFIM was asked to provide to Council would be sent out electronically after the meeting, and appended to these minutes, in order for Councilors to review and provide input on any corporate names they would like to see excluded from the list prior to DFIM making use of said list for potential investments.

## IV. FINANCIAL POLICY UPDATE

Ms. Brewer introduced the topic of a sunset review of the Investment Council. Scott Fewel said his first question is who is it that cares about what is done by Investment Council? Is it the City Manager or the City Council? Mr. Fewel stated that he feels the group meets and makes valid contributions, but there may be no point if no one else cares. That said, he finds the outside knowledgeable member of the group provides some valid oversight. He recalled the period in the 1990s when the Investment Council was asked to allow for longer term investments to take advantage of higher rates. Mr. Fewel asked what other cities do for oversight of investments.

Ms. Chenard responded that most other cities take investment reports either directly to the City Council or to a subcommittee of the City Council.

Richard Hervey stated he sees value in who was identified to be a member – City Attorney, Finance Director, and a knowledgeable outside party, because they each bring special knowledge and information to the Investment Council.

City Manager Patterson said he thought there was a need to have checks and balances over investments, but was not sure the Investment Council was the only solution. Since most meetings are 15 minutes or so, that would be the equivalent of one item on the Administrative Services Committee's (ASC) agenda. Staff could have the Investment Advisor make her annual report to ASC and knowledgeable third parties could also be invited to provide public comment.

Mr. Fewel stated that ASC may be a better venue since it places the information more clearly before the City Council, particularly given that the majority of the Investment Council is already made up mostly of City or quasi-City personnel (i.e., City Attorney, City Manager, City Council President, City Finance

Director). Mr. Patterson said that as he thought about it, taking the investment reports to ASC may also make for a better check and balance and more firmly places the City Council in direct oversight to match with its fiduciary role. He also stated that more citizens are likely to come to an ASC meeting so the reports and information may become more transparent.

Mr. Hervey stated he supported the concept of taking the investment reports to ASC, but he has concern about losing the outside "local" review/perspective that comes with Mr. Mercer's presence on the Investment Council, with potentially more direct responsibility than a casually invited attendee at ASC.

Mr. Patterson stated that he was hearing general consensus that notes from the meeting should be shared with Mr. Mercer for his feedback before information is taken to ASC with an Investment Council recommendation to sunset. However, unless Mr. Mercer has a different view, it appears the Investment Council is in consensus that the body be sunsetted.

Staff committed to sharing these notes with Mr. Mercer via email, and if he has a different view the Investment Council would be reconvened prior to the next scheduled quarterly meeting for further discussion on this topic, to be timely for the annual Financial Policy review/update in February.

## VI. OPEN DISCUSSION

No new topics were introduced.

## VII. ADJOURNMENT

The meeting was adjourned at 8:07 a.m.

Attachment A

# City of Corvallis
# Investment Council
# February 6, 2014

**Quarterly Portfolio Summary for the Quarter Ending 12/31/13:**

| | Treasury Report Pg. 10 September 2013 | Treasury Report Pg. 7 December 2013 | Change |
|---|---|---|---|
| **Cash** | | | |
| Petty Cash | $9,590 | $9,590 | $0.00 |
| Checking | $3,452,502 | $2,988,527 | ($463,975.18) |
| OSU Federal Savings | $918 | $1,045 | $127.12 |
| State Pool (LGIP)* | $17,276,690 | $35,138,225 | $17,861,534.61 |
| *ORS maximum $45,642,885 | | | |
| **Cash - Total** | **$20,739,701** | **$38,137,388** | **$17,397,687** |
| **Investments - Total** | **$13,500,000** | **$15,175,000** | **$1,675,000** |
| **Portfolio - Total** | **$34,239,701** | **$53,312,388** | **$19,072,687** |

**Investment Activity**

| | Description | Maturity/Call Date(s) | Par Value |
|---|---|---|---|
| Purchase | General Elec Cap 1.000% 12/11/15 | 12/11/2015 Cont. Call | $675,000.00 |
| Purchase | FHLMC 1.000% 7/28/17 | 7/28/2017 | $2,000,000.00 |
| Purchase | US Treasury 0.875% 12/31/16 | 12/31/2016 | $2,000,000.00 |
| Matured | FHLB 0.875% 12/27/13 | 12/27/2013 | ($3,000,000.00) |
| | | **Net Change in Investments** | **$1,675,000** |

| **Book Yields** | Treasury Report Pg. 24-25 September 2013 | Treasury Report Pg. 24-25 December 2013 | Change |
|---|---|---|---|
| Total Portfolio[1] | 0.57 | 0.58 | 0.01 |
| Core Portfolio[2] | 0.69 | 0.77 | 0.08 |
| State Pool (LGIP) | 0.54 | 0.54 | 0.00 |
| 2 Year Treasury | 0.36 | 0.32 | -0.04 |

[1] Total City Cash & Investments

[2] Invested Portion of City Portfolio

**Other Information:**

**DRAFT**

# CITY OF CORVALLIS
# INVESTMENT COUNCIL MEETING
# FEBRUARY 6, 2014
# MINUTES

The City of Corvallis Investment Council meeting was called to order at 7:30 a.m. in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon.

## ROLL CALL

Present: Jim Patterson, Richard Hervey, Bill Mercer, Nancy Brewer, Janet Chenard
Absent: Scott Fewel

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| Approve Draft Minutes of November 7, 2013 | | | Approved as drafted. |
| Fiscal Year 2013-2014 Second Quarter Review | X | | |
| Review/Approve Corporate Securities List | X | | Follow-up needed. |
| Open Discussion | X | | Follow-up needed. |
| Adjournment – 8:00 a.m. | | | |

## CONTENT OF DISCUSSION

### I. APPROVE DRAFT MINUTES OF NOVEMBER 7, 2013

City Manager Jim Patterson invited any corrections to the draft minutes of the November 7th meeting. There being none, Finance Director Nancy Brewer moved, City Councilor Richard Hervey seconded, and the minutes were approved unanimously as submitted.

### II. FISCAL YEAR 2013-2014 SECOND QUARTER REVIEW

Budget & Financial Planning Manager Janet Chenard presented the Quarterly Portfolio Summary for the quarter ending December 31, 2013 (Attachment A). Ms. Chenard shared that on balance the economy showed improvement in the fourth quarter of the calendar year. Unemployment rate fell to 6.7% in December, but was mainly due to workers leaving the labor force. Hiring slumped sharply in December, as the economy added only 74,000 jobs, according to the government. This was the weakest month for job growth since January 2011 and came as a huge surprise to economists, who were expecting an addition of 193,000 jobs. For all of 2013 however, the economy added 2.2 million jobs, which was about the same as 2012's gains.

Inflation for the year was 1.5%, as measured by the CPI-U, below the Federal Reserve target of 2%, allowing them to maintain their accommodative stance of a very low 0-1/4% Fed Funds rate. Tapering finally got underway in January, with a $10 billion reduction in the Fed's bond-buying program from the $85 Billion per month they had been purchasing since September 2012, to only $75 billion in January. There is talk of dropping the purchases to $65 Bn per month in February, despite the weak jobs data noted previously.

The yield curve edged up across the board in the fourth quarter, from 5 basis points (bp) in the 3-month time frame to 42 bp in the 10-year term since the third quarter end. The curve also got steeper, with a 136 bp difference between the 2-5 year time frame, versus only 106 bp at the end of the third quarter.

The City's portfolio was changed as a result of some of this improvement, as well as other events. The influx of about $21.5 million in permanent rate, 2011 Operating Levy and GO Debt Levy property taxes helped grow the total cash and investment balance by $19 million in the fourth quarter, to a total $53.3 million at December 31. At the beginning of the quarter, there was an existing shortfall in the core portfolio of about $1 million from a summer maturity that had not been replaced because the markets were below the LGIP yield levels. The Core portfolio was scheduled to fall further below target when a $3 million investment matured in the last week of December. Staff was able to place $4.675 million in Treasuries, a Freddie Mac agency and a GE Corporate security in mid-December, to bring the core portfolio to just over the $15M goal level by the end of the quarter. With the currently laddered structure, the City will not need to place an investment for another 12 months, unless any of the securities are called or sold (which is not expected).

The core portfolio added 8 bp of yield with these investments, bringing the total portfolio yield, with still nearly 2/3 of the portfolio invested in the LGIP, up by about 1 bp to a total of 0.58%. With a weighted average maturity of less than 2 years, this yield continues to compare favorably to the 2 year Treasury note at 0.32%. Ms. Chenard responded to Mr. Patterson's comment that there had been more activity this past quarter by advising that the timing had indeed been good, particularly in light of slightly lower rates so far in the first quarter of calendar 2013.

In response to Councilor Hervey's question about why the LGIP was not doing better given the great stock market results this calendar year, Ms. Brewer responded that there needs to be an understanding of different types of "State" investing. For example, PERS account investments are doing well and benefitting from improved stock market returns based on permitted investments with that $87 Billion. However, the State Pool, with its cash balances from local governments is subject to basically the same rules to which the City is bound – i.e,. very restrictive, with security of funds or preservation of principal being primary, and returns being well down the list of goals. Ms. Chenard also reminded Council members that the LGIP is a high-yielding liquid investment, since the City can access up to several million dollars from its account for same or next day transfer if needed. Additionally, staff does not really expect the return on the LGIP to increase anytime soon, despite an improved economy as the pool is still holding reserves that detract from the potential yield of its investments, based on hits it took with the recent year bank failures, such as Lehman Brothers, etc. Davidson Fixed Income Management (DFIM) has even forecast the potential for a drop in this rate, based on higher yielding maturities coming off the State books; so far this decline has not occurred.

## III. CORPORATE SECURITIES LIST

Ms. Chenard distributed an updated Corporate Securities List (Attachment B) and noted that the only difference from the online meeting packet version was that DFIM had completed some of the blanks that had previously been present in the matrix with the relevant information missing. None of the names have

changed from the original list that was distributed as part of the email discussion held in mid-November 2013 about the proposed purchase of the General Electric corporate security mentioned earlier.
Councilor Hervey reiterated his intent that this list be reviewed by the Administrative Services Committee (ASC) when the responsibility for Investment oversight is moved to that body. In that regard, he inquired when this event might occur. Ms. Brewer responded that staff hoped to take the Financial Policy revisions to ASC at its February 19, 2014 meeting along with the Investment Council's recommendation to sunset itself and transfer their responsibilities to ASC.

Concern about certain names on the list was expressed, due to the political nature of the Corvallis environment, where OSU is considering divesting itself of oil-related investments, for example. Ms. Brewer noted that from a staff perspective, specific criteria established by ASC would be necessary in order to exclude any names from the list and avoid possible accusations of subjectivity in this regard. Furthermore, staff has very little capacity with current resources to develop such criteria, let alone research these companies' holdings and conduct tests on some basis to establish the "acceptability" of a given company for investment. If a proposal is made to pursue something in this vein once ASC takes over the reins, staff would hope that this topic could wait until the summer after the budget cycle was completed in June, in order to not detract from that more critical work.

Citizen Member Bill Mercer noted that we could use our Financial Investment Advisor to provide some advice, as well as due diligence in this regard. Councilor Hervey further noted that he has no predisposition to what the outcome of such a discussion would be, it just feels prudent to be proactive and be able to say that we had the discussion should such conversations or questions emerge later. Mr. Patterson further expressed that a good example of Ms. Brewer's consideration of potential complications is that what might be acceptable to some and not others from a political standpoint, is a name like Walmart. While one camp may say that we should not be investing in that company based on a certain perception or value, others would point out that they've signed on to be part of the coalition with the President of the United States to hire more Americans, so why wouldn't the City invest in them. The City's elected officials may choose to want to be prepared to say they've considered and answered that question.

So, while the decision is to wait to have further discussion with ASC on potentially removing certain names based on specific criteria as yet undetermined, it was agreed that staff is authorized by the current body to use the approved list if future purchases from it make financial sense in the context of the current Investment procedure criteria.

## IV. OPEN DISCUSSION

Ms. Brewer updated the Investment Council with the information that just last week an addendum to the City's Investment Advisor contract was signed to extend those services for one year. Then, on Monday this week, Deanne Woodring and the other four personnel out of DFIM's Portland office resigned from Davidson to form their own new company, Government Portfolio Advisors (GPA), with Ms.Woodring as president. The City was notified on Tuesday morning of this event, and has begun conducting its due diligence on whether the contract can now be maintained by DFIM's Seattle office, or whether we will have to invoke the termination clause and figure out some other course of action (such as go out for a new request for proposal (RFP) for investment advisory services, or temporarily contract with GPA for continuity, etc.).

Mr. Mercer wondered why GPA staff had made this move. Ms. Chenard shared that Ms. Woodring and the other Portland staff were unhappy with the level of financial and technical support they were getting from the parent company of Davidson.

As such, Ms. Brewer noted that part of City staff's due diligence would be to ensure that the Seattle DFIM office would affirm its strong interest in maintaining the contractual relationship through a near-term on-site visit, seamless monthly reporting support, and other current needs. Ms. Chenard has already been in touch with the managing director of the Seattle office, and has begun testing the responsiveness of this group, and hopes to have more information in this regard shortly.

A key issue in the short-term is the ability to continue to report out monthly on our Investment holdings, for which we have relied quite extensively on DFIM since the contract began three years ago. Fortunately the City's safekeeping custodian, U.S. Bank, has a reporting system that staff may access if needed to produce such a report should DFIM be unable to do so. Mr. Mercer also confirmed with Ms. Brewer that City staff and DFIM-Seattle both continue to have access to the third-party safekeeping information, and that GPA staff no longer have said access. Neither DFIM nor GPA have any financial access to the City's investment holdings at U.S. Bank.

While this is an interesting situation to be in, the City is obviously not alone, as many entities statewide are currently dealing with the same issue. Councilor Hervey inquired as to how unusual it is for a firm like this to have such a strong emphasis and knowledge of Oregon agencies. Ms. Brewer replied that when the RFP was originally conducted, there were three respondents. One of the firms was from California and did not score particularly well due to its lack of Oregon clients, but was hoping to break into the market. The other two firms were Portland-based and likely equally competent and qualified, but DFIM was much more price competitive at only $18,000 per year. It will be part of our best practices to look at the market again, likely in the next year given this change. While we could go out for an RFP sooner, as per Mr. Mercer's suggestion that we invoke the termination clause based on loss of key personnel, there is less urgency to do so, given that the $15 million in core portfolio has no maturities due prior to October 2015. Ms. Brewer also reminded Council members that with staff's current budget focus, and our desire to first conduct due diligence on DFIM-Seattle, we would prefer to wait till the summer anyway to begin work on a big project like this RFP process. Based on what staff knows today, we are comfortable with this path. Mr. Mercer also noted that this timing appears appropriate based on the potential transition to the new oversight body of ASC, where their involvement in the RFP process might lend itself to additional insight into the finer details of government finance.

Councilor Hervey finalized the discussion by noting that he supports the intent that Mr. Mercer continue to be invited to attend ASC meetings when the quarterly investment information is discussed. His historical and professional expertise over the many years he has participated in Investment Council is highly valued.

## VII. ADJOURNMENT

The meeting was adjourned at 8:00 a.m.

# DRAFT

**CITY OF CORVALLIS**
**MINUTES OF THE PARKS, NATURAL AREAS AND RECREATION BOARD**
**January 16, 2014**

**Attendance**
Betty Griffiths, Chair
Lynda Wolfenbarger, Vice-Chair
Joshua Baur
Deb Rose
Ralph Alig
Phil Hays
Marc Vomocil
Tatiana Dierwechter
Michael Mayes
Joel Hirsch, City Council Liaison
Kevin Bogotin, 509-J District Liaison

**Absent/Excused**
Jon Soule
Ed MacMullan

**Staff**
Karen Emery, Director
Jude Geist, Parks Operations Supervisor
Claire Pate, Recorder

**Guests**
Chad DeMers
Laura Duncan Allen

| | Agenda Item | Summary of Recommendations/Actions |
|---|---|---|
| I. | Call to Order/Introductions | |
| II. | Approval of Meeting Minutes: November 21, and December 5, 2013. | Approved, with revisions |
| III. | Visitors' Propositions | |
| IV. | Marys River Boardwalk Project Update | |
| V. | Sunnyside School House Update | |
| VI. | Marketing Goal Report | |
| VII. | Alternative Funding Goal Report | |
| VIII. | General Review of Goals | |
| IX. | Budget Discussion Follow Up | |
| X. | Staff Report/Other Business | |
| XI. | Adjournment – 8:10pm | The next regularly scheduled meeting will be on February 20, 2014, at 6:30 p.m. |

**CONTENT OF DISCUSSION**

## I. CALL TO ORDER/INTRODUCTIONS

Chair Betty Griffiths called the meeting of the Parks, Natural Areas and Recreation Board to order at 6:30 p.m. at the Downtown Fire Station, 400 NW Harrison Boulevard. She asked to add to the end of the agenda a follow-up discussion relating to the upcoming budget.

## II. APPROVAL OF MINUTES.

**November 21, 2013:**
Corrections noted:
Page 9, Par. 3, 1st line: delete the word "asked."
**Motion**: Vomocil moved to approve the minutes as revised. Wolfenbarger seconded the motion which passed unanimously.

**December 5, 2013:**
Corrections noted:
Page 3, Par. 2, 5th line: delete "ways to" to read "come up with different ways to manage that."
Page 7, Par. 2, 3rd line: add "said" after Alig.
**Motion:** Hays moved to approve the minutes as revised. Vomocil seconded the motion which passed unanimously.

## III. VISITORS' PROPOSITIONS.

**Chad DeMers**, Corvallis Bike Park Coalition, spoke on behalf of a group of bicyclists who are advocating for a bicycle park facility in the Martin Luther King Jr. Park. They are currently maintaining the BMX track park in South Corvallis and have logged over 500 hours of volunteer time doing the work of adding features and making it safe for children. Their desire is to have a bike facility for children in north Corvallis. They would start small by putting in some beginner pump tracks and child-sized track loops, and make it a trial run. This would make biking accessible to kids in this area, in addition to having the BMX facility in south Corvallis.

In response to commissioner questions, Mr. DeMers said that they have over 130 members on a Facebook page. Over 70 people have logged the 500-plus hours of volunteer work since September 2012. They had first proposed a pump track next to the skatepark to have a facility out of the rain, but the permits were too expensive because of its proximity to the river. The size they would need to begin with would be an area of 50' x 20' placed in proximity to the playground equipment at MLK Jr. Park. The features would be dirt that could be moved with a shovel. No equipment would be used, and the work would be done and maintained by volunteers.

Staff stated that there is a plan in place for the park, and it would need to be reviewed. Upgrades are planned for the playground and the barn during FY14-15, and this project might be able to tie into that work. Staff said they would review the existing plan for the park, and invited Mr. DeMers to meet with Parks Supervisor Jude Geist to discuss the feasibility of adding this facility and to put together a more detailed plan to bring back to PNARB for consideration.

**Laura Duncan Allen** said she had spoken to PNARB before but wanted to follow up on her concerns about enforcement of the dog leash requirement in the vicinity of the Crystal Boat ramp. Geist said that staff had looked at the area and found that there was ample signage, though they would likely add some signage reminding dog-owners who are leaving the off-leash area to leash their dogs. Otherwise, it is up to the Corvallis Police to provide enforcement when notified of an incident. Timeliness of response is an issue, since the offender might leave prior to an officer being able to respond.

Ms. Duncan also shared her concerns about litter and camping in the riparian zone. There are several homeless camps across the river in Orleans Natural Area, and on the Corvallis side there are remnants of camps and trash. Under the Van Buren Bridge are also campsites. She has been in correspondence with ODOT in this regard. When the river rises, a lot of the trash will be washed into the river. Her hope was that a dumpster and bathroom facilities might be provided, along with enforcement of no camping.

Geist said that staff and police officers do periodic postings and cleanups, but it is an ongoing problem with campers that are displaced moving to another location. They try to deal with the Orleans area once a quarter. There are safety and liability issues, so volunteers cannot be used for the work. The ability to do more frequent patrols and cleanups comes down to availability of resources and staff time to do the work. Griffiths suggested that Ms. Allen talk to Police Chief Sassaman as well as the Linn County Sheriff's office about additional patrols for the area.

There was a brief discussion about campground facilities for the homeless, and it was suggested that Ms. Allen contact the Homeless Coalition to offer her suggestions and to get more information about what they are doing in this regard.

## IV. MARYS RIVER BOARDWALK PROJECT.

Director Emery recapped that the Marys River boardwalk had been washed away during the flood of 2012. The City received a FEMA grant to replace the boardwalk and they were in the process of doing some active fundraising for $64,000 in matching funds to move forward on the project. The Friends of Corvallis Parks and Recreation has taken on the project. There is a meeting scheduled for 5:30pm on January 23, 2014, at the Parks and Recreation Administrative offices to provide attendees with more information on the project itself and to discuss opportunities for involvement as well as donating funds. There is a follow up meeting on January 30, 2014, for those who might want to talk about the design for the replacement. The neighborhood will be sponsoring a fund-raising event set for March 3, 2014, which will have live music and entertainment; along with some other informal coffee events. The hope is that the money will be collected by June 2014. Rochefort can give an update to PNARB at the February meeting.

## V. SUNNYSIDE SCHOOL HOUSE UPDATE.

Emery informed the Board that the City Council had accepted donation of the Sunnyside School, and Park Planner Rochefort was immersed in the details of moving the structure at the end of January. Permits are in place and they have received an anonymous donation in the amount of $100,000 to help cover the costs. The Friends of Parks and Recreation are seeking additional donations to complete the funding of the move, rebuilding the roof and foundation work. Griffiths added that they have received $22,000 and are looking for an additional $3,000. Any funds collected over that amount can be used for future phases of the renovation.

## VI. MARKETING GOAL REPORT.

Dierwechter passed out meeting notes (**Attachment A**) from the last meeting of the Outreach, Education and Advocacy Subcommittee. She said that much had changed in the six months since they met, but the themes were still appropriate. At that time, they did not have the levy results. Since then, they have met with staff to ensure there is an understanding of the role of PNARB in terms of advocacy, so some of the concepts included in the handout are dated. The overall theme, however, is that much more can be done to let the community know about the wonderful things Parks and Recreation does and how they can be involved in supporting those efforts. Dierwechter

briefly covered the rest of the ideas contained in the meeting notes, and said that the team would be meeting again soon to update ideas and strategies, and prioritize with staff two or three efforts to work on.

Emery said that staff has just put together a department-wide marketing team and it would be useful to have a joint meeting with the subcommittee and this newly formed group. Staff's first effort was to put together a baseline of what is already being done in this regard. It was agreed that a joint meeting would be a good next step.

Griffiths said that it would be really helpful to get the perspective of a high school student on the PNARB; Bogotin said he would try to find a good candidate for that though there is no vacancy on the Board at this time.

## VII. ALTERNATIVE FUNDING GOAL REPORT.

Rose said that the team had met several times and has a lengthy list of prioritized ideas. They were prioritized by a number of metrics, from the potential dollars that could be raised to the amount of effort it would take and potential success of a program. Staff took the information and came up with a list of the top five ideas. Their next meeting will be to look at those top five ideas. Rose then shared a lengthy list of ideas that had been generated which included naming rights for buildings/rooms/trails; expansion of "dog day" or week; having private concessions or food trucks at parks for special events; pursuing grant opportunities; having an annual campaign; collaborating with the medical community on therapy classes at the pool or Senior Center; and many more.

## VIII. GENERAL REVIEW OF GOALS.

Griffiths suggested that they do a general review of the goals and the work that has been done to date. Goal 7 was discussed first, in response to questions from Vomocil.

**Goal 7 (Develop a Parks and Recreation District by 2015):** On request of City Council, Parks and Recreation staff had done some research on formation of a district and looking at potential boundaries for the district. That information was given to City Council, but because of the timing and financial uncertainty of tax compression, no action was taken. It was also indicated that it could be a citizen initiative, and not a Council initiative. A group of citizens would need to propose a district and then work with the City on details. Emery added that the largest barrier to forming a district is the tax compression issue. Each new district that is formed diminishes the capacity for other taxing districts to levy additional funding. She said that she would send a copy of the feasibility study to the entire Board for their information. Griffiths said that since it was one of PNARB's goals, they should have another discussion about it after reading the feasibility study.

**Goal 1 (Advocate prioritizing improvements to existing neighborhood parks, trails and natural areas):** Hays said that a few years ago he chaired a joint committee that had been formed with City/County and Greenbelt Land Trust to look at priorities for the trail system. The committee postponed doing any more work until they could get a listing and map of the existing trails. That work has now been done and he will be contacting the people who were on the original committee to see if they would like to continue on with the mission. The group should get some direction from either PNARB or from Parks and Recreation staff so that he can focus discussions.

It was agreed that Hays would get together with Geist to develop some starting points for the subcommittee's work. Geist said that now that the trails are mapped they have identified the need for different linkages and they can use that as a starting point. They will also look at neighborhood parks' deficiencies and do some prioritization.

**Goal 2 (Implement efficiencies between city, county, OSU, LBCC and school district by 2014; e.g. sharing equipment and personnel):** Baur said that the subcommittee had not yet met, but that he would try to get a meeting organized. Hays added that the City, County, OSU College of Forestry and Oregon Department of Forestry were already working on agreements to share small equipment. Heritage Tree program is also a joint effort.

**Goal 3 (Develop a plan to increase funding for Parks and Recreation):** This was addressed earlier by Rose.

**Goal 4 (Expand public awareness, communication and advocacy for all Parks and Recreation facilities, land and programs):** This was addressed earlier by Dierwechter.

**Goal 5 (Develop or expand community relationships and partnerships to pursue joint goals – non-governmental):** Mayes said that nothing had been done, other than to review the list that was updated. He will try to get the subcommittee together within the next month.

**Goal 6 (Develop and expand access and recreational opportunities, such as outdoor education, for underserved youth and families):** Wolfenbarger said that once the Family Assistance program funding is resolved they can continue their work in this area.

## IX. BUDGET DISCUSSION – FOLLOW UP.

Griffiths said that staff had been asked to follow up on several questions that the Board had at the last meeting. Emery responded to the questions as follows:

- **Was the "five-year expense average" a fair process to use for next year's budget?** Departments were given a fixed budget number which reflected a five-year spending average. For Parks and Recreation, the fixed expenditure number for FY14-15 will be $292,000 less than the current budget, a 5% cut. There was discussion at the last PNARB meeting about how this would impact the Family Assistance program, which is a scholarship program provided to low-income families so that they can participate in programs. City Council had asked that this program be marketed in light of the increases made to the fees in order to implement cost recovery for programs. The Family Assistance program provided an avenue for people who could not afford the new fees.

  Last year, Parks and Recreation spent $139,000 on Family Assistance scholarships, having reached out to lower-income families who wanted to participate in various programs. With application of the five-year spending average, Family Assistance would be budgeted at $33,000 for FY14-15. This is due to the fact that in the first four of the five years, little was expended in this program. Last year, with the marketing of the program and the increase in usage, the amount spent increased substantially. The reality is that the program demand will be the same as, or greater than, the $139,000 spent last year. For the current budget year, $80,000 has already been spent and the busiest time is yet to come in the spring. The budgeting process can be complex to explain, in that the expenditure for the scholarships is also counted as revenue towards meeting the mandate for recovering the cost of programs.

- **Can Family Assistance be paid through United Way funds, to which the City contributes?** It is possible, but those monies are a fixed amount so funds allocated to this program would mean taking away funding from other programs. City Council would have to weigh in on this to determine if they would like to redirect those dollars.

- **What happens if not enough fees are collected to cover costs of the programs?** Fees are calculated to cover the costs of providing a program, so if those fees are not coming in there is likely a similar decrease in expenditures such as for instructor costs. Expenditures have to be held to the budgeted amount, although there is a mechanism called a supplemental budget request wherein City Council can give the department authority to exceed its budget if, for instance, it has received additional revenue through grants or donations for a certain expenditure. An example of this for the current year is that $2,500 was put into the budget for memorial benches; however, this year by December over $8,000 was collected. Staff plans to go to City Council with a request to expend that extra amount over the $2,500.

- **What is the City Council's fund balance policy?** Emery said that she does not have a lot of detailed knowledge about this, but the City Council adopted a policy to have three months of payroll in a reserve fund. To get to that fund balance, the intent is to appropriate 10% of that targeted amount every year until the target is met. The City's target is $6,300,000.

Griffiths said that the budget questions had been asked to ascertain whether the process was equitable for the Parks and Recreation Department in light of the Family Assistance program expense and the fact that in previous years some positions had been left vacant. It was decided that she, Council Liaison Hirsch, Emery, Dierwechter, and Mayes would meet to have an additional discussion and determine whether further action would be appropriate. Any recommendation from PNARB would have to be made at the February meeting.

## X. STAFF REPORTS/OTHER BUSINESS.

Emery said that the new playground has been put in at Tunison Park, and the irrigation system will be upgraded. The park will be up to date and the neighborhood is pleased with the results.

A stainless steel replacement of the Central Park squirrel has been securely installed. This was a donation by the Madison Avenue Task Force and was done by the original artist.

In December, a SantaCross race event was held in Avery Park, providing a family friendly bicycle event for the community. There was some turf impact which was anticipated; however the organizer is responsible for all of the turf repair work. There were over 200 participants, who were very appreciative of the opportunity to compete in Corvallis. It resulted in some additional revenue which could be put into the Family Assistance program, and donations of bicycle equipment.

Baur shared that the Public Participation Task Force "world café" had been a useful exercise for generating ideas on how to improve communications between committees, and with the City. There were several City Councilors in attendance and lots of good discussion. The results will be posted on the City website.

Council Liaison Hirsch said that the City Council had a work session to discuss a process to update the Vision 2020 statement. Goals relating to the natural environment were to a large extent met due to the work of the Parks and Recreation Department and PNARB.

Wolfenbarger announced that Senior Citizen Foundation of Benton County Inc. was having a birthday party from 1-3pm, at the Senior Center. This is a non-profit organization who funds senior related projects/programs in Benton County.

In response to a question related to the Senior Gold Pass refund process, Mayes said it seemed to be going well and he had received notification that his $25 was on deposit.

XI. **ADJOURNMENT.**

The meeting was adjourned at 8:10pm. The next meeting will be held on February 20, 2014, at 6:30 p.m.

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

DRAFT

# CITY OF CORVALLIS
# PLANNING COMMISSION MINUTES
## January 29, 2014

**Present**
Jennifer Gervais, *Chair*
Frank Hann, *Vice Chair*
Kent Daniels
James Feldmann (7:20pm)
Ronald Sessions
Jasmin Woodside
G. Tucker Selko
Roger Lizut
Penny York, Council Liaison

**Excused Absence**
Jim Ridlington

**Staff**
David Coulombe, Deputy City Attorney
Ken Gibb, Community Development Director
Kevin Young, Planning Division Manager
Jeff McConnell, Public Works Engineering
Jackie Rochefort, Parks Planner
Matt Grassel, Public Works Engineering
Claire Pate, Recorder

## SUMMARY OF DISCUSSION

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Visitors' Propositions | | | |
| II. | Discussion and Recommendation: Conditions of Approval for Campus Crest Planned Development and Subdivision (PLD13-00003, SUB13-00001) | | | Recommend approval of Staff's Conditions of Approval, as revised during the meeting. |
| III. | Old Business | | | |
| IV. | New Business | | | |
| V. | Adjournment | | | Adjourned at 10:50pm |

## CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jennifer Gervais at 7:07 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Introductions were made.

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

**II. DISCUSSION AND RECOMMENDATION: CONDITIONS OF APPROVAL FOR CAMPUS CREST PLANNED DEVELOPMENT AND SUBDIVISION (PLD13-00003, SUB13-00001)**

A. Opening and Procedures:

Chair Jennifer Gervais welcomed citizens and stated that the Planning Commission was meeting to make a recommendation to the City Council regarding the Planned Development and Subdivision components of the Campus Crest application (PLD13-00003 and SUB13-00001). The City Council had asked that they make a recommendation regarding the conditions of approval necessary to ensure that these two components comply with applicable decision criteria. Because the recommendation is to be based on information that is already on the record, there will not be an opportunity for public testimony at this meeting. It is anticipated that there will be an opportunity for public testimony when the City Council meets to consider the Planning Commission's recommendation. That meeting has been scheduled for February 18, 2014, at 7:30pm at the Downtown Fire Station (second floor), 400 NW Harrison.

She stated that the order for tonight's proceedings was for a brief overview by staff; questions of staff; then discussion and deliberations relating to the recommended conditions of approval.

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

1. **Conflicts of Interest -** none
2. **Ex Parte Contacts** - Commissioners Woodside, Daniels and Gervais all had contacts from people wanting to know more about Campus Crest deliberations, but stated that they did not enter into those discussions; Commissioner Woodside said that though she was on a South Corvallis neighborhood email list, she had not read an email that had Campus Crest as the subject. Commissioner Gervais said she had tried to track down some information relating to a commercial orchard that might have been on site, but she was unsuccessful. She had discussed the Planning Commission deliberations process with some people, but had not discussed any of the issues or content associated with the deliberations. All declarers stated that the contacts would not affect their ability to make a fair and impartial decision relating to tonight's proceedings. Commissioner Daniels stated that he had submitted a neutral letter to City Council relating to OSU enrollment information, but it had no bearing on his ability to make an impartial decision.
3. **Objections to Declarations -** none
4. **Site Visits** – by Commissioners Woodside and Gervais with nothing noteworthy to report.
5. **Objections on Jurisdictional Grounds** – none

C. Staff Review.

Planning Manager Young said that at the January 6, 2014, City Council meeting, City Council deliberated on the Campus Crest application. They made tentative decisions to approve the requested Comprehensive Plan Amendment and Zone Change applications. However, prior to making tentative decisions on the Conceptual and Detailed Development Plan and Subdivision requests, they asked that the Planning Commission make a recommendation regarding any Conditions of Approval that would be necessary to ensure that the proposals comply with all applicable decision criteria. It will be important that the Planning Commission make sure that

all recommended Conditions of Approval are deemed necessary to ensure compliance with applicable criteria for the Planned Development and Subdivision. The staff report for the meeting includes staff's entire analysis of the Planned Development and Subdivision sections of the application, as well as staff-recommended Conditions of Approval. The issues identified by the Planning Commission during deliberations are also included on the last page of the staff report. Mr. Young then opened it up to any questions commissioners might have of staff.

D. Commissioner Questions of Staff

Commissioner Daniels said that when he reviewed the January 6, 2013, City Council meeting, there had been a fair amount of discussion relating to a zoning concern and the Planning Commission possibly doing something about it. He asked staff to explain what that discussion related to. Community Development Director Gibb stated that there had been a question from a Councilor related to zoning concerns and staff had clarified that that issue was no longer before the Planning Commission.

Commissioner Hann asked about the planned built-in fire suppression systems and whether this meant that issues relating to fire access were not as critical. Mr. Young stated that the fire access requirements still remained even if the buildings were protected with fire sprinkler systems.

Commissioner Hann asked for clarification about limitations on the potential for future development beyond the 296 dwelling units. Mr. Young stated that Condition 5 limits the Planned Development to the 296 dwelling units. If the applicant wanted to exceed this amount, they would have to go through a Planned Development Modification process, which would require a public hearing. The entire proposal is considered a package; with the Comprehensive Plan Amendment and Zone Change, the developable area of the site is reduced to the approximate 25 acres out of the 95-acre site. The remaining 70 acres, zoned Open Space-Conservation, is simply not developable. There would have to be a Comprehensive Plan Amendment/Zone Change process to propose future development in those areas.

Commissioner Hann said that one of the Planning Commission's big concerns was for pedestrian and bicyclist safety, and there had been a discussion about a median on NW Harrison Boulevard that would be east of where the multi-modal path intersects. His concern is that students will be commuting into the sun in both directions, and Harrison Boulevard can be dangerous to cross in this area as well as east towards 29th Street. He asked if a median had been, or could be, incorporated into the plan. Engineer Grassel said that there had been a discussion about a median on Harrison in the vicinity of where Circle Boulevard will connect. As it now stands, Condition 14 states that: "*The County may require a median in the area where the existing Circle Boulevard path connects to Harrison Boulevard.*" To embellish this requirement, Planning Commission could add another location, such as where the realigned Circle Boulevard intersects with Harrison Boulevard. The requirements for Harrison Boulevard, as outlined in the staff report, include a travel lane, center turn lane, and another travel lane. A median could be placed in the center turn lane, though maintenance issues always have to be considered. East of this location, the right-of-way is limited and it would be problematic to put in a median. Commissioner Sessions elaborated that since that area abuts private property, the City would have to purchase right-of-way to widen the road. It would not be fair to place that burden on the developer.

Commissioner Woodside stated that she would prefer to have language that required a median to be put in in the area where the existing multi-modal path meets Harrison, as opposed to the language in Condition 14 which states that "*The County may require…*"

Commissioner Daniels said that he was on the Healthy Streets Taskforce, and they have been looking at traffic calming methodologies for pedestrian and bicycle safety. He would like to forward to City Council a recommendation that they consider putting in a solid median on Harrison Boulevard, from the west to the east property lines of the applicant's property. This would be similar to what the County did on SW 53rd in front of the Fairgrounds.

E. Deliberations of Evidence/Testimony and Action by the Commission

Chair Gervais stated that it seemed a good time to transition from questions into deliberations and making motions. She suggested that they start with staff's proposed set of conditions from the staff report, and then make "motions to amend" those conditions as desired.

**MAIN MOTION:** Commissioner Lizut moved to recommend to the City Council the staff's proposed Conditions of Approval. Commissioner Hann seconded the motion.

Commissioner Woodside referred to Condition 4.e and suggested that the language be changed to require the re-vegetation sooner in the process. Planning Manager Young said that the reason it had been linked to the final building permit was so other site improvements would have already been in place which would mean less disruption for the re-vegetated plantings. Parks Planner Rochefort added that certain seasons are better for planting and any replacement language should allow for some flexibility.

**Motion to Amend Condition 4.e:** Commissioner Woodside moved to replace "*Prior to issuance of an occupancy permit for the final residential building on site,*" with: "*Within one year of issuance of an occupancy permit for the first residential building on the site"*. Commissioner Daniels seconded the motion, which **passed** unanimously.

Commissioner Woodside referred to Condition 10 and asked if "multi-use paths" should be added to the maintenance requirement. Engineer Grassel said that this would be a good idea.

**Motion to Amend Condition 10:** Commissioner Woodside moved to add "multi-use paths" to the requirement for maintenance. Commissioner Daniels seconded the motion which **passed** unanimously.

Commissioner Feldmann referred to Condition 9, and asked if the existing multi-use path was included in this requirement. Engineer Grassel said they intended to leave it as asphalt, and the intent was for any new infrastructure being installed to be of concrete. Commissioner Daniels said he was concerned about the condition of the existing multi-use path and would support a condition to have it repaired and repaved, but not necessarily replaced with concrete. Engineer Grassel said that the City had responsibility for the existing path, and typically the applicant would not be taking on responsibility for it. Commissioner Daniels said he would bring it up as a Development-Related Concern later.

Commissioner Daniels referred to Condition 7 and asked for an explanation of its intent. Manager Young said that there was a piece of land owned by Beit Am for which there are no

sidewalk improvements. The intent is to have the sidewalk installed along the north side of Harrison so that it is continuous from the applicant's property to where it will connect up with the existing sidewalk at the western boundary of the LDS Church property.

Commissioners and staff then discussed the sidewalk on the south side of Harrison Boulevard. Engineer Grassel said that the sidewalk currently ends on the west side at the last house near the Witham Drive intersection. This is along OSU's frontage.

Commissioner Feldmann said he has a lot of concern about bicycle and pedestrian safety and adequate connections between Campus Crest and OSU. He referred to Condition 7, and said that the connection across the Beit Am property would have to traverse a driveway. He hoped that any sidewalk put in would not have a driveway slope especially since Beit Am would likely be using another driveway access when they eventually develop. Engineer Grassel said that Development-Related Concern A addressed the future driveway connections for the Beit Am and LDS properties. The Beit Am parcel is not in the City limits; however, the City would recommend that the sidewalk improvement be done to City standards, which have a depressed sidewalk for a driveway cut, so that it would not be sloped because of ADA concerns. Unless the sidewalk is curbside, it will generally be level across the sidewalk. There would not be a way of conditioning this in this case.

Commissioner Woodside referred to Condition 22 relating to the sewer extensions in NW Harrison Boulevard. She asked if there were any concerns with doing this work. Engineer Grassel said that this was a "to and through" issue. The plans show a sewer through their site to the adjacent property, but because of the grades that exist, the adjacent site might be better served by one extended in Harrison Boulevard.

Commissioner Sessions referred to Condition 12, relating to a 4-way stop at Witham Hill Drive and Circle Boulevard. He asked if the developer would be required to set aside some money for the potential installation of a 4-way stop, should it be determined necessary by traffic warrants. Engineer Grassel said that it would likely be secured as part of the PIPC permit, which could then be enforced as needed. Commissioner Daniels said he would like to see the 4-way stop installed right away as part of the project, as he felt that it was a pedestrian-related safety issue as well as a vehicular traffic concern.

**Motion to amend Condition 12:** Commissioner Daniels moved to modify Condition 12 as follows: Delete the language and substitute the following sentence: "*City crews shall install the stop signs and associated striping prior to any occupancy, and the developer will be billed for the cost of installation*." Commissioner Lizut seconded the motion.

Commissioner Hann agreed that this was needed, but he was concerned about "rough proportionality." Engineer Grassel said he had some concern about having such a requirement before a traffic warrant analysis was done in accordance with City standards.

Commissioner Daniels said that there was precedence for doing this without staff support, and cited the example of the 3-way stop put in on NW Monroe Avenue at Kings Boulevard. He is concerned that there might be liability if an accident occurred. City Attorney Coulombe said that that would not be a concern as long as the City was following typical traffic warrants policy established by the City Engineer. Engineer Grassel said that if a study is done after development then they will be able to see what actual traffic patterns and volumes are. This will

give an indication of whether a 4-way stop is needed, or whether it approached the numbers which might require signalization. He then referred to the April 2013 Signal Warrant Analysis, which indicated that signalization warrants with the extension of Circle Boulevard would likely be met in 2033.There are SDC funds set aside in the future for a signal at this intersection when it is warranted. Commissioner Woodside said she would be supporting leaving Condition 12 as is. Commissioner Daniels said that the arguments he is hearing have to do with automobiles, and do not relate to pedestrian or bicyclist needs. He hopes City Council will give it strong consideration even if the motion is not passed.

The motion to amend **failed** 3-4**,** with Commissioners Selko, Sessions, and Daniels voting in favor; Commissioners Lizut, Hann, Feldmann, and Woodside voting against.

Commissioner Hann referred to Condition 5 and said he still has a concern about ensuring limitations on the development size in the future. He asked if the language could be made stronger in any way. The way it is worded, he felt that the developer might be able to say in the future that there really was no reason to be concerned about limiting potential off-site traffic and therefore could request additional development of the site. Director Gibb said that he felt the language was as direct as one could get and if any changes were requested a developer would have to go through a public review process under the current rules.

Commissioner Feldmann referred to Condition 11 and asked for clarification on the number of bus shelters that would be built. Staff said that the plans are preliminary and there will be the option for multiple shelters if needed, which would be determined by transit staff. Concrete pads are typically sized for a shelter, even though a shelter might not be installed until determined to be necessary.

Commissioner Sessions referred to Conditions 21 and 24 relating to stormwater drainage and asked for clarification about calculations. Staff stated that the calculations took into consideration the additional runoff from increased impervious surfaces.

Commissioner Sessions disclosed that he had read several letters to the Gazette-Times editor. Some questions that came up related to Condition 41 and how the open space would be maintained and whether the public would have access to the land. Deputy City Attorney Coulombe noted that reading the GT letters to the editor might be considered ex parte contact, and that Commissioner Sessions disclosure was now on the record. He also reminded the commissioners that as they come up with revisions and/or new conditions they need to reflect on what criterion of the Land Development Code had not been satisfied that the new language would satisfy. This is a more narrow focus than considerations raised by the public and others that might not be related to a specific criterion. Commissioner Sessions said that this had been a consideration raised during public testimony. Commissioner Daniels said he has written two conditions related to this issue and suggested that this might be a good time for Parks Planner Rochefort to speak to the issues related to the open space natural areas. He said that the open space maintenance and access issues were important to him as well, and did not believe that commissioners needed to have as narrow a focus as Mr. Coulombe was intimating, in that they looked to staff to help them with identifying decision making criteria once they had noted a concern.

Manager Young said it was a matter of record that the owner has agreed to donate fifteen acres of the site to the City. Along with this there is a proposal for some level of maintenance and

upkeep on that property. He also stressed to the commissioners that as they look to adding requirements of the owner they needed to identify an applicable decision criterion to which the requirement relates.

Parks Planner Rochefort said that the applicant had approached staff about the possibility of donating some of the open space area to the City. They took a proposal to the Parks, Natural Area and Recreation Board (PNARB). The Board was interested in some of the land, particularly the upland piece which has some nice oak trees and is adjacent to a City-owned parcel of land. They recommended to the City Council that they accept the donation. Along with this came a five-year maintenance proposal and plan and it would be open to the public with trails which would align with the City's other existing trail system. PNARB was not interested in the wetland section of open space, or in the piece on the east side of Circle Boulevard because of its steepness and its isolation. The PNARB recommendation has not as yet gone to City Council.

Commissioner Daniels said that the Land Development Code has a whole chapter that talks about significant vegetation protection, and seems applicable to making some requirements. He again registered concern about commissioners being asked to narrow their focus. Chair Gervais said that she viewed their charge as including the citing of specific Land Development Code chapters and sections to justify new requirements so as to avoid legal problems for the City.

Commissioner Woodside said that one of the compensating benefits for allowing the Zone Change was the fact that there was going to be the significant amount of the property zoned Open Space-Conservation. Part of what was quoted in support of this was that the City had a requirement for a certain ratio of open space land per 1,000 population. She asked if that open space had to be public land. Parks Planner Rochefort said that there were two factors to look at with regard to open space in the community: one is the environmental benefits provided by the green infrastructure component and the other relates to recreational opportunities afforded by accessible open space. The applicant brought this to PNARB as separate from consideration of the land use application. PNARB looked at the proposal from the standpoint of how it fit in with the Parks and Recreation Master Plan and with the community. Manager Young added that in staff's analysis of the open space argument, there is no requirement in the Land Development Code that the open space necessarily be in public ownership. The Natural Features Inventory has identified areas of significance, and there are several on this site. Through the provisions that staff has recommended, including Condition 41 which puts into place the Conservation Easement and the zoning itself, staff feel there is adequate assurance that those areas would not be developed. They would be preserved. He does not see the code authority to require that it be in public ownership.

The Commission then took a ten-minute break.

Upon reconvening, Commissioner Feldmann referred to Condition 38 relating to unassigned parking and asked whether there would be adequate parking provided for those who might want to access the park to the north. Staff said that there is a parking area provided for the contiguous Witham Oak Park, and it was assumed that this would be the same parking that would be used by non-residents to access the new open space. This is in the area of the current terminus of Circle Boulevard. Commissioner Feldmann thought that this might end up being inadequate similar to how the Oak Creek parking lot is inadequate for Bald Hill visitors. Engineer Grassel stated that there was also parking on the public "Street A." Commissioner Daniels said that

"Street A" as currently configured stubs out at the property line. If there were a future access to the open space from that point, he asked if it would have to cross private property with the need for a potential easement. Parks Planner Rochefort said that an access easement might be needed, and staff would look into this some more.

Commissioner Daniels said that when the prior development, Witham Oaks, had been approved, City Council included a condition that five speed bumps be installed on the extension of Circle Boulevard. He wanted to raise this as a possibility. Commissioner Woodside said she did not support speed bumps as they could be problematic for bicyclists. Engineer Grassel said that Circle Boulevard was classified as a Neighborhood Collector street and speed bumps are permissible. There are three existing speed bumps on the upper part of Circle Boulevard, and on some on the north side of Witham Drive. There are concerns about the impact speed bumps have on emergency response, and there is an existing Neighborhood Calming policy that should be considered. The City Engineer had not recommended speed bumps for this section of Circle Boulevard. The other portions of Circle Boulevard have driveways that access directly. The Witham Oaks layout was different from the layout of the current proposal, which has limited access points to Circle Boulevard. There will not be residents backing out onto Circle from this new development.

Commission and staff continued a discussion about other traffic calming measures that might be used. It was pointed out that there was a continuous multi-use path that would run parallel along Circle Boulevard on the east side, and the existing multi-use path that travels along the old Circle Boulevard right-of-way to the west. There was discussion about whether bicyclists heading for OSU would use the west multi-use path since it intersected with Harrison slightly to the west of campus. Commissioner Feldmann expressed concerns about bicycle safety on the extension of Circle Boulevard. Commissioner Hann said he might support a Development-Related Concern relating to the issue. Commissioner Woodside said she could support traffic calming measures, but was not in favor of speed bumps. Commissioner Daniels said that if the City was going to be serious about traffic calming it should be a City-wide policy that would be applied at the time of street construction. It should not be something designed by the Planning Commission at the last minute. He said he had raised similar concerns about the project for SW 15th Street through campus, and that he had brought up speed bumps simply because they had been voted on by City Council during the last approval process. Commissioner Feldmann said he supported having speed bumps installed. There was considerable discussion about crafting a motion which might deal with the issue.

There did not appear to be enough support for a motion to specifically require speed humps similar to those that were included with the approval of the last development. Commissioner Hann suggested that a motion could be made to require speed humps or an alternative traffic-calming device to be incorporated into the final design of the extension of Circle Boulevard between Dale Drive and Harrison Boulevard. Commissioner Feldmann suggested that the requirement also be for one traffic calming measure, such as a raised concrete crossing, at the intersection of Street A and Circle Boulevard and the multi-use path crossing Circle. With these friendly amendments accepted by Commissioner Daniels, the following motion was crafted:

**Motion to Amend by adding Condition 45:** Incorporating several friendly amendments to his original motion, Commissioner Daniels moved to add a Condition 45 as follows*: "A concrete speed table shall be constructed at the intersection of public street "A" and Circle Boulevard to include allowance for pedestrian and bicycle elements*." Commissioner Feldmann seconded

the motion. The motion **failed 2-4-1,** with Commissioners Feldmann, Daniels in favor and Commissioners Lizut, Woodside, Selko and Sessions opposed. Commissioner Hann abstained.

Engineer McConnell said he had found the language included in the City Council Policy related to traffic calming and there was a section that precluded streets that are transit routes to be considered for traffic calming. If Circle Boulevard becomes a transit route this would have an impact on whether traffic-calming devices would be appropriate.

**Motion to Amend by adding Development-Related Concern L:** Commissioner Woodside moved to add a Development –Related Concern L: "*Transit-friendly traffic calming measures shall be considered in the final design of Circle Boulevard between Dale Drive and Harrison Boulevard.*" Commissioner Lizut seconded the motion which **passed** 6-0-1, with Commissioner Daniels abstaining.

Commissioner Daniels asked for more specifics on the medians planned for Harrison Boulevard. Engineer Grassel said that the medians have not been designed as yet, but that portion of Harrison Boulevard was under County jurisdiction and therefore any installation would also need their approval. The County referenced something similar to what is installed on SW 53rd Street at the fairgrounds for installation at the point where the existing multi-use path intersects with NW Harrison Boulevard. There are other driveway accesses along Harrison Boulevard that would require left turn pockets if a continuous median were installed. Director Gibb said that any recommended conditions can be fine-tuned by staff prior to taking them to City Council.

**Motion to Amend Condition 14:** Commissioner Woodside moved to strike the last sentence, and replace it with the following: "*Applicant shall install a continuous center median allowing for site accesses and street intersections on Harrison Boulevard, as approved by Benton County.*" The motion was seconded by Commissioner Lizut and it **passed** unanimously.

In response to a question from Commissioner Feldmann related to the east bound bicycle lane and sidewalks along the south side of Harrison Boulevard, staff stated that there would be some "rough proportionality" concerns with requiring the applicant to dedicate additional right-of-way on their side so that a sidewalk could be installed along the south side of Harrison; and they could not compel OSU to provide the right-of-way and improvement. From a pedestrian's standpoint, it is staff's opinion that with the sidewalk being finished across Beit Am's property on the north side of Harrison the sidewalk system can be safety followed down to the signalized crossing at Harrison and 35th Street/36th Streets. This, or the route that would go through Arnold Park, seem to be the preferred pedestrian routes. Commissioner Feldmann said that his concern is that the sidewalk along the south side of Harrison dead-ends and he wonders how people will transition from that side to the north side of Harrison. Commissioner Daniels said he had a Development-Related Concern that might assist with this consideration.

**Motion to Amend by adding Development-Related Concern M:** Commissioner Daniels moved to add a Development-Related Concern M: "*The City should work with OSU and Benton County on 1) a multi-use path from Harrison Boulevard opposite the Campus Crest property to either Campus Way or to 35th Street south of Harrison Boulevard; and 2) the addition of sidewalks along the south side of Harrison Boulevard.*" Commissioner Feldmann seconded the motion, stating that this would be a wonderful addition and would provide a safe

and convenient means of getting students from Campus Crest to campus thereby avoiding a lot of conflicts on Harrison Boulevard. The motion to amend **passed** unanimously.

**Motion to Amend by adding Development-Related Concern N:** Commissioner Daniels moved to add Development-Related Concern N: *"The drainage ditches along the north side of Harrison Boulevard in front of the LDS Church and Arnold Park should be covered at some point in the future."* Commissioner Woodside seconded the motion, which **passed** unanimously.

Engineer Grassel noted that the applicant had submitted a feasible drain plan that includes a swale on Harrison Boulevard toward the west end of the project which would be located between Harrison and the multi-use path to treat the stormwater from Harrison Boulevard.

**Motion to Amend by adding Development-Related Concern O:** Commissioner Daniels moved to add Development-Related Concern O: *"Bike lanes on Harrison Boulevard between Witham Drive and 35th Street need to be widened as much as possible, and intruding landscaping and other impediments such as the old guardrail on the south side and the log on the northside need to be removed or cut back."* Commissioner Woodside seconded the motion, which **passed** unanimously.

Commissioner Feldmann referred to the south regional trail (multi-use path) and asked for staff comment on what he perceived as a poor connection to it from the units in the southeast quadrant. This would likely be the path that residents who bicycle or walk would want to use to get out of Campus Crest. Parks Planner Rochefort said that when they were looking at alignments for that trail, they were looking at the Park and Recreation Master Plan and looking for a connection to Arnold Park. This trail is not necessarily just for the residents of Campus Crest but for people who are crossing to a connected system. However, she understood what he was saying about providing that connection to the trail for the residents. Manager Young said that if the sidewalk in front of Buildings 1 and 2 were extended through the parking lot it would require sacrificing some parking spaces and some landscaping; but it could be done. Commissioner Feldmann asked other commissioners for feedback whether this was something they cared to pursue. Manager Young said that there might be a solution in that to the south of Building 2, on the east side, there are a couple of ADA-compliant parking spaces with a walkway that serves them. Conceivably that sidewalk could be extended to connect to the multi-use path. Commissioner Feldmann said though he appreciated this as an option, he would prefer to see a sidewalk extended directly to the multi-use path even if it takes out some parking. Commissioners Woodside and Sessions expressed some concerns for doing this.

**Motion to Amend:** Commissioner Feldmann moved to require a connection between the sidewalk along Buildings 1 and 2 to the multi-use path to the south. Commissioner Daniels seconded the motion. The motion **failed** 2-4-1, with Commissioners Daniels and Feldmann voting in favor; Commissioners Lizut, Woodside, Sessions, and Selko opposed; and Commissioner Hann abstaining.

Commissioner Feldmann expressed concern for the Campus Crest residents' ability to access the open space/proposed parklands to the north. Commissioner Hann suggested that this might be more appropriately a Development-Related Concern since the park did not exist as yet. Parks Planner Rochefort said that it might be appropriate to consider a connection to the City-owned property to the north whether or not it is a designated park. Commissioner Daniels

suggested that if an easement were required he would support a condition, but if no easement were required he preferred not to require a sidewalk or specific access at this time. Manager Young said he also had concerns for making additional requirements because this is requiring access to a potential donation from the owner of the property. From a code criteria standpoint, he does not see the connection. It might be fashioned as a Development-Related Concern to City Council advising them that if they accept the donation as park property they might wish to negotiate with the donor for some sort of access. Commissioner Feldmann said he would be fine with a Development-Related Concern. Commissioner Hann suggested that a Development-Related Concern be crafted that asked for access consideration both to the north as well as to the multi-use path on the south side. Staff could then provide more analysis and comment for the benefit of City Council when they consider the Planning Commission's recommendations.

**Motion to Amend by adding a Development-Related Concern P:** Commissioner Feldmann moved to add Development-Related Concern P: *"The applicant should consider including access from the Campus Crest site to the City park property to the north. Also, a connection from Buildings 1 and 2 to the multi-use trail to the south should be considered.* Commissioner Woodside seconded the motion which **passed** unanimously.

Commissioners Feldmann and Daniels raised a concern relating to the lack of a requirement for the applicant to construct a boardwalk through the vegetated area which would link with Arnold Park. Manager Young referred to page 86, item 13, of the original Planning Commission Staff Report which states that the applicant proposes to grant the easement and the City will address whether it is needed as part of the upcoming update to the Parks and Recreation Facilities Plan.

**Motion to Amend by adding a Development-Related Concern Q:** Commissioner Daniels moved to add Development-Related Concern Q: *"Repair and/or resurfacing of the existing multi-use path should be addressed by the City."* Commissioner Woodside seconded the motion which **passed** unanimously.

Commissioner Feldmann asked for further discussion about what is meant by "management" of the open space, and whether a five-year management plan is adequate. Parks Planner Rochefort said that the details have not been hammered out as yet. They will be working with the owner of the property to manage it to Parks and Recreation standards. In general, this would mean removing invasive species most of which would be "under-story" species. There could be some removal of invasive trees. Five years is somewhat arbitrary, but it is a reasonable amount of time to remove invasives and establish natives. Commissioner Daniels asked if there might be a need for a firm legal agreement before approval. Deputy City Attorney Coulombe reiterated the need for applicable criterion to be identified if such a condition were imposed. Commissioner Daniels said he was fine with the issue having been raised and knowledge that it was in process.

Commissioner Daniels raised a related concern which he felt could be the subject of a new Development-Related Concern; namely, requesting a statement from the developer about what they intend to do with the balance of the natural area land which will remain in their hands as private property, in terms of care, maintenance and access to the public. He is not looking to mandate any approach, but rather just get a statement of what their future intentions might be. Commissioner Woodside said she also had concerns about the community garden space and what that might look like if the residents did not use it.

**Motion to Amend by adding a Development-Related Concern R:** Commissioner Daniels moved to add a Development-Related Concern R: *In collaboration with the Parks and Recreation Department, the Applicant is encouraged to provide the City with plans for the land to be classified as natural areas/wetlands which will not be transferred to the City, including clarification of public access, restoration plans and timetables, and acceptance of responsibilities for assuring that garbage accumulation or illegal camping activities are the Applicant's responsibility. "* Commissioner Woodside seconded the motion which **passed** unanimously.

Chair Gervais said she would like to offer a Development-Related Concern related to the shielding of on-site lights to ensure that light trespass onto the natural areas is minimized. There is nothing in the natural features code section that gets at shielding the light so as to protect the natural environment.

**Motion to Amend by adding a Development-Related Concern S:** Commissioner Gervais moved to add a Development-Related Concern S: *"The developer should consider shielding on-site lighting that abuts natural areas so that light trespass into those areas is minimized."* Commissioner Woodside seconded the motion which **passed** unanimously.

Commissioner Feldmann asked if there would be support for limiting parking to the allowable minimum, as opposed to exceeding the requirement. This would remove some of the paving. Additionally, he brought up the issue of renting space by the room as opposed by the complete unit. There was no support to pursue these items.

Commissioner Hann said that upon revisiting the proposed development plan, he was pleasantly surprised by the number of 2-, 3-, and 4-bedroom units as opposed to the 5-bedroom units. The applicant did a better job of addressing the diversification of housing types and using architectural features a lot more effectively than what was first presented to the Planning Commission in the past.

**VOTE ON MAIN MOTION:** The motion to recommend staff's Conditions of Approval, as amended by the Commissioners' revisions, **passed** unanimously.

Planning Manager Young said he intends to draft up the revised conditions in the Notice of Disposition, which will be reviewed by Chair Gervais prior to sending them to City Council.

## III. <u>OLD BUSINESS</u>:

A. Commissioner Feldmann asked how best to alert staff that a commissioner might be late to the meeting. Manager Young gave his cell phone number to the commissioners so that they could call to give that message.

B. Commissioner Woodside said she would like to chair the Commission at whatever point it was needed.

C. In response to some concerns expressed by Commissioner Woodside about the process, staff said it is not their intention to discourage commissioners from modifying staff's recommended conditions of approval. They are simply trying to express the need to be cognizant of applicable decision criteria. Every condition of approval has to be linked to an applicable decision

criterion. Commissioners were encouraged to contact staff prior to the meeting with any questions about the conditions, and those consultations ahead of time give staff a "heads up" so that they can be prepared with appropriate language for revisions.

D. Commissioner Woodside brought up the issue of new development's impacts on open space. Chair Gervais said that, as a biologist, she has some concern for light trespass and noise impacts, though the noise impacts might not be able to be reasonably addressed. It was agreed that this might be a topic for the Infill Task Force to consider.

**IV. NEW BUSINESS:**

A. Commissioner Daniels said that he and other members of the Public Participation Task Force traveled to Eugene to meet with its Neighborhood Association office. One of the things he found out is that they – like Lake Oswego – do require that developers have conferences with neighbors before bringing plans in to the City for consideration. Commissioner Sessions countered that he enjoys the objectivity provided by Corvallis' system, and has seen that type of approach misused in his experience.

B. Manager Young said that staff are working on the packet for the next meeting which would include a briefing on Code Change Package #1. The formal review will likely be done in March.

C. Commissioner Woodside asked if it was appropriate when testifying before other groups that she mention she is on the Planning Commission. Staff stated that as long as it is clarified that one is not speaking on behalf of the Planning Commission, there is no problem with doing so.

**VI. ADJOURNMENT:** The meeting was adjourned at 10:50p.m.

# DRAFT

**CITY OF CORVALLIS**
**MINUTES OF THE PUBLIC ART SELECTION COMMISSION**
**JANUARY 15, 2014**

Attendance
Hester Coucke
Shelley Curtis
Josh Hackenbruck
Chi Meredith
Shelley Moon
Cynthia Spencer

Staff
Stephen DeGhetto, Assistant Director

Absent/Excused
John Arne
Joel Hirsch, Council City Liaison
Bill Laing
Paul Rickey, Jr.

**CONTENT OF DISCUSSION**

**I. CALL TO ORDER:** Assistant Director Steve DeGhetto called the meeting to order at 4:00 p.m.

**II. REVIEW OF MINUTES.**
Shelley Curtis moved and Chi Meredith seconded to approve the December 18, 2013 minutes as presented; motion passed.

DeGhetto welcomed new PASC member Hester Coucke. Curtis has been in touch with Paul Rickey, Jr. who has supplied his updated email address and has expressed his interest in remaining active with PASC. DeGhetto will be in touch with Rickey and with all PASC members to make sure that contact information on file is accurate.

**III. VISITOR PROPOSITIONS.** None.

**IV. PUBLIC ART SELECTION BROCHURE DEVELOPMENT.**
DeGhetto stated that the brochure is coming together well, and that draft checklists for commissioned and donated art are in process. PASC is looking to remain accurate to policy while remaining progressive and on-track in terms of preventing unnecessary miscues, and is looking for feedback to these ends.

Curtis mentioned that usage of the term "committee" should be changed to "commission" throughout all materials. Moon broached the topic of possible confusion for artists regarding the use of the term "sponsor." After discussion, DeGhetto suggested using the term "sponsoring entity" in place of "sponsor" throughout materials. PASC will also include the term "verify" in the section now reading, "Contact participating agencies, landlords, and organizations to receive tentative approval and verify sponsoring entity."

Meredith suggested finding a way to highlight that PASC is not a jury. Spencer would like the outline

for artists to be improved. DeGhetto stated that if changes to policy are necessary to ensure greater communication, such changes can be made. Meredith and others will be working on revisions in the interim between PASC meetings.

**V. MISSION STATEMENT DISCUSSION:**
DeGhetto distributed Mission Statement and Vision Statement draft text from multiple PASC members. Moon stressed the importance of each as opportunities to inform local artists of PASC's existence, roster, and purpose. Moon stated the information should be as user-friendly as possible, and that she looks forward to PASC utilizing these materials to provide greater outreach to areas such as Southtown.

PASC voted to adopt Hackenbruck's Vision Statement text, changing only the term “enhance” to “enrich.” Hackenbruck's Mission Statement text will be used as a draft template between meetings for PASC members to consider between meetings.

Curtis stated that a talk about officers should be a part of the next meeting's Agenda, and that PASC members should be selecting their five favorite previous public art images for possible use in the flyer. PASC decided that they will be meeting in February of 2014.

**VI. ADJOURNMENT:** Meeting adjourned at 5:13 p.m.

**WATERSHED MANAGEMENT ADVISORY COMMISSION**
**MINUTES**
**January 22, 2014**

# DRAFT

**Present**
Jessica McDonald, Vice-Chair
Sheryl Stuart
David Zahler
Jacque Schreck
David Hibbs
Richard Hervey, City Council Liaison

**Excused**
Charlie Bruce, Chair

**Absent**
Creed Eckert

**Staff**
Jennifer Ward, Public Works
Brian Rigwood, Public Works
Mike Hinton, Public Works
Jon Boyd, Public Works
Mark Miller, Trout Mountain Forestry

**Visitors**
Kate Ullman
Jim Fairchild
Frank Davis, Siuslaw National Forest
Ken McCall, Oregon Hunters Association
Kent Daniels, Public Participation Task Force

**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 November 20, 2013 Minutes | | | Approved |
| IV. Visitor Comments | | | Write to legislators re: O&C lands |
| V. Old Business<br>• Peacock Larkspur Conservation Strategy<br>• Date for Annual Tour | | | Submit to Native Plant Society and/or Institute for Applied Ecology for Review.<br>Tour scheduled for May 21 |
| VI. New Business<br>• Report on Commission Priorities<br>• Discuss 2014 WMAC Leadership Positions & Meeting Time | | | Elect new Chair and Vice-Chair at start of fiscal year |
| VII. Staff reports | X | | |
| VIII. Commission Requests and Reports | | | Stream temperature report to be presented in March |
| IX. Adjourn | X | | 6:50 p.m. |

**CONTENT OF DISCUSSION**

**I. Call Meeting to Order/Introductions**

Vice-Chair McDonald called the meeting to order and those present introduced themselves.

**II. Review of Agenda**

No changes.

**III. Review of Minutes**

Commissioner Schreck moved to approve the November 20, 2013 minutes; Commissioner Hibbs seconded the motion and the minutes were approved unanimously.

**IV. Visitor Propositions**

Kent Daniels, Chair of the Public Participation Task Force (PPTF), provided an overview of what the task force is working on, which is to look at the board and commission system and neighborhood associations and find improvements that can be made.

Visitor Frank Davis reported that he will bring some informational maps to the next Commission meeting regarding the Forest Service's upcoming timber sales.

Visitor Jim Fairchild presented some concerns regarding upcoming legislation on the State level concerning O&C Lands. Mr. Fairchild also asked the Commission to be careful with Marbled murrelettes and the potential for predation by other species at the edges of their areas. He asked staff to get feedback on the draft larkspur management plan from staff at the Native Plant Society.

Visitor Ken McCall noted that there are no BLM-managed or controverted O&C lands on the watershed.

In response to the comments of both Mr. Fairchild and Mr. McCall, the Commission agreed that it would be appropriate for the City to draft letters to both Senator Wyden and Congressman DeFazio requesting clarification of proposed legislation, and affirming the City's interest in protecting the Rock Creek watershed as a source of clean drinking water.

**V. Old Business**

<u>Peacock Larkspur Conservation Strategy</u>

Ms. Ward presented a draft of the peacock larkspur conservation strategy and asked for feedback from the Commission. Commission requested that the document be submitted to staff at the Native Plant Society for review, as suggested by Mr. Fairchild, and perhaps to former commissioner Jen Cramer at the Institute for Applied Ecology as well.

<u>Date for Annual Tour</u>

Ms. Ward noted that the tour was held at the end of May last year. After some discussion, the Commission set May 21 as the date for the tour.

**VI. New Business**

<u>Report on Commission Priorities</u>

Ms. Ward presented the results of the Commission's prioritization efforts. She noted that there will not be a harvest this year, but all of the monitoring and inventorying will go forward. She stated that she kept funding for an intern. She noted that all of the inventorying and monitoring strategies will be implemented by Trout Mountain, while she will continue to pursue

opportunities for expanded outreach. Mr. Miller provided details on Trout Mountain's projects for the year.

Discuss 2014 WMAC Leadership Positions & Meeting Time
The Commission decided to hold leadership elections at the start of the new fiscal year.

**VII. Staff Reports**

Mr. Miller reported the following:

- He recommended all of the Commissioners take a tour of the forest, as he did with a handful of Commissioners in December.
- Trout Mountain went through their annual FSC recertification audit and passed with minimal comment.
- Log prices are up about 20% from where they were during the harvest in the fall. He expects prices to be at this point or higher for the 14-15 harvest.

Mr. Rigwood reported that the hydro-electric project on Rock Creek is going forward through Bonneville.

Ms. Ward reported the following:

- She is pursuing a grant with the Friends of Corvallis Parks and Natural Areas for some collaborative outreach projects which would take place next year.
- The Marys Peak Stewardship Group has funds available for outreach, Ms. Ward is working with the Marys River Watershed Council to jointly develop some K-12 programs to take place on the watershed this summer.
- She attended the annual meeting for stewardship groups within the Siuslaw National Forest.

**VIII. Commission Requests and Reports**

Councilor Hervey reported on the changes to the City's budget process this year, noting that boards and commissions are more involved. He noted that the purpose of the PPTF is to look at the cost-benefit analysis of various boards and commissions. He stated that he views the Watershed Management Advisory Commission as an extension of staff.

Commissioner Zahler asked for further information on the watershed's stream temperatures. Ms. Ward stated that a draft report has been received and Forest Hydrologist, Barb Ellis-Sugai, should be ready to present the report to the Commission at the March meeting.

**IX. Adjourn**

**The meeting was adjourned at 6:50 p.m.**

**NEXT MEETING: Wednesday, February 26, 2014, 5:15 p.m., Madison Avenue Meeting Room**

# MEMORANDUM

**To:** City Council Members

**From:** Julie Jones Manning, Mayor CH for JJM

**Date:** February 11, 2014

**Subject:** Confirmation of Appointment to Downtown Commission

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At our last regular meeting, I appointed the following person to the Downtown Commission for the term of office stated:

Shelly Signs
Term expires June 30, 2015

I ask that you confirm this appointment at our next Council meeting, February 18, 2014.

1008

***MEMORANDUM***

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager

Subject: Liquor License Investigation-New Outlet- Carmike Cinemas, Inc

Date: February 7, 2014

The City has received an application from S. David Passman, CEO and Daniel Ellis SR. VP of Carmike Cinemas, Inc, located at **750 NE Circle Blvd**, Corvallis, OR 97330. This application is for a **New Outlet** with a Limited 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.

Limited On-Premises Sales License:

Allows the sale of malt beverages, wine and hard cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off- premises consumption. 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 TK

Subject: Liquor License Investigation- Koriander Asian Fusion & Italian Gelato

Date: February 11, 2014

The City has received an application from Guyoung Ahn, owner of the Koriander Asian Fusion and Italian Gelato, located at **215 SW 3rd St, Corvallis, OR 97333.** This application is for a **Change of Ownership with a Limited 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.

Limited On-Premises Sales License:

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

# MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Mary Steckel, Public Works Director

**DATE:** February 4, 2014

**SUBJECT:** Intergovernmental Agreement with Linn County for Reiman Bridge Project

## I. ISSUE

Per City Council Policy 7.02.061(a), City Council approval is required to initiate a new Capital Improvement Program (CIP) project for emergency repair of the Reiman Avenue Bridge.

## II. BACKGROUND

Reiman Bridge is a wood structure over Dixon Creek that provides access from Reiman Avenue to 8th Street, on the east side of Avery Square. Reiman Bridge has been visually inspected yearly by City staff and minor maintenance has been accomplished over the years.

On April 13, 2013, Reiman Bridge was hit by a semi-truck that broke off the edge and hand rail on the west side. City staff visually inspected the damage and questioned the possibility of internal damage that could not be seen. Although an inspection by certified bridge inspectors indentified no additional structural damage from the accident, significant decay of the wood was discovered. A lower weight limit was implemented to prevent overloading the bridge.

To address the structural deficiencies, City staff contracted with the Linn County bridge design group to review viable options for the bridge repair or replacement.

This work was completed through a Managing Oregon Resources Efficiently (MORE) intergovernmental agreement. The City Council authorized the City Manager to participate in the MORE agreement in August, 2013, allowing Corvallis to share resources with other signatories, which includes Linn County.

## III. DISCUSSION

City staff has reviewed several options and selected a design that balances costs with a short construction period that can be accomplished this summer in 2014. A replacement project that can be implemented quickly and reduce the closure period is a high priority since Reiman Avenue is the only City right-of-way access to a food processing plant, Foster Farms. Truck deliveries that exceed the weight limit of the damaged bridge are currently using a private access.

In order for the bridge project to be completed this summer, the design phase will need to begin this spring. This work is currently not identified in the FY 13-14 CIP. Design for the bridge replacement is estimated at $58,600 and can be funded with savings identified in the existing FY13-14 CIP budget. Construction of the bridge is estimated at $244,800 and can be incorporated in the proposed FY 14-15 CIP.

The Linn County bridge design group is a state certified bridge design agency, has background history from the Reiman Bridge options review, and has extensive experience with similar wooden bridge structures on Linn County roads. They have offered to assist the City through use of a MORE agreement to provide design and contract development services, as well as support during the construction process.

## IV. RECOMMENDATION

Staff recommends City Council approve the Reiman Bridge Improvements as part of the FY 13-14 CIP and authorize the City Manager to sign an inter-governmental agreement with Linn County (attached) to implement the Reiman bridge design, including future amendments or agreements relating to this project.

Review and Concur:

Jim Brewer
City Attorney

James A. Patterson
City Manager

Nancy Brewer
Finance Director

**Authorization to Proceed**
**To Linn County**
**Under the Managing Oregon Resources Efficiently IGA**

**Dixon Creek, NW 8th Avenue Bridge, City of Corvallis**
**Structural Design and Technical Engineering Assistance**

This authorization to proceed is issued under the Managing Oregon Resources Efficiently (MORE) IGA, under which Oregon public entities, including Linn County and the City of Corvallis (each a "party" and collectively the "parties"), have agreed to share equipment, materials, and services. The City desires to obtain structural engineering services from Linn County to provide design of a new bridge on NW 8th Avenue, crossing Dixon Creek in the City of Corvallis.

**Project Description:**
Based on a preliminary assessment, this bridge needs to be replaced with a new structure.

The new bridge will be based on Replacement Option Number 2 from the November 26, 2013 Preliminary Report provided by Linn County. Option 2 utilizes new steel driven piling placed in line and in between the existing timber piling and in front of and against the existing treated timber lagging back wall. A steel pile cap will be constructed on top of the new piling. The new steel abutments will serve a dual purpose. Primarily they will support the new precast/pre-stressed concrete bridge slabs. Secondly, they will act to support the existing timber lagging retaining the approach fills.

The bridge superstructure will consist of nine, 12-inch deep x 4-foot wide precast/pre-stressed concrete slabs. The exterior slabs will be cast to accommodate new 2-tube curb mounted bridge rails. The total out-out width of the bridge will be 36-feet, and the final roadway width will be 32-feet and 9-inches when the bridge rail widths with associated concrete curb are accounted for.

The bridge will be designed to accommodate an HL-93 live load and ODOT permit vehicles STP-4E and STP-5BW (Oregon State Highway Design Loads). The design will be based on the 2012 AASHTO LRFD Bridge Design Specifications. Construction of the structure will be in accordance with the 2008 APWA Oregon Standard Specifications for Construction with Special Provisions.

The work will be a cooperative effort by both parties, with each party's responsibilities listed below.

**Agency Responsibilities:**
<u>The City hereby agrees to provide the following services:</u>

- All work for obtaining all necessary permits, including environmental and flood permits
- Hydraulic analysis of the proposed new structure
- Roadway design
- Traffic control design

- Detailed site survey including the following using an AutoCAD 2012 format:
    - Topographical base map
    - Detailed existing and proposed roadway features
    - Existing bridge features
    - Stream features, including high water elevations
    - Existing and proposed right-of-way
    - Existing and Proposed utility locations
- All necessary work with the utility companies to assure construction can proceed
- Working with the public such as community outreach and public hearings.
- Right-of-way acquisition, if required
- Construction inspection

<u>The County hereby agrees to provide the following services:</u>

Task 1:

Provide all the necessary work to produce final signed structure plans and specifications for the Bridge. This task shall include the following deliverables:

- Task 1a: 30% review set of drawings. These drawings shall include the following:
    - Plan and elevation view of the proposed bridge
    - Typical bridge section showing slabs, rails, pavement and lane locations
- Task 1b: 90% review set of plans and specifications for the City to review. This task will include the following deliverables:
    - Complete set of half size (11-inches x 17-inches) bridge plans on County border
    - Edited ODOT boilerplate specifications for the bridge portion of the project (00500 Section)
    - Engineer's estimate for all the bridge items
- Task 1c: Final copy of contract drawings and bridge specifications. Any comments received from the City during the 90% review will be addressed or incorporated into the final set of plans, specifications and estimate. This task will include the following deliverables:
    - Complete set of full size (22-inches x 34-inches) stamped and signed bridge plans on Mylar using a County border
    - Final edited ODOT boilerplate specifications for the bridge portion of the project (00500 Section)
    - Final engineer's estimate for all the bridge items

The County will also provide assistance to the City in completion of their tasks identified above with written request from the City's designated Project Manager.

Schedule:

Task 1a shall be completed no later than 3 weeks after the County receives a completed base map in an AutoCAD 2012 format.

Task 1b shall be completed no later than 5 weeks after the County receives all the Task 1a review comments back from the City.

Task 1c shall be completed no later than 2 weeks after the County receives all the Task 1b review comments back from the City.

Task 2:
The County will provide services during the bidding and construction processes to address bridge related items. During bidding, the County will address questions from contractors regarding the bridge. During construction, the County will review all bridge related shop drawing, submittals, and requests for information.

Questions during the bidding process will be addressed as soon as possible. Construction related submittals will meet all the time requirements of the specifications, although a quicker review is anticipated.

Cost Estimate For Engineering Services
The County shall perform Tasks 1 and 2 for an amount not expected to exceed $40,000, based on mutually agreed on rates for team members approved by the City.

Kevin M. Groom, P.E. is the Project Manager representing Linn County. His contact information is:
Linn County Road Department
3010 Ferry Street SW
Albany, OR 97322
Work: 541-967-3919
Cell: 541-868-5478
Email: kgroom@co.linn.or.us

Other Linn County team members include: Daineal Malone - P.E., Chuck Knoll – P.E., and Scott MacLean.

The City Project Manger is Aaron Manley. His contact information is:
City of Corvallis Public Works
1245 NE 3rd Street, PO Box 1083
Corvallis, OR 97339-1083
Work: 541-766-6731 ext. 5033
Cell: 541-740-9531
Email: aaron.manley@corvallisoregon.gov

This amendment is effective on the date of the last party to sign.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

CITY OR CORVALLIS

By_____Date_____
James A. Patterson, City Manager

LINN COUNTY

By_____Date_____
Darrin L. Lane, Roadmaster

Approved as to Form:

B y_____Date_____
City Attorney

By_____Date_____
Charles R. Knoll, PE County Engineer

MEMORANDUM

DATE: February 3, 2014

TO: Mayor and City Council

FROM: Mary Steckel, Public Works Director

SUBJECT: Utility Easement

**I. Issue**

PacifiCorp (PC) requests a utility easement (attached) from the City of Corvallis (City) for the installation of aerial electrical facilities.

**II. Discussion**

In order to meet the increased electrical demand of the expansion at Toyota of Corvallis (TOC), PC needs to install additional electrical capacity. TOC is undertaking a substantial expansion to its current operations on 5th Street. With the expansion, comes additional electrical needs that will not be met by the current electrical service connections.

To get the proper phasing and voltage to the site, a new line must be installed. PC's preferred route for the new line is on the west side of TOC bordering the railroad right-of-way. The route would consist of a new pole in the southeast corner of the U-Haul lot, an overhead line across Dixon Creek, across a small sliver of City property (the requested easement), to a new pole installed in the northwest corner of TOC's property. There is no actual physical impact to City property or the creek. PC has performed its due diligence with the Department of State Lands (DSL) regarding Dixon Creek and DSL has determined no permit is required since no activity is planned in the creek.

At the City's request, PC provided other potential routes using Rights of Way only. These alternate routes involve additional pole installations and removals and/or railroad permits that would cost TOC an estimated additional $25,000 for installation over the preferred route.

Staff's primary concern with proposed route was activities in the creek area. To eliminate potential creek issues, staff altered PC's standard utility easement to be for an aerial only installation. This, along with the plan to only cross the easement area with an overhead line has removed staff's reservations. Another staff change to the standard easement was to incorporate requirements from the current PC/City electrical franchise. The franchise addresses relevant items such as entry, permitting, pollution, and indemnification.

**III. Recommendation**

Staff recommends City Council approve PacifiCorp's request for a utility easement.

Review and Concur:

James A. Patterson, City Manager

James Brewer, City Attorney

Return to: Pacific Power
P.O. Box 248
Albany, OR 97321

CC#: 11261 WO#: 5847041

## RIGHT OF WAY EASEMENT

For value received, **City of Corvallis** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way **20** feet in width and **70** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's aerial electric power transmission and distribution lines along the general course now located by Grantee on, over, across or under the surface of the real property of Grantor in **Benton** County, State of **Oregon**, more particularly described as follows and/or shown on Exhibit(s) **A & B** attached hereto and by this reference made a part hereof:

A portion of:

**A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN WITHIN THE CITY OF CORVALLIS, BENTON COUNTY, OREGON FOR THE PURPOSE OF A DRAINAGEWAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE SOUTHWEST CORNER OF THE JOHN STEWART DONATION LAND CLAIM NO. 49; THENCE SOUTH 4° 30' 30" WEST 949.41 FEET; THENCE SOUTH 20° 06' WEST 519.44 FEET; THENCE NORTH 70° 03' WEST 282.11 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND A 5/8" IRON ROD; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE NORTH 17° 26' 15" WEST 248.47 FEET TO THE CENTER LINE OF DIXON CREEK AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 76° 30' WEST ALONG CENTER LINE OF DIXON CREEK 225.69 FEET TO THE EASTERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC COMPANY RAILROAD; THENCE SOUTH 18° 07' 56" WEST ALONG SAID EASTERLY RAILROAD RIGHT-OF-WAY LINE 63.26 FEET; THENCE SOUTH 86° 08' 31" EAST LEAVING SAID RAILROAD RIGHT-OF-WAY LINE 232.42 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF FIFTH STREET; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE NORTH 70° 03' WEST 24.18 FEET TO THE TRUE POINT OF BEGINNING.**

**CONTAINING 9,847 SQUARE FEET (0.23) ACRES OF LAND MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED PARCEL IS THE WESTERLY RIGHT-OF-WAY OF FIFTH STREET AS SHOWN ON BENTON COUNTY SURVEY NO. 5351.**

Assessor's Map No. 0901 11535-AC-00303 Parcel No. 00303

Together with the right of ingress and egress, for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

For the purposes of the Grantee's use and access of the real property described, the Grantor shall consider the real property described equivalent to Public Rights of Way as defined Corvallis Ordinance 2007-22, the franchise agreement between the City of Corvallis and PacifiCorp.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this _____ day of _____, 20____.

_____

**James A. Patterson**
**City Manager**
**City of Corvallis GRANTOR**

**REPRESENTATIVE ACKNOWLEDGEMENT**

State of _____ } SS.
County of _____

This instrument was acknowledged before me on this _____ day of _____, 2____,

by James A. Patterson, as City Manager,
Name of Representative Title of Representative

of City of Corvallis.
Name of Entity on behalf of whom this instrument was executed

_____
Notary Public
My commission expires: _____

# PROPERTY DESCRIPTION

SECTION: 35 TOWNSHIP: 11.S., RANGE: 05.W. WILLAMETTE MERIDIAN
BENTON COUNTY, OREGON PARCEL NUMBER: 11535-AC-00303

N
W E
S

AN OVERHEAD EASEMENT FOR PACIFICORP 20' IN WIDTH AND 70' IN LENGTH MORE OR LESS ALONG THE ENTIRE WESTERN MOST PROPERTY LINE.

COST CENTER 11261 WO# 5847041

LANDOWNER NAME: CITY OF CORVALLIS

DRAWN BY: K. WHEELER

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT AREA. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDRIES OF THE DESCRIBED EASEMENT AREA.

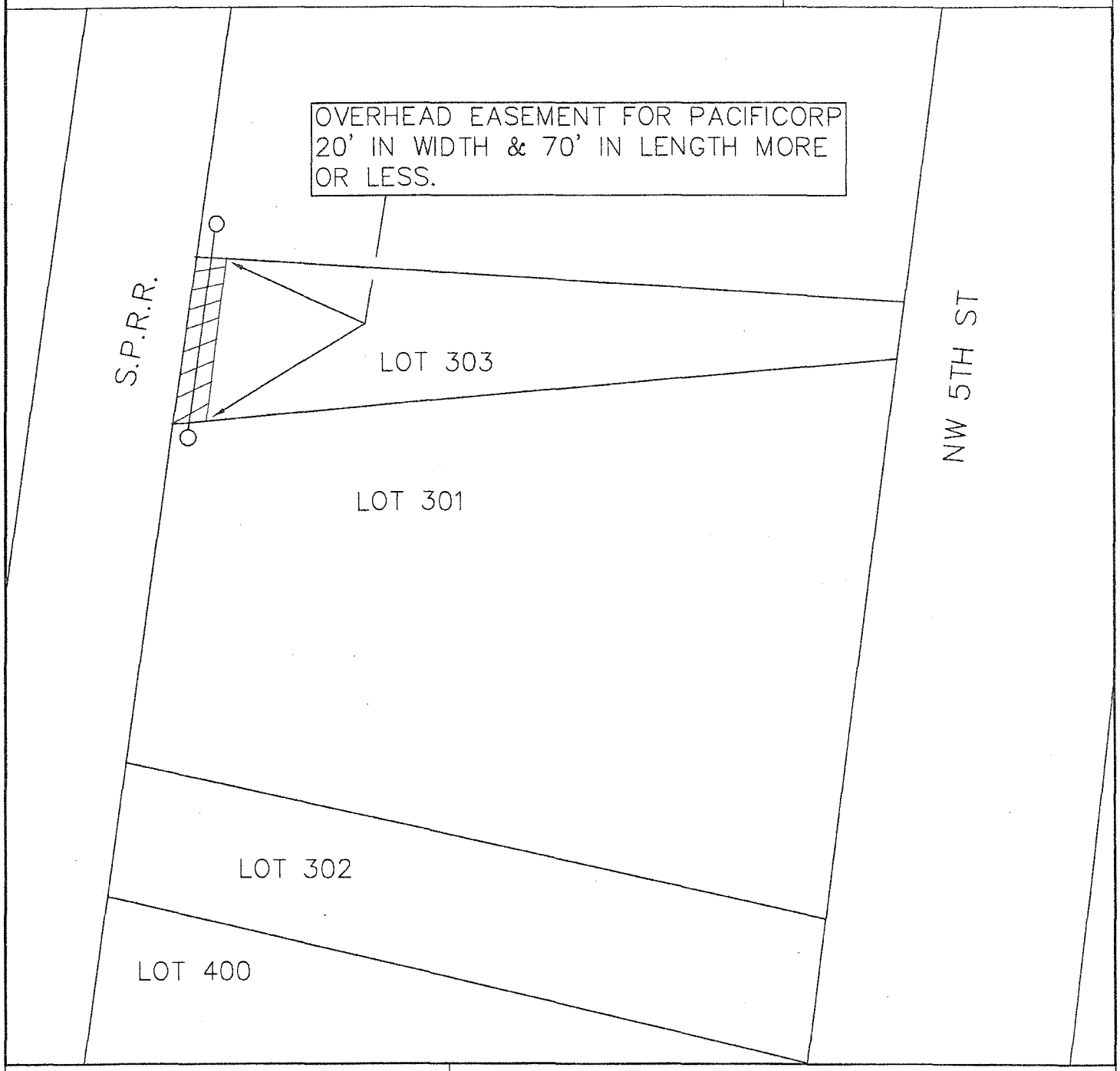
# EXHIBIT A

PACIFICORP
A MIDAMERICAN ENERGY HOLDINGS COMPANY
PACIFIC POWER UTAH POWER ROCKY MOUNTAIN POWER

SCALE = NONE

# PROPERTY DESCRIPTION

SECTION: 35 TOWNSHIP: 11.S., RANGE: 05.W. WILLAMETTE MERIDIAN
BENTON COUNTY, OREGON PARCEL NUMBER: 11535-AC-00303




COST CENTER 11261 WO# 5847041

LANDOWNER NAME: CITY OF CORVALLIS

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# EXHIBIT B

PACIFICORP
A MIDAMERICAN ENERGY HOLDINGS COMPANY
PACIFIC POWER UTAH POWER ROCKY MOUNTAIN POWER

SCALE = NONE

*** * * MEMORANDUM * * ***

**FEBRUARY 10, 2014**

**TO:** **MAYOR AND CITY COUNCIL**

**FROM:** **JIM PATTERSON, CITY MANAGER**

**SUBJECT:** **FEBRUARY 10, 2014 CITY LEGISLATIVE COMMITTEE WORKING NOTES**

1. Call to Order

The meeting was called to order by Council President Hervey at 10:00 am, with Councilors Hal Brauner and Penny York present. City Manager Jim Patterson was also in attendance.

2. League of Oregon Cities Bill Summary

Council President Hervey asked City Manager Jim Patterson to provide an overview of the League of Oregon Cities (LOC) bill summary. Mr. Patterson said that staff was following bills as they moved through the legislative process and that the City received a Legislative Alert from LOC on Friday, February 7th to oppose House Bill 4119. The alert urged city leaders to contact their elected representatives to oppose the bill. The recommended message to our legislators is that HB 4119 would add costs with no benefits to the public and should be rejected. Architects and Engineers should be upfront with their pricing demands and cities should not have to wait until an initial offer is made to find out what any service would cost.

Mr. Patterson provided the Committee with a packet (Attachment 1) and read the bill summary. The City Manager shared that in the past when legislative alerts were received from the League of Oregon cities that urged a rapid response, staff would initially respond after getting input from the Legislative Committee. This was important if the full Council was not scheduled to meet for another week or more. Mr. Patterson pointed to an e-mail from the Public Works Director in Eugene that was sent opposing HB 4119 that was a good example of a timely response by staff that could be followed up later by more formal action of the City Council, should the bill continue to move through the legislative process.

All members of the Legislative Committee agreed that a response to the alert was in order and that the Legislative Committee wished to express opposition of HB 4119. Councilor York asked that the response from City Staff be copied to the Legislative Committee and Councilor Brauner also suggested the communication be sent out to the full Council. Councilor Brauner said that a response from staff would be appropriate at this time. Once we have an idea if the bill is moving, depending on timing, the Legislative Committee could provide feedback to our legislators and finally an official position on the bill from the full Council could be sent as well. Council President Hervey and Councilor York agreed with that response plan.

3. Future Meeting Schedule

The Committee agreed to tentatively meet on Tuesday, February 18, 2014 at 10:00 am in City Hall Housing Conference Room and again on Monday, February 24, 2014 at 10:00 am in City Hall Meeting Room A.

4. Adjournment

The meeting was adjourned at 10:23 am.

3002

LEAGUE of Oregon CITIES

# LEGISLATIVE ALERT

**DATE: Friday, February 7, 2014**

**TO: City Leaders**

**ISSUE: Opposition to HB 4119**

**HOMETOWN ACTION: Call your Representatives and urge a "no" vote on HB 4119!**

**MESSAGE TO LEGISLATORS:** HB 4119 adds cost with no benefit to the public and should be rejected. Architects and Engineers should be upfront with their pricing demands and cities should not have to wait until an initial offer is made to find out what any service would cost.

**BACKGROUND**: Two years ago, HB 3316 modified procurement rules for local agencies. The law increased the threshold for direct appointments from $50,000 to $100,000. HB 3316 also eliminated the option for local agencies to ask for a level of effort in hours from consultants when no state funds were involved with the project. We used this level of effort to judge whether the consultants truly understood the project scope and it was a good tool for comparing proposals from different consultants. Negotiations were easy and efficient after a consultant was selected since there was a mutual expectation of what the scope would be.

Local agencies have already lost that tool, and now HB 4119 wants to limit us further by not allowing us to review a level of effort even on smaller contracts.

**TELL YOUR CITY'S STORY:** Explain to Representatives how your cities seeks to be good stewards of public dollars in the contracting process.

## Patterson, Jim

**From:** Steckel, Mary
**Sent:** Friday, February 07, 2014 9:27 AM
**To:** Emery, Karen; Patterson, Jim; Brewer, Nancy
**Cc:** Rochefort, Jacqueline
**Subject:** RE: HB 4119

I totally agree with Karen. This one is bad for Corvallis.

---

**From:** Emery, Karen
**Sent:** Friday, February 07, 2014 9:22 AM
**To:** Patterson, Jim; Brewer, Nancy; Steckel, Mary
**Cc:** Rochefort, Jacqueline
**Subject:** HB 4119

After reviewing HB 4119 and reading Oregon Parks and Recreation Association materials I have concerns. This Bill would require agencies to choose to use either a qualification-based selection or a direct appointment process for engineering and design contracts under $100,000 - and that direct appointment does not allow bidding or price shopping. The measure is driven by the American Council of Engineering Companies of Oregon. A copy of the background information from the Association of Oregon Counties is attached. This legislation may have a negative potential impact for the following reasons. Most Parks and Recreation engineering projects are under $100,00.

HB 4119 - Talking Points

1. HB 4119 would change the way we are able to use the direct appointment process for engineering and design projects under $100,000.
2. The bill would prevent us from requesting price quotes from multiple consultants before deciding on a contract.
3. This is problematic for multiple reasons:
    a. It increases administrative burden, therefore increasing costs
    b. It sends a mixed message about using least cost services
    c. It is difficult to enforce, and could create unnecessary complaints from consulting firms about how we are choose consultants

I've attached the HB text, a letter opposed from Wilsonville Mayor, the ACOE opposition points, and a letter of support from the engineers.
<< File: HB4199wilsonville.pdf >> << File: Talking points for HB 4119-1.pdf >> << File: HB4119 in support.pdf >> << File: hb4119text.pdf >>

*Karen Emery, Director*
**Corvallis Parks and Recreation**
**541 754-1703**

**Reignite Curiosity**

**Friends, FUN & Fitness!**

## Patterson, Jim

**From:** Brewer, Nancy
**Sent:** Friday, February 07, 2014 9:43 AM
**To:** Steckel, Mary
**Cc:** Emery, Karen; Patterson, Jim; Rochefort, Jacqueline
**Subject:** Re: HB 4119

I also agree. This process can add significant time to the solicitation and adds complexity where it is not helpful. For us it has been bad enough for the bids over $100k.

Nancy

On Feb 7, 2014, at 9:26 AM, "Steckel, Mary" <Mary.Steckel@corvallisoregon.gov> wrote:

I totally agree with Karen. This one is bad for Corvallis.

---

**From:** Emery, Karen
**Sent:** Friday, February 07, 2014 9:22 AM
**To:** Patterson, Jim; Brewer, Nancy; Steckel, Mary
**Cc:** Rochefort, Jacqueline
**Subject:** HB 4119

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*Karen Emery, Director*

# House Bill 4119

Sponsored by Representative HOYLE (Presession 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.**

Permits contracting agency to solicit or use pricing policies or proposals or other pricing information to determine compensation for consultant providing certain services only after contracting agency has selected candidate and before entering into contract with consultant.

Becomes operative January 1, 2015.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to direct appointments for certain consulting services; creating new provisions; amending ORS 279C.110; and declaring an emergency.

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

**SECTION 1.** ORS 279C.110 is amended to read:

279C.110. (1) A contracting agency shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services on the basis of the consultant's qualifications for the type of professional service required. A contracting agency may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after the contracting agency has selected a candidate [*pursuant to*] **in accordance with** subsection (2) of this section.

(2) Subject to the requirements of subsection (1) of this section, the procedures that a contracting agency creates to screen and select consultants and to select a candidate under this section are at the contracting agency's sole discretion. The contracting agency may adjust the procedures to accommodate the contracting agency's scope, schedule or objectives for a particular project if the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for the project does not exceed $250,000.

(3) A contracting agency's screening and selection procedures under this section, regardless of the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for a project, may include considering each candidate's:

(a) Specialized experience, capabilities and technical competence, which the candidate may demonstrate with the candidate's proposed approach and methodology to meet the project requirements;

(b) Resources committed to perform the work and the proportion of the time that the candidate's staff would spend on the project, including time for specialized services, within the applicable time limits;

(c) Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;

(d) Ownership status and employment practices regarding minority, women and emerging small

**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.

businesses or historically underutilized businesses;

(e) Availability to the project locale;

(f) Familiarity with the project locale; and

(g) Proposed project management techniques.

(4) If the screening and selection procedures a contracting agency creates under subsection (2) of this section result in the contracting agency's determination that two or more candidates are equally qualified, the contracting agency may select a candidate through any process the contracting agency adopts that is not based on the candidate's pricing policies, proposals or other pricing information.

(5) The contracting agency and the selected candidate shall mutually discuss and refine the scope of services for the project and shall negotiate conditions, including but not limited to compensation level and performance schedule, based on the scope of services. The compensation level paid must be reasonable and fair to the contracting agency as determined solely by the contracting agency. Authority to negotiate a contract under this section does not supersede any provision of ORS 279A.140 or 279C.520.

(6) If the contracting agency and the selected candidate are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the contracting agency, the contracting agency shall, either orally or in writing, formally terminate negotiations with the selected candidate. The contracting agency may then negotiate with the next most qualified candidate. The negotiation process may continue in this manner through successive candidates until an agreement is reached or the contracting agency terminates the consultant contracting process.

(7) [*It is the goal of*] This state [*to promote*] **has a goal of promoting** a sustainable economy in the rural areas of the state. In order to monitor progress toward this goal, a state contracting agency shall keep a record of the locations in which architectural, engineering, photogrammetric mapping, transportation planning or land surveying services contracts and related services contracts are performed throughout the state, the locations of the selected consultants and the direct expenses on each contract. This record must include the total number of contracts awarded to each consultant firm over a 10-year period. The record of direct expenses must include all personnel travel expenses as a separate and identifiable expense on the contract. Upon request, the state contracting agency shall make these records available to the public.

(8)(a) Notwithstanding the provisions of subsection (1) of this section, a contracting agency may directly appoint a consultant **to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for a project** if the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for the project does not exceed $100,000.

**(b) In directly appointing a consultant, a contracting agency may solicit or use the consultant's pricing policy or proposal or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine compensation for a consultant only after the contracting agency has selected a candidate and before entering into a contract with the consultant.**

(9) Notwithstanding the provisions of subsections (1) and (8) of this section, a contracting agency may directly appoint a consultant for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services in an emergency.

**SECTION 2. (1) The amendments to ORS 279C.110 by section 1 of this 2014 Act become operative on January 1, 2015.**

(2) The Attorney General, the Director of the Oregon Department of Administrative Services, the Director of Transportation or a contracting agency that adopts rules under ORS 279A.065 may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the Attorney General, the director or the contracting agency to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the Attorney General, the director or the contracting agency by the amendments to ORS 279C.110 by section 1 of this 2014 Act.

(3) The amendments to ORS 279C.110 by section 1 of this 2014 Act apply to contracts that a contracting agency first advertises or otherwise solicits or, if the contracting agency does not advertise or solicit the contract, to a contract that the contracting agency first enters into on or after the operative date specified in subsection (1) of this section.

SECTION 3. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

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# ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

## Testimony in Support of HB 4119

## House Business and Labor Committee

February 5, 2014

Good morning Chair Doherty and members of the Committee, I am Marshall Coba representing the American Council of Engineering Companies of Oregon in support of HB 4119.

HB 4119 is a technical fix that will clarify rulemaking on HB 3366 following the 2011 session. HB 3316 passed unanimously and was signed by the Governor. The bill created three financial thresholds for procurement of design professionals including engineers, architects and land surveyors. The thresholds were:

1) For public projects with more than $250,000 in design fees a full qualification based selection (QBS) process would be required by public agencies. This requires an announcement of the RFP to all firms.

2) For public projects from $100,000 to $250,000 in estimated design fees an informal QBS process was created. This allows the ability to select five firms to respond to the RFP.

3) For public projects less than $100,000 in estimated design fees the bill allowed public agencies to do a qualification based selection process or that they "may" do a direct appointment process. This is the section that HB 4119 seeks to remedy. This allows public agencies to "select" one firm to discuss scope and fees on a project.

During rulemaking, the Department of Justice ruled that "may" in HB 3316 section 4 (8) had the unintended result of allowing local and state governments in Oregon the ability to use a qualification based procurement method, a direct appointment procurement method, a bidding procurement method or any other procurement methodologies that they deemed appropriate. This is contrary to the goals of HB 3316 in regards to projects under $100,000 in design fees. We support the interpretation of "may" to allow a qualification based selection process or a direct appointment process. We did not envision it being interpreted to include a bidding process. HB 4119 will not impact projects with more than $100,000 in design fees as the intent of that portion of the bill was not changed through rulemaking.

In 2013 we introduced SB 644 which passed the Senate 28-0. Following the first hearing in the House we developed amendments that addressed many of the concerns of local governments who testified in opposition. The language in HB 4119 once again addresses many of their concerns and makes it clear that price is a major component of direct appointment as it is with the QBS process.

5319 SW Westgate Drive, Suite 224, Portland, Oregon 97221
phone (503) 292-2348 ◆ fax (503) 292-2410
www.acecOregon.org
*Member of the American Council of Engineering Companies, Washington, D.C.*

HB 4119 will simply fix the loophole created in the 2011 rulemaking and allow state and local governments to use either a qualification based solution or a direct appointment methodology to select design professionals. We believe there is a small group of public agencies that continue to bid design and this legislation will bring consistency across the state.

We want to make sure that the record leaves no uncertainty to the use of "may" in section 1 (8) (a). "May" means that state and local governments "may" use either a qualification based selection process as described in section 1 or they "may" choose to make a selection of a design professional by the direct appointment process. This means they have a choice of a qualification based selection process or a direct appointment process. "May" does not allow any other than these two choices for selecting a design professional for projects under $100,000 in estimated design fees.

If passed, this bill takes effect in January 2015. We pledge to work with local and state governments this summer and fall to implement an ongoing educational process with public works and procurement staff across the state. This will ensure proper implementation next January and help realize our long stated goal of consistency across the state in all levels of government and in all levels of projects. This process provides for the best and wisest use of the limited public funds we have in Oregon.

Thank you for your consideration of HB 4119.

From: COREY Kurt A
Sent: Tuesday, February 04, 2014 1:53 PM
To: 'rep.valhoyle@state.or.us'
Cc: GARDNER Lisa A; JONES Eric R
Subject: HB 4119

Representative Hoyle:

I understand you have sponsored HB 4119 and would like to take this opportunity to share what I hope is a useful perspective.

Your bill represents what many view as a clarification to previous legislation on the topic of qualifications-based selection (QBS) for professional consulting services. Having spent a good part of my career working toward better public understanding of QBS and having participated as an active member of the American Public Works Association (APWA) for nearly thirty years, I can tell you APWA and its 29,000 members across the country endorse QBS as an important component to the delivery of public works goods and services. It is the opinion of APWA that QBS results in a less constrained and more creative design process and, as a relatively small part of overall project costs, is the most effective means for assuring both the optimal life-cycle project cost while minimizing disputes and litigation.

To that end, APWA has a longstanding QBS advocacy position statement that reads:
"the public interest is best served when governmental agencies select
architects, engineers, and related professional services and technical
consultants for projects and studies through QBS
procedures"...and "the goal of highest quality results and lowest fees are in conflict, and history provides little basis to believe that bidding can or will actually produce lower fees than will QBS". QBS has been incorporated into our professional services procurement process for many years here at the City of Eugene. As I understand it, HB 4119 is intended to specifically address the smaller professional services contracts (i.e., valued at less than $100,000) and for which present legislation already authorizes a direct appointment procedure. The bill would simply clarify that QBS also applies to these smaller contracts. Many who have expressed concerns regarding QBS have what I believe to be the mistaken impression that QBS precludes asking for cost information and essentially mandates

that agencies enter into contracts they cannot afford. What does not always seem to be clearly understood is that cost is always a factor - QBS simply underscores the prudent approach in negotiating professional services agreements with the most qualified firms.

I would note the City of Eugene enters into numerous small consultant contracts each year using the direct-appointment provision of the statute. We maintain a pool directory of qualified firms for various types of work and pick up the phone to ask for a proposal as the need arises. Once we have received the proposal, we negotiate costs - if we are unable to agree on an acceptable price, we simply call the next firm on the list who we believe to be the next best qualified. Many believe that was the intent of previous legislation and HB 4119 aptly, in my opinion, provides that clarification.

Please let me know if you have questions or concerns regarding this or would
care to discuss in further detail. Thank you for your time and consideration
and for your service to the Oregon Legislature.

Kurt Corey, P.E.
Director of Public Works
City of Eugene
101 East Broadway, Suite 400
Eugene, Oregon USA 97401
541-682-8421
kurt.a.corey@ci.eugene.or.us<mailto:kurt.a.corey@ci.eugene.or.us
>

AOC | Association of Oregon Counties

# AOC Opposes HB 4119
February 2014

- BACKGROUND:
  - 2 years ago, HB 3316 modified procurement rules for local agencies. The law increased the threshold for direct appointments from $50,000 up to $100,000. HB 3316 also eliminated the option for local agencies to ask for a level of effort in hours from consultants when no state funds were involved with the project. We used this level of effort to judge whether the consultants truly understood the project scope and it was a good tool for comparing proposals from different consultants. Negotiations were easy and efficient after a consultant was selected since there was a mutual expectation of what the scope would be.
  - Local agencies have already lost that tool- now HB 4119 wants to limit us further by not allowing us to review a level of effort even on the smallest contracts.
- As a local agency, counties are responsible for spending the public's money wisely. We ensure that services are delivered at the local level in a responsive, efficient, and effective manner. HB 4119 would restrict our local government authority by further limiting how we must procure consultant services regardless of the size of the contract. By eliminating the option of asking for cost or total hours required, it would mandate a "one size fits all" approach which will take more time, cost more money, and add no value to the smaller and more straight-forward projects that we undertake.
- Counties use qualification based selection process (QBS) for most of our consultant procurements. The law already requires it for contracts over $100,000, and it makes sense when hiring an engineering firm to design a bridge or other complex or significant project.
- However, it is unnecessary to mandate it for small contracts under $100,000. Many of these contracts are for simpler and more straight-forward engineering services. When selecting a consultant for these more mundane tasks, qualifications are still important but we also must consider price in order to spend the public's money wisely. QBS

is not the right tool for all contracts. Therefore, it shouldn't be required 100% of the time.

- HB 4119 creates a time consuming process for projects that are simple and straight forward without providing any proven improved results or cost savings for the public. The current law still gives local agencies some flexibility to best serve their citizens- please preserve that flexibility.

City of
WILSONVILLE
OREGON

# Issues of Concern Pertaining to HB 4119 — Potentially Costly to Public and Without Public Benefit

## Testimony for Public Hearing Scheduled on Feb. 5, 2013, Before the House Committee on Business and Labor

**To Chair Doherty, Vice-Chairs Barton and Kennemer, and members of the House Committee on Business and Labor:**

The City of Wilsonville has strong issues of concern pertaining to HB 4119, which would extend the Qualification-Based Selection (QBS) process to public procurements under $100,000. Direct procurement as it stands under the current law has given the City and other local governments a primary measure of flexibility for procuring engineering services under the otherwise onerous QBS process.

### HB 4119 — Appears to discourage competition and to harm small businesses

By creating a bidding advantage for larger consulting firms, HB 4119 decreases the opportunities for small engineering firms in our area to successfully bid on these kinds of "lower-dollar" projects. As the backbone of Oregon's economy, the State should seek to help small businesses grow and prosper, rather than place inappropriate impediments.

### HB 4119 — Expanding use of the QBS process is not the best use of public money

Unlike the selection process for other types of public procurements, QBS typically does not consider price when making the initial selection of the best or most appropriate provider of the professional services required. HB 4119 has a bias against low-bid selection, when in fact this might be the best cost/value bid-choice for the public.

### HB 4119 — Creates more work, without necessarily a better results for the public

HB 4119 mandates that local governments use the more time-consuming and less easily quantifiable QBS process rather than a traditional, easy-to-quantify low-bid selection method. In doing so, the State disproportionately is adding to local-government staff work time and expense for the lower-end of the project-cost scale, which is of questionable benefit to the public.

Furthermore, the new provision found in section 8(b), (beginning on line 36 of HB 4419) creates more work for project managers and local-agency contracting officers. For small projects of a

routine nature, there will be many equally qualified consultants that can perform the work. Without price as an unambiguous differentiating factor, other decision criteria must be identified and documented that will be inherently more subjective and potentially subject to challenge. Using pricing as a deciding factor between equally qualified consultants for small projects is economical for the taxpayer and in the best interest of the public.

**HB 4119 — Creates inconsistencies in Oregon public-contracting law**

Current law allows an exemption from strict QBS contracting rules for small architectural, engineering, photogrammetric mapping, transportation planning or land surveying services contracts up to $100,000. The intent and practical result of the HB 4419, if enacted, is to re-set the exemption limit for these specific professional services from $100,000 to zero. HB 4419 would therefore be inconsistent with other provisions of Oregon's Public Contracting Code under ORS 279A and 279B, where "non-zero" exemptions to state-wide procurement requirements are allowed for small procurements for Goods and Services, Construction, and virtually all other types of procurements. These exemptions to formal procurement rules are clearly recognized within the text of the Public Contracting Code as promoting efficiency and cost effectiveness in government for small procurement actions. To not have a similar exemption for architectural and engineering (and related) services creates inconsistencies between ORS 27A and B and ORS 279C, and creates an unnecessary burden on local contracting agencies.

The City believes that HB 4119 will lead to higher costs for local governments without benefit to the public, and therefore encourages a DO NOT PASS vote on the bill.

Sincerely,

Tim Knapp

Tim Knapp, Mayor
City of Wilsonville

# League of Oregon Cities – Bill Summary (1/31/14)

| HB 4095 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | No Position | 2 | Craig Honeyman | Broadband |

**Summary:** Provides method for giving notice to Internet service providers that wish to install Internet lines within state highway right-of-way.

2/3/14 H - First reading. Referred to Speaker's desk.

| SJR 0204 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 3 | Scott Winkels | Budget Bills |

**Summary:** Proposes amendment to Oregon Constitution to require Legislative Assembly each biennium to spend one-third of legislatively adopted budget on education and seven percent of legislatively adopted budget on public safety activities.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1511 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Building Codes |

**Summary:** Prohibits engaging in business of radon level testing or radon mitigation work without Department of Consumer and Business Services certification.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1518 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 1 | Scott Winkels | Collective Bargaining |

**Summary:** Modifies definition of supervisory employee for purposes of public employee collective bargaining law.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4017 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 1 | Erin Doyle | Economic Development |

**Summary:** Provides requirements for ordinance or resolution prescribing procedure by which governing body of local government may form local improvement district and impose assessments on property in district specially benefited by local improvement.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4063 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Chris Fick | Economic Development |

**Summary:** Allows Department of State Lands to make loans from Common School Fund for brownfield redevelopment.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4111 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 1 | Chris Fick | Economic Development |

**Summary:** Establishes Infrastructure Innovation Oregon as public advisory agency responsible for developing policy and programs in area of performance-based public infrastructure projects and providing consultation and services to units of government with respect to public infrastructure projects.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4141 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 1 | Chris Fick | Economic Development |

**Summary:** Provides that certain property tax exemptions and certain cancellations of property taxes do not apply to property taxes imposed by school districts or education service districts.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4142 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 1 | Chris Fick | Economic Development |

**Summary:** Amends definition of rural area to mean area outside urban growth boundary as boundary is acknowledged on date on which application is submitted for strategic investment program.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4153 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Chris Fick | Economic Development |

**Summary:** Authorizes cities and counties to adopt ordinances for expedited siting of industrial, manufacturing or natural resource facilities in areas of high unemployment.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1532 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 1 | Chris Fick | Economic Development |

**Summary:** For purposes of transfer to Shared Services Fund, requires Oregon Department of Administrative Services to state separately personal income tax revenue attributable to new jobs and retained jobs.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1578 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Erin Doyle | Economic Development |

**Summary:** Authorizes cities and counties to adopt ordinances for expedited siting of industrial, manufacturing or natural resource facilities in areas of high unemployment.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4054 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Scott Winkels | Elections |

**Summary:** Expands list of prior violations that prohibit individual from becoming circulator.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4024 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 3 | Scott Winkels | Employee Rights |

**Summary:** Authorizes Bureau of Labor and Industries to adopt rules to implement provisions of statute requiring public employer to interview each veteran who applies for civil service position or eligibility list, if veteran has skills from military education or experience that substantially relate to civil service position.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1543 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Employee Rights |

**Summary:** Makes reduction of hours worked by full-time employee for sole purpose of preventing employee eligibility for coverage under Patient Protection and Affordable Care Act unlawful employment practice.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1567 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Employee Rights |

**Summary:** Modifies reinstatement rights of management service employees who have immediate prior former regular status in classified service.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4041 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 2 | Tracy Rutten | Energy |

**Summary:** Expands energy improvement program by authorizing local governments to facilitate private financing of energy improvements by property owners.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4042 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Tracy Rutten | Energy |

**Summary:** Adds renewable marine energy to types of energy for which availability of net metering is required.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4126 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Energy |

**Summary:** Allows consumer-owned utilities to use certain amount of unbundled renewable energy certificates to meet renewable portfolio standard under certain circumstances.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1570 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Environmental Quality |

**Summary:** Repeals sunset on provisions related to low carbon fuel standards.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4129 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Chris Fick | Finance and Revenue |

**Summary:** Increases rate of taxation on cigarettes and tobacco products.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4138 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Chris Fick | Finance and Revenue |

**Summary:** Modifies method of apportionment of business income of interstate broadcaster for purposes of corporate excise taxation.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1535 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Chris Fick | Finance and Revenue |

**Summary:** Limits investment of local government funds to statutory investment pool for local and tribal government funds.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1559 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 1 | Chris Fick | Finance and Revenue |

**Summary:** Allows qualifying off-premises sales licensee to obtain endorsement authorizing sale of distilled liquor at licensed premises.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4068 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Guns |

**Summary:** Modifies requirements for concealed handgun license applicants.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4085 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Health Insurance |

**Summary:** Modifies requirements for insurance coverage of colorectal cancer screening examinations and laboratory tests.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1562 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Health Insurance |

**Summary:** Modifies requirements for health insurance coverage of services, medications and supplies necessary for management of diabetes during pregnancy.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1565 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Scott Winkels | Health Insurance |

**Summary:** Prohibits discrimination based on age, expected length of life, present or predicted disability, degree of medical dependency or quality of life in issuance of health benefit plans and in determination of medical services covered by state medical assistance program.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4038 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Erin Doyle | Housing |

**Summary:** Modifies provisions that establish process for tenants of manufactured dwelling park to purchase park.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4050 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Insurance |

**Summary:** Specifies that insurer may not issue or deliver policy against risk of economic loss assumed under less than fully insured employee health benefit plan to employer group with fewer than 51 covered lives.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4029 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Erin Doyle | Land Use |

**Summary:** Authorizes withdrawal of tract from city located within Metro and incorporated between January 1, 2000, and January 1, 2005, if city did not acknowledge comprehensive plan and land use regulations within four years after incorporation and any portion of tract is on boundary of city.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4039 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Erin Doyle | Land Use |

**Summary:** Provides exemption from ad valorem property taxation for property of nonprofit corporation that, for tax year beginning on July 1, 2012, was actually offered, occupied or used as low-income housing and granted exemption by county.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4078 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Erin Doyle | Land Use |

**Summary:** Validates urban growth boundary adopted by Metro and acknowledged by Land Conservation and Development Commission as acknowledged urban growth boundary of Metro.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4092 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Erin Doyle | Land Use |

**Summary:** Authorizes governing body of Malheur County, under specified circumstances, to plan and zone site for industrial use, in addition to and not in lieu of other authority to plan and zone for industrial use.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4128 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 1 | Erin Doyle | Land Use |

**Summary:** Requires that, in election proposing annexation, votes from territory to be annexed and annexing city be counted separately to determine separate majorities if territory is 100 acres or more.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4153 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Erin Doyle | Land Use |

**Summary:** Authorizes cities and counties to adopt ordinances for expedited siting of industrial, manufacturing or natural resource facilities in areas of high unemployment.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1554 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 2 | Erin Doyle | Land Use |

**Summary:** Authorizes county to adopt education funding protection ordinance for up to 10 years if at least 50 percent by area of county is subject to certain exemption or special assessment programs under ad valorem property tax statutes or if county has population of 100,000 or less.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4015 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Chris Fick | Miscellaneous |

**Summary:** Requires state agencies to consider certain factors and prioritize funding of projects that affect regional community and economic development and to collaborate with Regional Solutions Program to integrate state investments, services and resources.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4100 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Erin Doyle | Miscellaneous |

**Summary:** Makes legislative findings and declarations regarding genetically engineered food.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4144 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Chris Fick | Miscellaneous |

**Summary:** Establishes Oregon Investment Department as public investment agency to be supervised by director appointed by Oregon Investment Council.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1578 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Miscellaneous |

**Summary:** Authorizes cities and counties to adopt ordinances for expedited siting of industrial, manufacturing or natural resource facilities in areas of high unemployment.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1510 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Tracy Rutten | Natural Resources |

**Summary:** Authorizes agencies of executive department, upon receipt of application for discretionary state permit for proposed action, to nominate proposed action to Economic Recovery and Environmental Review Council for enhanced review as project of statewide environmental significance.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4001 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | PERS |

**Summary:** Allows person elected or appointed to office of sheriff, county judge or county commissioner in a county with a population of fewer than 110,000 inhabitants to continue to be retired member of Public Employees Retirement System and continue to receive retirement benefits under the system.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4039 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Chris Fick | Property Taxes |

**Summary:** Provides exemption from ad valorem property taxation for property of nonprofit corporation that, for tax year beginning on July 1, 2012, was actually offered, occupied or used as low-income housing and granted exemption by county.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4106 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Chris Fick | Property Taxes |

**Summary:** Exempts from property taxation real and personal property of history museum, natural history museum or science museum that is land on which museum is situated or that is used in conjunction with public displays, used to educate public, used to sell goods related to displays or educational purpose of museum, used to sell goods and services providing refreshment to public while visiting museum or used as theater for presentations about history or science.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4148 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Chris Fick | Property Taxes |

**Summary:** Changes interest rate accruing on deferred taxes under homestead property tax deferral program from six percent compounded annually to six percent per annum.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4111 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Scott Winkels | Public Contracting |

**Summary:** Establishes Infrastructure Innovation Oregon as public advisory agency responsible for developing policy and programs in area of performance-based public infrastructure projects and providing consultation and services to units of government with respect to public infrastructure projects.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4119 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Scott Winkels | Public Contracting |

**Summary:** Permits contracting agency to solicit or use pricing policies or proposals or other pricing information to determine compensation for consultant providing certain services only after contracting agency has selected candidate and before entering into contract with consultant.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1501 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Public Contracting |

**Summary:** Exempts energy savings performance contracts, under certain circumstances, from requirement to use competitive bidding process to award public improvement contracts.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1579 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Scott Winkels | Public Health |

**Summary:** Requires certain health plans with prescription drug benefits to cover refills of prescription drugs in accordance with plan for synchronizing refill dates of patient's prescription drugs.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4011 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Scott Winkels | Public Safety |

**Summary:** Provides that city or county may not require precious metal secondhand dealer that is also pawnbroker to provide photograph of item of precious metal acquired in transaction.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4022 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Craig Honeyman | Public Safety |

**Summary:** Requires providers and resellers of cellular service to provide, at request of law enforcement agency, call location information of cellular device for purpose of responding to 9-1-1 emergency call or emergency involving risk of death or serious physical harm.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4031 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 3 | Scott Winkels | Public Safety |

**Summary:** Transfers State Interoperability Executive Council from Department of Transportation to Oregon Department of Administrative Services.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4055 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 1 | Craig Honeyman | Public Safety |

**Summary:** For purposes of tax on customer access to 9-1-1 emergency reporting system from prepaid telecommunications service customers, requires Department of Revenue to establish by rule policies and procedures for collection of tax imposed on prepaid services and on fixed interconnected Voice over Internet Protocol service.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4080 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 1 | Craig Honeyman | Public Safety |

**Summary:** Establishes procedures for collecting emergency communications tax imposed on consumers of prepaid wireless telecommunications service.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4099 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Public Safety |

**Summary:** Directs Department of Justice to conduct study on laws of this state that would need to be amended if people of this state vote to legalize marijuana at next regular general election held throughout this state.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1508 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Public Safety |

**Summary:** Modifies sex offender registration requirements to allow sex offender to register with city police department only if offender last resided or intends to reside in city or, if offender lives out of state, only if offender attends school or works in city.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1522 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Scott Winkels | Public Safety |

**Summary:** Restricts use of motor vehicle registration plate surveillance cameras.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1531 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 2 | Scott Winkels | Public Safety |

**Summary:** Specifies that governing body of city or county may regulate or restrict operation of medical marijuana facility, prohibit registration of medical marijuana facility, or regulate, restrict or prohibit storing or dispensing of marijuana by facility legally authorized to store or dispense marijuana.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1556 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Public Safety |

**Summary:** Declares that person 21 years of age or older legally should be able to possess, transfer or produce marijuana.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1561 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Public Safety |

**Summary:** Exempts establishment where practitioner dispenses drugs from laws and rules related to regulation of drug outlets if establishment and practitioner meet certain criteria.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1571 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 3 | Scott Winkels | Public Safety |

**Summary:** Prohibits certain solicitation practices by construction contractors providing restoration work on residential or commercial property or contents following man-made or natural disaster.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1577 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 3 | Scott Winkels | Public Safety |

**Summary:** Requires Department of State Police and all sheriffs and municipal police departments to adopt written policies relating to missing vulnerable adults on or before January 1, 2015.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1580 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Support | 3 | Scott Winkels | Public Safety |

**Summary:** Prohibits methadone clinic from commencing operation at site within 1,000 feet of pediatric clinic or public park.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1533 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 1 | Craig Honeyman | Telecommunications |

**Summary:** Directs Legislative Revenue Officer to conduct study of local government taxation of telecommunications service providers and propose method of taxation that taxes competitors uniformly and is acceptable to local governments.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4113 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 2 | Craig Honeyman | Transportation |

**Summary:** Requires Department of Transportation to prepare report on regional transportation projects in need of additional funding.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4131 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | No Position | 2 | Craig Honeyman | Transportation |

**Summary:** Allows person that uses natural gas or propane in motor vehicle to pay annual special use fuel license fee in lieu of per-gallon tax.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1502 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 2 | Craig Honeyman | Transportation |

**Summary:** Requires Department of Transportation to study development of uniform speed bump height and markings.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4044 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Water |

**Summary:** Establishes standard for measuring distance between proposed or existing well and surface water source for purpose of determining probability or existence of impairment of, or substantial or undue interference with, existing rights of others to appropriate surface water.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4045 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Tracy Rutten | Water |

**Summary:** Retroactively revives Well Constructors Continuing Education Committee.

2/3/14 H - First reading. Referred to Speaker's desk.

| HB 4064 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Water |

**Summary:** Establishes standard for measuring distance between proposed or existing well and surface water source for purpose of determining probability or existence of impairment of, or substantial or undue interference with, existing rights of others to appropriate surface water.

2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1512 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Water |

**Summary:** Makes Klamath Basin water right determined and established in order of determination existing water right for purposes of statute governing leasing of existing water rights for in-stream use.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| SB 1572 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 2 | Tracy Rutten | Water |

**Summary:** Establishes standard for measuring distance between proposed or existing well and surface water source for purpose of determining probability or existence of impairment of, or substantial or undue interference with, existing rights of others to appropriate surface water.

2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4048 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Scott Winkels | Workers Comp |

**Summary:** Provides that public body and its officers, employees and agents are not immune from liability for wrongful death of person who is covered by workers' compensation law and not employed by that public body.

2/3/14 H - First reading. Referred to Speaker's desk.

## League of Oregon Cities – Bill Summary

| HB 4010 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Employment |

**Summary:** Authorizes Employment Department to make public all decisions of Employment Appeals Board.

**Status:** Watch

2/6/14 H - Second reading.
2/5/14 H - Work Session held.
2/5/14 H - Recommendation: Do pass.
2/3/14 H - Public Hearing held.
2/3/14 H - Referred to Business and Labor.
2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1514 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Chris Fick | Finance and Revenue |

**Summary:** Until July 1, 2015, increases percentage of moneys distributed for county parks from 35 percent to 40 percent of moneys transferred to State Parks and Recreation Department from registration of travel trailers, campers and motor homes and from recreational vehicle trip permits.

**Status:**

2/5/14 S - Recommendation: Do pass and be referred to Ways and Means by prior reference.
2/5/14 S - Referred to Ways and Means by prior reference.
2/4/14 S - Public Hearing and Work Session held.
2/3/14 S - Referred to Rural Communities and Economic Development, then Ways and Means.
2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4112 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Chris Fick | Property Taxes |

**Summary:** Requires tax collector of county in which real property is located to assign property tax lien to assignee if tax collector receives written authorization from property owner and payment of taxes and fee from assignee.

**Status:**

2/3/14 H - Referred to Revenue.
2/3/14 H - First reading. Referred to Speaker's desk.

# MEMORANDOM

January 27, 2014

TO: Legislative Committee

FROM: Jim Patterson, City Manager

SUBJECT: **Senior Staff Legislative Priorities**

## I. Issue

City of Corvallis Senior Directors review and provide feedback to the Legislative Committee on their priorities for the 2014 "Short" Legislative Session that the League of Oregon Cities is preparing for.

## II. Discussion

Prior to legislative sessions, the Leadership of the Corvallis City Council asks City of Corvallis Senior Directors to review the list of items the League of Oregon Cities is preparing. Once a review is complete, Senior Directors rank in priority order based on the items of collective importance from the administrative leadership's point of view. This year feedback was also solicited from the City of Corvallis / Benton County Economic Development office.

## III. Results of Ranking

Based on the list provided by the League of Oregon Cities, included in the Legislative Committee packet, the rankings by city staff are as follows:

1. Property Tax Reform
2. Franchise Fees
3. Labor and Supervisory Management; Public Contracting
4. Local Improvement Districts
5. 9-1-1 Tax on Prepaid Wireless
6. Local Appeal Fees
7. Water Supply Development Fund Appropriations
8. Transportation
9. Legalization of Marijuana

## IV. Requested Action

For Legislative Committee review and consideration. No requested action required at this time.

Jim Patterson – City Manager

# League of Oregon Cities – Bill Summary (2/7/14)

| HB 4010 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Monitor | 3 | Scott Winkels | Employment |

**Summary:** Authorizes Employment Department to make public all decisions of Employment Appeals Board.

**Status:** Watch

2/6/14 H - Second reading.
2/5/14 H - Work Session held.
2/5/14 H - Recommendation: Do pass.
2/3/14 H - Public Hearing held.
2/3/14 H - Referred to Business and Labor.
2/3/14 H - First reading. Referred to Speaker's desk.

| SB 1514 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Neutral | 3 | Chris Fick | Finance and Revenue |

**Summary:** Until July 1, 2015, increases percentage of moneys distributed for county parks from 35 percent to 40 percent of moneys transferred to State Parks and Recreation Department from registration of travel trailers, campers and motor homes and from recreational vehicle trip permits.

**Status:**

2/5/14 S - Recommendation: Do pass and be referred to Ways and Means by prior reference.
2/5/14 S - Referred to Ways and Means by prior reference.
2/4/14 S - Public Hearing and Work Session held.
2/3/14 S - Referred to Rural Communities and Economic Development, then Ways and Means.
2/3/14 S - Introduction and first reading. Referred to President's desk.

| HB 4112 | Position | Priority | Assigned To | Category |
|---|---|---|---|---|
| Bill Info | Oppose | 2 | Chris Fick | Property Taxes |

**Summary:** Requires tax collector of county in which real property is located to assign property tax lien to assignee if tax collector receives written authorization from property owner and payment of taxes and fee from assignee.

**Status:**

2/3/14 H - Referred to Revenue.
2/3/14 H - First reading. Referred to Speaker's desk.

# Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director AHC

Date: February 12, 2014

Subject: Formal Findings and Conclusions, and an Ordinance regarding a Land Development Code Text Amendment, affecting LDC Chapter 3.36 – OSU Zone (LDT13-00001)

**Issue**

On February 3, 2014, the City Council deliberated on the above referenced Text Amendment application and decided to approve it subject to adoption of Formal Findings and Conclusions, and an Ordinance. Attached to this memorandum are Formal Findings and an Ordinance, which includes as an attachment, a copy of the Council approved Text Amendments.

**Requested Action**

The City Council is asked to review the Formal Findings and Conclusions and either:

1) Adopt the Formal Findings and Conclusions as presented in the attached document; or

2) Adopt the Formal Findings and Conclusions, as revised by City Council.

**Options**

If the Council accepts the Formal Findings and Conclusions as presented, the following action is recommended.

> **Approve the ordinance as read by the City Attorney, which references Formal Findings and Conclusions as presented to City Council in this February 12, 2014, Staff memorandum to Council.**

Alternatively, if the Council decides to modify the Formal Findings and Conclusions, the following action is recommended:

> **Approve the ordinance as read by the City Attorney, which references Formal Findings and Conclusions as presented to City Council in the**

**February 12, 2014, Staff memorandum to Council, *and as revised by the City Council on February 18, 2014.***

Review and Concur:

James A. Patterson,
City Manager

Review and Concur:

Scott Fewel,
City Attorney

**Exhibits**

- A. Formal Findings and Conclusions
- B. Ordinance with City Council Approved Text Amendments

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

# FINDINGS – OSU ZONE STREET STANDARDS TEXT AMENDMENT

| | | |
|---|---|---|
| In the matter of a City Council decision to approve a Land Development Code Text Amendment. | ) ) ) ) ) | **LDT13-00001** |

## PREAMBLE

The matter before the Corvallis City Council is a decision regarding a Land Development Code (LDC) Text Amendment (LDT) to establish design standards for private streets within the Oregon State University (OSU) Zone. The applicant is proposing standards that will allow for variation in the locations of standard public street components on private-streets. OSU will continue to provide the fundamental elements of a standard city street and will meet or exceed the City's existing minimum dimensional requirements for those elements for vehicles, bicycles, pedestrians, and street trees. Additionally, the applicant proposes changes to landscaping, buffering, and screening standards within the OSU Zone as they relate to the new proposed OSU Street standards.

On November 20, 2013, the Corvallis Planning Commission conducted a hearing on the LDC Text Amendment application (LDT13-00001) and deliberated on the request after the public hearing was closed. The Planning Commission unanimously recommended that the City Council approve the LDC Text Amendment application. A notice of disposition was signed with a date of decision on November 20, 2013 (Order No. 2013-065).

The City Council held a duly advertised *de novo* public hearing on the LDC Text Amendment application on January 21, 2014. During the public hearing, the City Council received a request to hold the written record open and granted the request to hold the written record open until 5 pm, January 28, 2014. Two pieces of written testimony were submitted and entered into the record, one in support from Dr. and Mrs. Craig, and the other in opposition from Mr. Rick Hangartner. The applicant then submitted final written arguments on January 31, 2014. The City Council deliberated on the request on February 3, 2014. After consideration of all the testimony and evidence, the City Council unanimously voted to approve the LDC Text Amendment application.

**Applicable Criteria**
All applicable legal criteria governing review of this application are identified in the public notices for the November 20, 2013 and January 21, 2014 public hearings; the Staff Report to the Planning Commission, dated November 13, 2013; additional proposed amendments brought forward by the applicant and staff, as presented in a supplemental Memorandum dated November 20, 2013; the minutes of the Planning Commission hearing and deliberations held on November 20, 2013; the staff memoranda to the City Council dated January 14, 2014, January 31, 2014, and February 3, 2014; the minutes of the City Council public hearing on January 21, 2014; and the minutes and deliberations of the City Council hearing on February 3, 2014.

**FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF THE OSU ZONE STREET STANDARDS LAND DEVELOPMENT CODE TEXT AMENDMENT (LDT13-00001)**

1. In the Text Amendment application, OSU proposes an alternate set of design standards for streets that are privately owned by the University; the amendment would not alter the City's street standards in any other zone or the public streets within the OSU Zone. The text amendment would facilitate the provision of safe, useful, direct pedestrian and bike connections throughout campus by establishing mobility standards to better accommodate pedestrians and bicyclists. The design standards for OSU Streets include specifications for vehicle, bicycle, and pedestrian travel ways, and associated landscape features.

2. The City Council notes that the stated purpose of the Text Amendment application under consideration is to allow for new development standards for streets within LDC Chapter 3.36 – OSU Zone that provide flexibility in the Ministerial development review process, while maintaining consistency with applicable City of Corvallis Comprehensive Plan policies and the Campus Master Plan policies. The proposed amendment is primarily associated with the design of streets within the OSU Zone that are not located in public rights-of-way.

3. The City Council accepts and adopts findings made in the Staff Report to the Planning Commission, dated November 13, 2013, related to public necessity, convenience and general welfare (pages 8 and 9), compliance with Statewide Planning Goals (page 9), consistency with Corvallis Comprehensive Plan Policies (pages 9 through 12), and consistency with the Oregon State University Campus Master Plan (pages 12 through 16) and the additional proposed amendments brought forward by the applicant and staff, as presented in a supplemental Memorandum, dated November 20, 2013, which support approval of the Text Amendment. The City Council adopts as findings those portions of the Minutes of the Planning Commission hearing, dated November 20, 2013 that demonstrate support for approving the Text Amendment. The City Council accepts and adopts those findings made in the January 14, 2014, staff memorandum to the City Council that support approving the Text Amendment. The City Council

also adopts as findings, those portions of the Minutes of the City Council meeting dated January 21, 2014, that demonstrate support for approving the Text Amendment. The City Council specifically accepts and adopts as findings the rationale given during deliberations held on February 3, 2014, by Council Members expressing their support for approving the Text Amendment. 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 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.

4. The City Council notes that during the February 3, 2014 meeting, the Council deliberated on the application, and a motion to approve the request was made by Councilor Brauner and seconded by Councilor Traber. The Council notes that the motion made by Councilor Brauner to approve the application was unanimously passed with a seven-to-zero vote. The Council finds the text amendment is consistent with the applicable criteria.

5. The City Council notes the record contains all information needed to evaluate the Text Amendment decision for compliance with the relevant criteria.

6. The City Council notes that the Incorporated Findings list all of the applicable approval criteria, and demonstrates compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings, and primarily address issues raised in support of the text amendment. These supplemental findings, like the Incorporated Findings, are grouped into three categories (LDC Criteria, Statewide Planning Goals, and Comprehensive Plan Policies) which facilitate a comprehensive and cohesive review of the applicable criteria.



## I. <u>Land Development Code Text Amendment Criteria</u>

1. The City Council notes that the process and applicable criteria for evaluating proposed LDC Text Amendments are found in LDC Section 1.2.80 – Text Amendments, which is provided below.

*Section 1.2.80 - TEXT AMENDMENTS*

*1.2.80.01 - Background*
*This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.*

*1.2.80.02 - Initiation*

*An amendment may be initiated through one of the following methods:*

*a. Majority vote of the City Council; or*

*b. Majority vote of the Planning Commission.*

*1.2.80.03 - Review of Text Amendments*
*The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.*

2. The City Council notes that on June 5, 2012, the applicant submitted a letter to City Planning Staff requesting that the City Council or Planning Commission initiate consideration of the subject Text Amendment. On June 20, 2012, City Staff presented the request to the Planning Commission. The Planning Commission unanimously passed a motion to endorse the initiation of an OSU Street Standards text amendment, which would be reviewed through the public hearing process required by the LDC. The City Council finds that the applicant's request and the Planning Commission's action to initiate the Text Amendment are consistent with Section 1.2.80.02.b.

3. The City Council notes that LDC Section 1.2.80.03 requires the Text Amendment to be reviewed by the Planning Commission and the City Council through separate public hearings. The City Council notes that the Planning Commission held a duly advertised public hearing to review the Text Amendment application on November 20, 2013, and unanimously recommended the City Council approve the request. The Council notes that the City Council held a duly advertised *de novo* hearing on January 21, 2014, and deliberated on the application on February 3, 2014. The City Council notes that these public hearings were done in accordance with the quasi-judicial provisions of Chapter 2.0 – Public Hearings. The City Council finds that review of the Text Amendment application was consistent with LDC Section 1.2.80.03.

4. The City Council notes that per LDC Section 1.2.80.1 – Background, the LDC may only be amended when the public necessity, convenience, and general welfare require such amendment, and where it conforms with the Corvallis Comprehensive Plan and other applicable policies. The City Council notes that in the case of Text Amendments, applicable policies include Oregon's Statewide Planning Goals. The City Council notes that Text Amendment under consideration was evaluated for consistency with the criteria in LDC Section 1.2.80.01 – Background, including applicable Statewide Planning Goals and Corvallis Comprehensive Plan Policies, in the January 14, 2014, Staff Report to the City Council, which included as an Exhibit, the November 13, 2013, Staff Report to the Planning Commission. The City Council notes analysis in the January 14, 2014, Staff Report to the City Council concludes that the Text Amendment application, is consistent with LDC Section 1.2.80.01 – Background, and conforms to applicable Comprehensive Plan policies and Statewide Planning Goals. As explained below, the City Council concurs with the Staff analysis and finds that the Text Amendments under consideration are in the interest of public necessity, convenience, and general welfare, per Section 1.2.80.01.

## Statewide Planning Goals

1. The City Council finds the following Oregon's Statewide Planning Goals apply to the subject application.

   Goal 1 – Citizen Involvement
   Goal 2 – Land Use Planning
   Goal 11- Public Facilities & Services
   Goal 12 - Transportation

2. The City Council notes that the Text Amendment application was reviewed through two separate public hearings (Planning Commission and City Council), which provided the opportunity for public participation in the planning process. Public notices were provided for both hearings, consistent with statewide noticing requirements. The City Council notes that in reaching a decision, public testimony, comprehensive plan policies, and applicable LDC review criteria were considered. By following the required public hearing processes and evaluating the application against applicable review criteria, the City Council finds that Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning were achieved.

3. The City Council notes that Oregon State University is an important component of the local economy. The City Council notes, that approving the Text Amendment application will allow OSU to address multi-modal transportation concerns by providing vehicle, pedestrian, and bicycle facilities by eliminating barriers to the installation of pedestrian and bicycle facilities within the OSU Zone. The proposed text amendments will provide flexibility in certain design standards that "accommodate the University's historic and natural features", while ensuring that vehicle, bicycle and pedestrian routes are conveniently and economically provided. The Council finds that Statewide Planning Goal 11 – Public Facilities & Services and Goal 12 - Transportation were achieved.



## Corvallis Comprehensive Plan Policies

1. The City Council notes that the following Comprehensive Plan background section was considered when evaluating the proposed Text Amendment.

   *13.0 Background*
   *Some areas in Corvallis have such a significant impact on the City as a whole that they warrant special attention and consideration and thus are addressed separately in this Article. These areas are currently Oregon State University, downtown Corvallis, west Corvallis, and south Corvallis.*

2. The City Council notes that inclusion of OSU as a special area of concern supports the idea that one-size-fits-all street construction standards may not be appropriate.

3. The City Council notes the following Comprehensive Plan policies that relate to both OSU and the proposed "OSU Street" text amendments.

*3.2.1*
*The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:*

- *A. Preservation of significant open space and natural features;*
- *B. Efficient use of land;*
- *C. Efficient use of energy and other resources;*
- *D. Compact urban form;*
- *E. Efficient provision of transportation and other public services; and*
- *F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.*

*3.2.5*
*The City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens. These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new development standards or design guidelines.*

*5.3.1*
*To increase the aesthetic qualities of the community and enjoy the engineering and ecological benefits of trees, the City shall require developers to plant appropriate numbers and varieties of trees with all new development. Such standards shall be maintained in the Land Development Code.*

*5.3.3*
*The City shall encourage the use of large-canopy trees.*

*11.2.1*
*The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses.*

*11.6.10*
*Flexibility in pedestrian facility standards may be allowed for retrofitting of local streets in substandard locations when the deviation from standards can be shown to better pedestrian accessibility.*

*11.12.1*
*The University and the City shall work together to improve traffic patterns through and around Oregon State University which will reduce negative impacts on existing residential areas and the campus.*

*13.2.2*
*The City and the University shall continue to work together to assure compatibility between land uses on private and public lands surrounding and within the main campus.*

*13.2.5*
*Development on the Oregon State University main campus shall be consistent with the 1986 Oregon State University Plan, its City-approved successor, or approved modifications to the Plan. This plan includes the Physical Development Plan Map that specifies land use at Oregon State University.*

*13.4.2*
*Designated open space in the OSU Physical Development Plan and Oregon State University agricultural, conservation, and forest resource lands make a significant contribution to community open space and their loss should be minimized.*

4. The City Council notes that the proposed OSU Street classification system includes flexibility that will lead to better preservation of the campus' open spaces, by allowing administrative variations to the required width and location of sidewalks that help to preserve Significant Trees and Historic Resources, consistent with Comprehensive Plan Policy 13.4.2. The proposed flexibility ensures efficient use of land by minimizing impacts to these existing resources, and also maintains conformance with the OSU Physical Development Plan, now known as the Campus Master Plan (CMP), by ensuring that the previously identified open spaces and quads are not adversely impacted by blanket application of City-standard street improvements. The Council further notes that the proposed amendments will meet a public necessity, based on the special circumstances surrounding historical development patterns on the OSU campus and current internal vehicle, bicycle and pedestrian circulation patterns and volumes.

5. The City Council notes that Comprehensive Plan Policy 3.2.5 suggests that LDC development standards may need to be revised and updated from time to time to implement the community's vision. The proposed text amendment provides more specific development standards for the OSU campus, which is recognized by the community as an area of special concern.

6. The City Council notes that the proposed OSU Street standards will contribute to a transportation system that addresses community livability and respects the characteristics of natural features. While the request allows for certain flexibility in the new OSU Street standards, those standards ensure that adequate facilities are provided for vehicles, bicycles, and pedestrians, consistent with Comprehensive Plan policy 11.12.1. As proposed, the OSU Street standards include flexibility in location and widths of pedestrian facilities, where preservation of Significant Trees, quads, and

other open spaces is a concern. This is supported by Comprehensive Plan policy 11.6.10.

7. The City Council notes Comprehensive Plan policies 5.3.1 and 5.3.3 are reflected in the request to maintain tree planting requirements associated with street infrastructure. The amendment will include additional mitigation planting requirements that exceed LDC requirements in Chapter 4.2, specifically the proposed flexibility in pedestrian facility locations and provisions for wider sidewalks.

8. Given the above, the City Council therefore finds the proposal to establish new street standards for private streets in the OSU Zone will result in wider sidewalks for pedestrians, enhanced safety for bicyclists, and street trees that maintain a boulevard effect, all of which promotes the public convenience and general welfare, consistent with LDC Section 1.2.80.01.

**OSU Campus Master Plan Policies**

1. The City Council notes the following Campus Master Plan policies that relate to the proposed "OSU Street" text amendments.

*2.3 STUDENT LIFE AND SERVICES*

*2.3.1*
*Continue to promote the campus as a pedestrian-friendly environment. Safe and direct access among buildings, parking areas, and other destinations shall be maintained or enhanced with new development.*

*2.3.9*
*Continue to provide universal access, consistent with Americans with Disabilities Act (ADA) standards, to campus buildings and sites.*

*2.5 SITE DEVELOPMENT, OPERATIONS, AND MANAGEMENT*

*2.5.1*
*Ensure that all future development is consistent with the City of Corvallis Comprehensive Plan, Land Development Code, and other adopted local plans (e.g., utility, transportation, etc.).*

*2.5.9*
*Orient building entrances toward streets. Landscaping, building mass, and height should be similar to that of surrounding buildings.*

*2.5.12*
*Encourage preservation of the historic street grid and usability of the street system with new development organized to create usable open spaces that facilitate ease of pedestrian and vehicular movement.*
2.5.14
*Encourage the protection and restoration of historically significant buildings and structures.*

*2.5.16*
*Reduce the visual impacts of new development by using similar building materials and scale, landscaping, and by siting buildings to maximize open space and maintain viewsheds as much as practicable.*

*2.7 PEDESTRIAN SYSTEMS AND OPEN SPACE*

*2.7.1*
*Retain a minimum of 50 percent of the campus as open space, which includes landscape areas, parks, recreation fields, and agricultural fields; hardscape amenities such as sidewalks, public plazas, quads, and courtyards; and non-developed areas.*

*2.7.3*
*Continue to maintain and enhance pedestrian walkways throughout campus, especially with new development.*

*2.7.5*
*Reinforce the pedestrian nature of campus by minimizing the need for private automobiles for cross-campus travel. This shall be done by locating parking areas on the campus perimeter and by maintaining a street system that directs traffic to nearby collectors and arterials, to the maximum extent practicable.*

*2.7.7*
*Repair and/or replace unsightly and unsafe walkway surfaces, and expand walkways that do not adequately accommodate pedestrian traffic.*

*2.7.8*
*Establish a pedestrian network of paths and sidewalks for safe and convenient access to sites on and off campus.*

*2.7.9*
*Develop a campus-wide bicycle route system that uses a combination of on-street bike lanes and off street multi-use paths.*

*2.7.10*
*Preserve the existing open space character of the lower campus and quads. These open spaces are an important historical element in the system established by the 1909 Olmsted Brothers plan (Chapter 1).*

*2.8 ENVIRONMENTAL STEWARDSHIP AND NATURAL FEATURES*

*2.8.4*
*Complete an inventory and assessment of existing trees to determine potential impacts to those trees during future development projects. Develop protocols and standards for tree protection during construction and maintenance activities.*

*4.1 GENERAL DEVELOPMENT POLICIES*

*4.1.4*
*Organize buildings along streets and develop quadrangles or other usable open space. Each building should have a unique identity whenever possible. Buildings shall be connected via links (e.g., sidewalks, bridges, tunnels, etc.) that are underground, at grade, or above grade. The connecting links should not be the dominant feature.*

*4.1.9*
*Design transportation, pedestrian and bicycle connections consistent with the City's transportation plan, comprehensive plan, land development code, Corvallis Standard Construction Specifications, and the CMP TIP to promote safe and convenient access into and across campus.*

*4.1.10*
*Develop and implement architectural and landscape architectural guidelines to reinforce the relationship among buildings, streets, and open space. Create continuity in the mass, scale, materials, and surrounding landscape of campus buildings.*

*6.1 TRANSPORTATION POLICIES*

*6.1.1*
*Plan and construct OSU transportation system improvements consistent with the City of Corvallis Comprehensive Plan, Land Development Code, Transportation Plan, and Standard Construction Specifications.*

*6.1.4*
*Consider improvements to sidewalks, multi-use paths, on-street bicycle lanes, street alignments, intersections, turn lanes, and road striping as part of the physical developments of campus, constructing the improvements as needed or as conditions warrant.*

*6.1.8*
*Design the transportation system to emphasize and encourage walking as the primary form of transportation in the campus core.*

*6.1.9*
*Encourage alternative modes of transportation (e.g., walking, bicycling, car/vanpooling, transit).*

*6.1.11*
*Consider pedestrian amenities (lighting, sidewalks, bench placement, planters, courtyards, quads, transit stops/shelters, bike racks, recycling receptacles, etc.) as part of typical street improvements.*

*6.1.12*
*Continue to maintain the transportation system of streets, roads, paths, sidewalks, and bicycle lanes for safety and good operating conditions.*

2. The City Council notes the CMP policies noted above highlight the focus on pedestrian-oriented design on campus, the concern about new development fitting into the existing development pattern on campus, and objectives related to preservation of existing, historically significant buildings and trees.

3. The City Council notes the proposed OSU Street standards maintain the pedestrian connectivity envisioned in the CMP. Additionally, the proposed text amendments clarify requirements for pedestrian facilities both along OSU Streets ("Sidewalks"), and within Development Areas ("Walkways"), which is supported by the CMP policies noted above. Providing flexibility for new development in areas with existing improvements, such as historically significant structures or Significant Vegetation, helps to ensure that the new development is similar to surrounding development, provides a more cohesive look along OSU Street corridors, and helps to maintain existing Significant Trees where they would otherwise be impacted by blanket application of City-standard street construction. This is consistent with CMP policies 2.5.9, 2.8.4 and 4.1.10.

4. The City Council notes the proposed OSU Street standards include elements such as vehicle travel lanes, bicycle circulation routes, planters, and pedestrian facilities, that are typically found in the City of Corvallis public street standards. This is consistent with the CMP transportation plan policies noted above. The flexibility in the standards for pedestrian facilities, noted above, also leads to the potential to better protect existing significant vegetation, open spaces and quads, which is consistent with CMP policy 2.7.10.

5. The City Council notes that all three of the proposed OSU Street types provide pedestrian facilities with a standard width that can be reduced in certain circumstances to five feet, but never eliminated. This ensures that pedestrian corridors identified in the CMP Figure 1.8 are maintained. The City Council finds the proposed text amendments are consistent with this component of the CMP.

6. The City Council notes that in some locations, the proposed Pedestrian Core street classification applies to streets that are not identified as OSU private streets on Figure 6.2 of the CMP. This is because there are additional internal private streets in the OSU Zone, not contemplated at the time of adoption of the CMP in 2004. Additionally, some of the private streets identified in Figure 6.2 of the CMP have not been delineated in the new Figure 3.36-3. This is due to a recent amendment to Figure 6.2, approved as part of the Sector D – CMP Major Adjustment, approved in 2013 (case LDT12-00002 and PLD13-00001). This is in the area of SW Adams Avenue and SW 14th Street.

7. The City Council notes that all three of the proposed OSU Street types provide bicycle facilities (either dedicated bike lanes or shared vehicle / bicycle routes ("sharrows")), which implements the bicycle circulation plan identified in Figure 6.4 of the CMP. Therefore, the Council finds the proposed OSU Street standards are consistent with this component of the CMP.

8. Given the above, the City Council therefore finds the proposed text amendment is consistent with applicable CMP policies, and the new OSU Street standards are written specifically to implement intended vehicle, bicycle, and pedestrian circulation routes identified in Figures 1.8, 6.2 and 6.4 of the OSU CMP.

## II. PUBLIC TESTIMONY

1. The City Council notes that, during the November 20, 2013 Planning Commission hearing, neutral testimony was provided by Jeff Bushnell, an adjacent property owner who lives in a house on Stadium Avenue. Mr. Bushnell had no objections to the proposal; however, he was concerned how the changes might affect his property if the sidewalk along Western Boulevard was widened. Western Boulevard is owned by the City; therefore, the proposed text amendment will not affect the sidewalk along that street. The City Council notes that the Planning Commission unanimously recommended the Text Amendment be forwarded to them for approval.

2. The City Council notes that two pieces of written testimony were submitted prior to the Planning Commission hearing on November 20, 2013. The first was additional proposed amendments brought forward by the applicant and staff and presented in a supplemental Memorandum dated November 20, 2013. The second was from Deb Kadas, past chair of the Corvallis Historic Resources Commission (HRC) who submitted a letter of support to staff planner Jason Yaich the day of the hearing. Ms. Kadas expressed the struggles the HRC experienced when new buildings were constructed within OSU's Historic District and that the City standard sidewalk and park strip was not always consistent with the surrounding historical street designs, creating a random pattern of sidewalks, street trees and landscape strips.

## III. DELIBERATIONS

1. The City Council notes that, in their deliberations on February 3, 2014, they found that there are historical reasons why OSU's street patterns differ from the City's current street standards, which tends to be more suited for residential development. The City Council also recognized the need to establish a design standard for the OSU Zone that would protect the campus' historical and natural features while accommodating higher pedestrian and bicycle traffic on streets with more limited automobile traffic. The City Council acknowledged the need to adopt a street standard for the OSU Zone which is different than the City's current residential and commercial street designs.

## IV. SUMMARY AND CONCLUSION

Based on the City Council's analysis, and the information and analysis in the November 13, 2013, staff report to the Planning Commission; the staff memoranda to the City Council dated January 14, 2014, January 31, 2014, and February 3, 2014; the minutes of the City Council public hearing on January 21, 2014; and the minutes and deliberations of the City Council hearing on February 3, 2014, the Council finds the proposed changes to Chapter 3.36 are in conformance with applicable Corvallis Comprehensive Plan policies, and that the there is a public necessity to refine Chapter 3.36 to establish design standards for private-streets within the Oregon State University (OSU) Zone, consistent with the applicable review criteria in LDC Section 1.2.80 – Text Amendments.

As the body charged with hearing LDC Text Amendments, the City Council, having reviewed the record associated with the subject Text Amendment application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses applicable review criteria and is found to be consistent with the applicable sections of the Land Development Code. The City Council finds that the proposal provided sufficient information to demonstrate compliance with the criteria that the Council believes applies to the Text Amendment application.

Dated: _____ _____

Julie Jones Manning, MAYOR

**ORDINANCE 2014-____**

**AN ORDINANCE AMENDING ORDINANCE 2006-24, AS AMENDED, TO REVISE THE CORVALLIS LAND DEVELOPMENT CODE CHAPTER 3.36 – OREGON STATE UNIVERSITY (OSU) ZONE (LDT13-00001), AND STATING AN EFFECTIVE DATE.**

Whereas, the Planning Commission, after holding a duly advertised public hearing on November 20, 2013, has forwarded its recommendation to the City Council concerning a request for a Text Amendment to the Land Development Code;

Whereas, on November 20, 2013, the Planning Commission recommended that the City Council approve the request to amend Land Development Code Chapter 3.36, affecting development on the Oregon State University campus;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Text Amendment to the Land Development Code on January 21, 2014, and interested persons and the general public were given an opportunity to be heard;

Whereas, the City Council allowed the record to be held open an additional seven days until January 28, 2014, to receive additional public testimony;

Whereas, the City Council granted the applicant additional time to provide final written argument, which was received by the City on January 31, 2014;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on February 3, 2014, met to deliberate on the matter, and made a preliminary decision to approve the proposed Land Development Code text amendment, subject to adoption of formal findings of fact;

Whereas, findings of fact have been prepared and consist of the formal findings, entered into the record at the February 18, 2014, City Council meeting, and adopted by the City Council through a separate motion;

Whereas, the final version of this Land Development Code Text Amendment is attached hereto as Exhibit A;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

OSU Street Standards (LDT13-00001)
City Council Findings
EXHIBIT B (1 of 2)

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

**Section 1.** Chapter 3.36 (Oregon State University (OSU) Zone) of the Land Development Code is amended as shown by the provisions contained in Exhibit A.

**Section 2**. This ordinance will take effect 30 days after its passage.

PASSED by the Council this _____ Day of February, 2014.

APPROVED by the Mayor this _____ Day of February, 2014.

Effective the _____ Day of March, 2014.

_____
Mayor

ATTEST:

_____
City Recorder

OSU Street Standards (LDT13-00001)
City Council Findings
EXHIBIT B (2 of 2)

**NOTE**: proposed text amendments are displayed as follows:
-additions: double-underline
-deletions: strikethrough

# CHAPTER 3.36

# OREGON STATE UNIVERSITY (OSU) ZONE

This Zone implements Comprehensive Plan policies that encourage coordination between the University and City in planning and review of campus development. Coordination with campus development is essential due to the physical size of the University and its related effects on City facilities and services. This Zone also coincides with the Public Institutional Comprehensive Plan designation for property generally within the OSU campus area. However, not all property within this Zone is owned by OSU; some parcels are privately owned.

In conjunction with this Zone, a Physical Development Plan for campus development was originally adopted in 1986 and has been revised periodically by the University. The most recent revision, which this Zone implements, is the Oregon State University Campus Master Plan (CMP), approved in 2004.

## SECTION 3.36.10 – PURPOSE

The OSU Zone implements the provisions in OSU's 2004-2015 Campus Master Plan, which is the blueprint for campus development over the next decade.

The purpose of the OSU Zone is to:

a. Encourage coordination between the University and the City of Corvallis, especially in the areas of land use planning and reviewing campus development;
b. Facilitate University development;
c. Ensure compatibility of University development with surrounding areas;
d. Ensure adequacy of public utilities, parking, and transportation facilities;
e. Expedite the development review process; and
f. Create a mechanism to regulate development on campus consistent with the CMP.

## SECTION 3.36.20 – DEFINITIONS SPECIFIC TO THIS CHAPTER

The following definitions contained in Section 3.36.20 pertain only to instances where the term is used within the contents of Chapter 3.36 – OSU Zone.

**Development Area** –The portion of land involved in a building/construction permit application or land use application. The Development Area shall include all of the following that are associated with the development: buildings, yards, open spaces, setbacks, Development Frontage, abutting parking areas, and access. The Development Area shall be indicated on a project site plan. Within Chapter 3.36, the Development Area definition supersedes the Development Site definition found in Chapter 1.6 and used elsewhere within this Code.

**Development Frontage** – The portion of the Development Area that abuts and/or includes a public street or an OSU Street.

**OSU Facility** – A land improvement intended for a specific use(s) including, but not limited to, buildings, parking areas, recreational fields, parks, and Historic Resources.

**OSU Street** – An improved public travel route for vehicular, bicycle, and pedestrian use that is identified as

a private, OSU-owned street in Figure 3.36-3: OSU Street Standards by Category. If existing improvements for an OSU Street identified in Figure 3.36-3 are inconsistent with the standards outlined in Section 3.36.60.18, the OSU Street is delineated by the minimum dimensional width required to improve the OSU Street to the functional classification and emergency access standards outlined in Section 3.36.60.18. An OSU Street shall include shared or mode-specific facilities for vehicles, bicycles, and pedestrians and typically will include the required designated tree planting area. For the purposes of LDC Chapter 1.6 - Definitions and Chapter 2.9 – Historic Preservation Provisions, an OSU Street shall be construed as a private street right-of-way.

**OSU Tree Well** – A tree well that conforms to the standards for tree wells specified in the OSU Tree Management Plan.

**Sidewalk –** A pedestrian facility constructed of a permanent hard surface parallel to a public street or OSU Street, and considered a component of that street.

**Walkway –** A pedestrian facility constructed of a permanent hard surface that provides for pedestrian access within and through a Development Area. For purposes of the OSU Zone, a Walkway is not a Sidewalk.

## SECTION 3.36.3~~2~~0 – PERMITTED USES

### 3.36.3~~2~~0.01 – GENERAL DEVELOPMENT FOR UNIVERSITY-OWNED PROPERTIES

a. Primary Uses Permitted Outright

1. Residential Use Types -
    a) Family
    b) Group Residential
    c) Group Residential/Group Care
    d) Residential Care Facilities
2. Residential Building Types -
    a) Single Detached
    b) Single Detached - Zero Lot Line
    c) Duplex
    d) Single Attached - Zero Lot Line, two units
    e) Attached - Townhouse
    f) Multi-dwelling
3. Civic Use Types -
    a) Administrative Services
    b) Community Recreation
    c) Cultural Exhibits and Library Services
    d) Lodge, Fraternal, and Civic Assembly

e) Parking Services

f) Public Safety Services

g) Religious Assembly

h) University Services and Facilities - Commercial Uses that are considered to be University Services and Facilities under this Code include, but are not limited to:

1) Communication Service Establishments;

2) Professional and Administrative Services;

3) Research Services;

4) Eating and Drinking Establishments;

5) Lodging Services;

6) Retail Sales - University;

7) Spectator Sports and Entertainment; and

8) Participant Sports and Recreation.

9) Industrial Use Types - Industrial Use Types considered to be University Services and Facilities include, but are not limited to:

a. Technological Production;

b. Limited Manufacturing; and

c. Other Industrial Uses customarily associated with Research Services.

i) Freestanding Wireless Telecommunications Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

4. Agricultural Use Types - all Agricultural Use Types

b. Accessory Uses Permitted Outright for University-owned Properties

1. Essential Services

2. Family Day Care, as defined in Chapter 1.6 - Definitions

3. Home Business, as defined in Chapter 1.6 - Definitions

4. Major Services and Utilities

5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions

6. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

7. Collocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories, and that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

9. Garden
10. Market Garden - subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
11. Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

c. Privately Owned Parcels within the OSU Zone -

1. ~~Seven~~ Two privately owned parcels developed as single- and multi-family residential uses are within the OSU Zone. These parcels are listed in Table 3.36-1 – Privately Owned Parcels, below.

Table 3.36-1: Privately Owned Parcels

| *Parcel* | *Street Address* | *Sector* | *Current Use* |
|---|---|---|---|
| ~~12503AA06500~~ | ~~633 SW 17th Street~~ | ~~G~~ | ~~Multi-Family Residential~~ |
| ~~12503AA06400~~ | ~~645 SW 17th Street~~ | ~~G~~ | ~~Multi-Family Residential~~ |
| ~~12503AA50800~~ | ~~1563 SW 'A' Street~~ | ~~G~~ | ~~Single-Family Residential~~ |
| ~~12503AA06300~~ | ~~636 SW 16th Street~~ | ~~G~~ | ~~Single-Family Residential~~ |
| 12503AC00100 | 1820 Stadium Ave | G | Single-Family Residential |
| ~~11535CC01100~~ | ~~136 SW 9th Street~~ | ~~D~~ | ~~Multi-Family Residential~~ |
| 115340000200 | 200-510 SW 35th Street | A | N/A |

2. The parcels in Table 3.36-1 - Privately Owned Parcels, may be developed as:
   a) Uses consistent with the University Services and Facilities Use Type in accordance with Section 3.0.30.02.n; or
   b) Residential Uses in accordance Section 3.36.8~~6~~0, below.

3.36.3~~2~~0.02 – CONDITIONAL DEVELOPMENT

The following Uses are subject to review in accordance with Chapter 2.3 - Conditional Development, the provisions of this Chapter, and all other applicable provisions of this Code.

a. Uses that require a state or federal air quality discharge permit (except for parking);
b. Freestanding Wireless Telecommunications Facilities greater than 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions;
c. Freestanding Wireless Telecommunications Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9 - Additional Provisions;
d. Collocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories, and that increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by more than 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions; or
e. Co-located/attached Wireless Telecommunications Facilities on nonresidential structures that increase the height of existing structures by more than 25 ft., including mounting, or by more than 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

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## SECTION 3.36.4~~3~~0 – PROCEDURES AND DETERMINATION OF COMPLIANCE

### SECTION 3.36.4~~3~~0.01 – OVERVIEW

Development within the OSU Zone area shall be reviewed for compliance with the standards in this Code and the Campus Master Plan Transportation Improvement Plan (TIP), except as expressly modified by provisions of this Chapter. Where conflicts exist between this Chapter and Chapter 4.0 - Improvements Required with Development, Chapter 4.1 - Parking, Loading, and Access Requirements, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, the provisions in Chapter 3.36 shall prevail. Development proposals found to be compliant with these provisions, and which do not require a public hearing through the Conditional Development process, may be approved through the standard Building Permit process. Proposals found not to be compliant may be reviewed in accordance with the appropriate adjustment procedures described in Section 3.36.4~~3~~0.02. Development proposals identified in Section 3.36.3~~2~~0.02 may also be approved through the Conditional Development process identified in Chapter 2.3 - Conditional Development.

### SECTION 3.36.4~~3~~0.02 – ADJUSTMENTS

Development not consistent with the standards contained in this Chapter shall be reviewed as one of the following:

a. A Minor Adjustment, as described in Section 3.36.4~~3~~0.03 - Minor Adjustments, shall be reviewed under the processes and criteria in Chapter 2.13 Plan Compatibility Review; or

b. A Major Adjustment, as described in Section 3.36.4~~3~~0.04 - Major adjustments, shall be reviewed as follows:

   1. All proposals that meet or exceed the thresholds identified in Section 3.36.4~~3~~0.04 “a”, through “n”, shall be reviewed under Section 2.5.60.03 - Major Modifications in Chapter 2.5 - Planned Development.

   2. In addition to the process required in “1," above, proposals that meet or exceed the thresholds identified in Section 3.36.4~~3~~0.04 “d” through “k” shall be reviewed for consistency with Chapter 1.2 - Legal Framework.

   3. In addition to the processes required in “1", and “2", above, proposals that meet or exceed the threshold identified in Section 3.36.4~~3~~0.04 "h” shall be reviewed as a Zone Change, consistent with process and criteria in Chapter 2.2 - Zone Changes, and if needed, as a Comprehensive Plan Amendment, consistent with the process and criteria in Chapter 2.1 - Comprehensive Plan Amendment Procedures.

### SECTION 3.36.4~~3~~0.03 – MINOR ADJUSTMENT

A Minor Adjustment shall be triggered if a proposal deviates from one of the dimensional standards, but not more than three of the dimensional standards in Section 3.36.6~~5~~0, by 10 percent or less.

### SECTION 3.36.4~~3~~0.04 – MAJOR ADJUSTMENTS

A Major Adjustment shall be triggered if a proposal meets one or more of the following criteria:

a. Modifies more than three of the dimensional standards in Section 3.36.6~~5~~0;

b. Modifies any of the dimensional standards in Section 3.36.6~~5~~0 by more than 10 percent;

c. Proposes a stand-alone parking lot or structure in a location not identified in Figure 7.3 - Future Parking Facilities, of the CMP;

d. Exceeds 90 percent parking usage campus wide and does not provide additional parking facilities as part of the project;

e. Proposes development with a gross square footage that is within the campus total development allocation but exceeds the maximum Sector allocation;

f. Proposes development such that the amount of retained open space is consistent with the campus minimum open space requirement but falls short of the minimum requirement for the Sector. Requires a commensurate increase in open space allocation in another Sector;

g. Is not consistent with the Transportation Improvement Plan in Chapter 6 of the CMP;

h. Adds new land area to or subtracts land area from the CMP;

i. Creates new CMP policies;

j. Results in a change in Sector boundary or redistribution of development allocation between Sectors;

k. Results in the cessation of intra-campus transit services - shuttle, bus, etc.;

l. Proposes a change in use for any of the parcels associated with the College Inn and its parking;

m. Proposes development in Sector J for building floor area in excess of 254,100 sq. ft.; or

n. Proposes a new building within the 100-ft. transition area on the northern boundary of Sector A, B, and/or C from the western boundary of Sector A to 26th Street. In order to create a graceful edge between the campus and northwest neighborhoods, any proposed building subject to this Section shall be subject to the following criteria:

    1. Maximum building height shall be 35 ft. provided the following is satisfied: shadows from the new buildings shall not shade more than the lower four ft. of a south wall of an existing structure on adjacent property between 10 a.m. and 2 p.m. on March 21;

    2. Structures shall not have a continuous horizontal distance exceeding 60 ft. along the boundary;

    3. Along the vertical face of a structure, off-sets shall occur at a minimum of every 20 ft. by providing any two of the following:

        a) Recesses of a minimum depth of eight ft.;

        b) Extensions a minimum depth of eight ft., a maximum length of an overhang shall be 25 ft.;

        c) Off-sets or breaks in roof elevations of three or more ft. in height.

    4. Building materials shall be consistent with the OSU standards for such materials, and shall also be compatible with adjacent residential houses and structures;

    5. New development shall be designed to minimize negative visual impacts affecting the character of the adjacent neighborhood by considering the scale, bulk and character of the nearby structures in relation to the proposed building or structure;

    6. Roofs shall be gabled or hip type roofs, minimum pitch 3:1, with at least a 30-in. overhang and using shingles or similar roof materials;

    7. A vegetative buffer shall be installed in a manner consistent with Section 3.36.6~~5~~0.06.c;

8. Outdoor building components such as transformers and other types of mechanical equipment that produce noise shall not be permitted within the required setback;
9. Buildings proposed for the Transition Area described within this Section that are in an area adjacent to the College Hill West Historic District shall have an advisory review completed by the Historic Resources Commission (HRC), or its successor. The HRC shall provide comment and recommendations to the Planning Commission for consideration; and
10. Trash dumpsters, gas meters, and other utilities and or mechanical equipment serving a building or structure shall be screened in accordance with Section 3.36.6~~5~~0.14.

### SECTION 3.36.4~~3~~0.05 – CAMPUS MASTER PLAN UPDATE

The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.4~~3~~0.02.b "1", through "3". The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

A CMP update will be required under the following conditions:

a. A development proposal, when considered in combination with constructed improvements or improvements with approved Building Permits, will exceed the total development allocation for the campus for all Sectors;
b. New CMP policies are created that alter existing policy direction or require existing policies to be modified;
c. The parking plan has been implemented, and campus-wide parking occupancy is greater than 90 percent; and/or
d. The CMP planning period has expired.

### SECTION 3.36.5~~4~~0 – DEVELOPMENT SECTORS

The CMP divides the campus into nine development areas identified as Sectors "A" through "J". See Figure 3.36-1 - CMP Sector Map. There is no Sector "I". Each Sector has a Development Allocation, which is the gross square footage allowed for new construction. Each Sector also has a minimum open space requirement that identifies the amount of area that must remain in green space or as a pedestrian amenity. These standards will guide the form of future development.

**NOTE**: proposed text amendments are displayed as follows:
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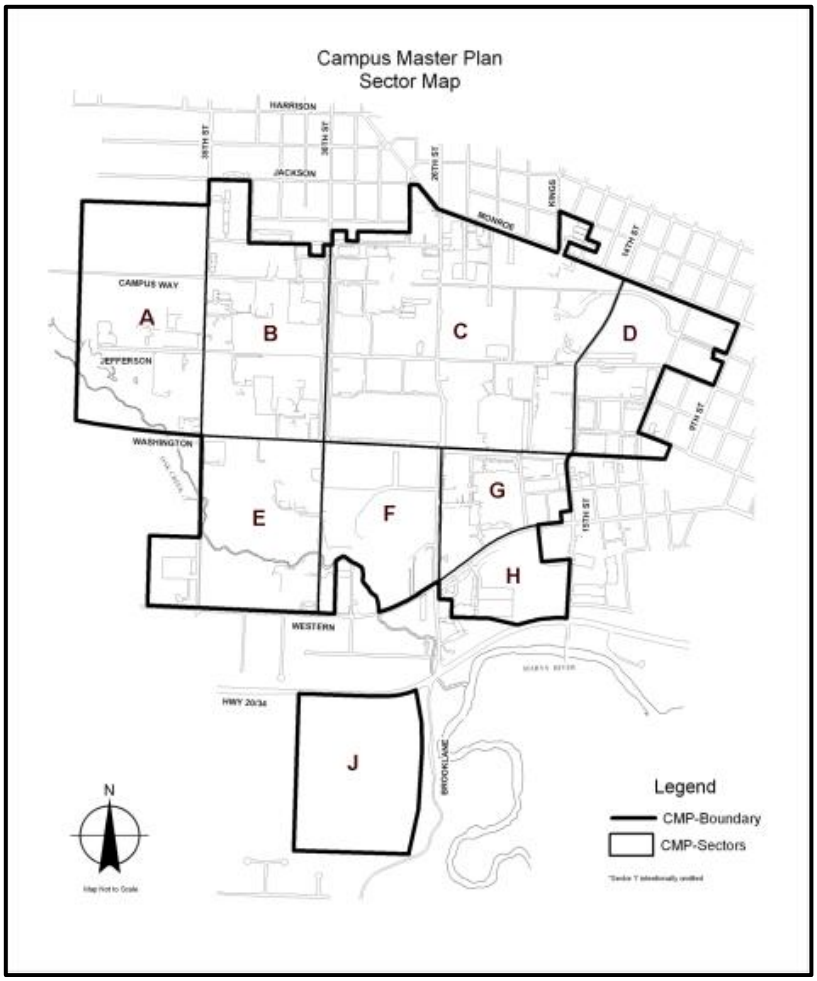


*Figure 3.36-1 - CMP Sector Map*

SECTION 3.36.5~~4~~0.01 – SECTOR DEVELOPMENT ALLOCATION

a. Sector Development Allocation represents the gross square footage of new development allowed in each Sector, regardless of the Use Type. See Table 3.36-2 - Building Square Footage by Sector.

b. Each new development project in a Sector shall reduce that Sector's available allocation.

c. Existing and approved development as of December 31, 2003, has been included in the existing/approved development calculations and shall not reduce the Sector Development Allocation.

d. Demolition of existing square footage and/or restoration of non-open-space areas to open space shall count as an equivalent square footage credit to the Sector development or open space allocation.

e. Square footage associated with a parking structure shall be included in the Development Allocation for the Sector in which the structure is located. Square footage associated with at-grade parking lots shall be calculated as impervious surface but not count as part of Development Allocation.

f. Table 3.36-2: Building Square Footage by Sector includes 71,000 square feet of Future Allocation that was removed, effective May 20, 2013, from Sector C's allocation and added to the allocation for Section D. This reallocation is contingent upon the 71,000 square feet being used for a student residence hall. The residence hall shall be constructed south of SW Adams Avenue, north of SW

Washington Way, and between SW 13th and 14th Streets. If a residence hall is not constructed in this location before the expiration of the Campus Master Plan Major Adjustment approval that allowed such construction (PLD13-00001), the 71,000 square feet allocated for the residence hall shall not be used in Sector D, but shall revert to Sector C.

Table 3.36-2: Building Square Footage by Sector

| *Sector* | *Existing/Approved* | *Maximum Future Allocation* | *Total* |
|---|---|---|---|
| *A* | *281,551* | *250,000* | *531,551* |
| *B* | *831,426* | *500,000* | *1,331,426* |
| *C* | *4,685,510* | *679,000* | *5,364,510* |
| *D* | *325,506* | *106,000* | *431,506* |
| *E* | *253,046* | *120,000* | *373,046* |
| *F* | *847,166* | *750,000* | *1,597,166* |
| *G* | *742,092* | *350,000* | *1,092,092* |
| *H* | *133,535* | *50,000* | *183,535* |
| *J* | *41,851* | *350,000* | *391,851* |
| **Total** | **8,141,683** | **3,155,000** | **11,296,683** |

## SECTION 3.36.5~~4~~0.02 – SECTOR MINIMUM OPEN SPACE

a. Open space is defined as landscape areas, pedestrian amenities such as plazas, quads, sidewalks, walkways, courtyards,~~;~~ parks, recreation fields, agricultural fields, and other non-developed areas.

b. Impervious surface areas that are not classified as open space per "a", shall count against the Sector's open space allocation.

c. The existing Memorial Union quad, library quad, a relocated Peoples' Park, and the lower campus area shall be retained for open space. The lower campus area is located between 11th Street and 14th Street, south of Monroe and north of Jefferson Street. Incidental development, such as clock towers, park benches, information kiosks, artistic works, sculptures, etc., is permitted.

Table 3.36-3: Minimum Future Open Space by Sector

| *Sector* | *Minimum Future Open Space* |
|---|---|
| A | 78% |
| B | 33% |
| C | 36% |
| D | 61% |
| E | 77% |
| F | 20% |
| G | 40% |
| H | 64% |
| J | 79% |
| Campus-Wide Minimum | 50% |

## SECTION 3.36.5~~4~~0.03 – SECTOR DEVELOPMENT ALLOCATION AND OPEN SPACE TABULATION

With each development application, the University shall provide the City with the following, consistent with Minimum Future Open Space percentages by Sector as listed in Table 3.36-3:

a. Updated tabulations of remaining available Development Allocations and open space areas and percentages for each sector.

b. When a project's land use allocation in a sector is inconsistent with that previously forecast in the Base Traffic Model (BTM), a project report that includes the following components:

1. Comparison of a project's development generated trips to the trips forecast in the previously revised BTM;
2. Traffic impacts resulting from a shift to a more intensive land use; and
3. Proposal of recommended mitigation strategies if a project results in a failing intersection level of service grade of "E" or "F".

## SECTION 3.36.6~~5~~0 – DEVELOPMENT STANDARDS

### SECTION 3.36.6~~5~~0.01 – MAXIMUM BUILDING HEIGHT

a. The maximum building height for new buildings shall vary by Sector and by proximity to a zone boundary in accordance with the provisions in Table 3.36-4 - Building Height by Sector.

b. A Primary Neighborhood Transition Area is the area within either 50 ft. or 100 ft. of the OSU Zone boundary. In Sectors B and C, a Secondary Neighborhood Transition Area shall extend for another 300 ft. in some locations. Transition Area locations are identified on Figure 3.36-2 - Neighborhood Transition Areas by Sector. Development within a Primary or Secondary Neighborhood Transition Area shall be consistent with the maximum building height for the Transition Area, as noted in Table 3.36-4 - Building Height by Sector.

c. In situations where a building footprint straddles the Neighborhood Transition Area boundary, each portion of the building shall not exceed the maximum building height for the corresponding area.

d. Building projections such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy shall not exceed one and one-half (1.5) times the maximum building height of the Sector.

Table 3.36-4: Building Height by Sector

| *Sector* | *Maximum Building Heights* | | | |
|---|---|---|---|---|
| | *Sector Interior* | *50-ft. Wide Primary Transition* | *100-ft. Wide Primary Transition* | *Secondary Transition Area* |
| A | 50 ft. | NA | 35 ft. | NA |
| B | 75 ft. | NA | 35 ft. | 60 ft. |
| C | 112 ft. | NA | 35 ft., 50 ft.[1], 55 ft.[2] | 60 ft. |
| D | 75 ft. | NA | 35 ft. | NA |
| E | 50 ft. | NA | 35 ft. | NA |
| F | 150 ft. | NA | 35 ft. 75 ft.[3] | NA |
| G | 75 ft. | 75 ft. | NA | NA |
| H | 75 ft. | 50 ft. | NA | NA |
| J | 75 ft. | NA | 35 ft. | NA |

*1 The 50-ft. height allowance only applies to the section of the Transition Area for Sector C that is from the east of 26th Street to 15th Street.*

*2 The height of structures on the entire College Inn site, including associated parking areas, is limited to 55 feet.*

*3 The 75-ft. height allowance applies only to the section of transition area for Sector "F" that is east of Grove Street and abuts Western Boulevard.*

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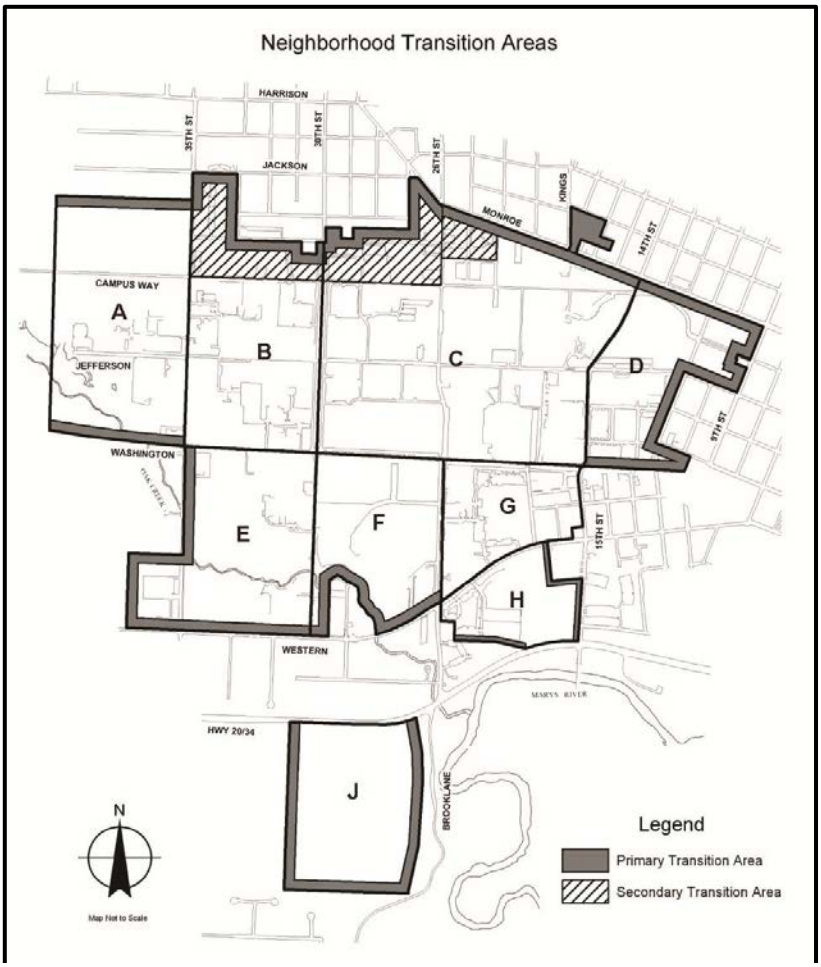


*Figure 3.36-2 - Neighborhood Transition Areas by Sector*

SECTION 3.36.6~~5~~0.02 – ROOF-MOUNTED EQUIPMENT

a. No roof-mounted mechanical equipment shall be visible from the entrance of buildings that abut the development site.

b. Satellite dishes, antennas, Colocated/attached Wireless Telecommunications Facilities, and other telecommunications equipment shall not be visible from nearby streets or buildings and must be screened behind a parapet wall or architectural feature.

SECTION 3.36.6~~5~~0.03 – MINIMUM BUILDING SETBACKS

a. Structures within 100 ft. of the OSU Zone boundary shall have a minimum setback of 20 ft. from the boundary line, except when abutting a street. See "b", and "c", below.

b. For structures abutting a public street, the minimum setback shall be 10 ft. from the edge of the right-of-way, assuming the public street is constructed to City standards, including landscape strip and sidewalk. If standard street improvements do not exist, standard street improvements shall be constructed in accordance with Section 3.36.6~~5~~0.09.

c. For structures abutting ~~a private street~~an OSU Street, the minimum setback shall be 20 ft. from the edge of the curb or 10 ft. from the ~~edge of the~~ sidewalk.

~~d. Structures shall have a minimum setback of 10 ft. from the edge of a pedestrian access way.~~

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SECTION 3.36.65~~5~~0.04 – BUILDING ENTRANCES

a. Buildings designed for human occupancy with facades facing a public street or ~~private street~~an OSU Street shall have a main building entrance facing the street and not just an emergency exit.

b. Buildings designed for human occupancy shall include a pedestrian amenity, such as a porch, plaza, quad, courtyard, covered entryway, or seating area 100 sq. ft., minimum, as a component of a main building entrance.

c. Buildings such as sheds, barns, or garages, used exclusively for agricultural purposes, research, or for storage shall be exempt from these standards for building entrances as described in "a" and "b," above.

SECTION 3.36.65~~5~~0.05 – GROUND FLOOR WINDOWS

a. Buildings designed for human occupancy with facade(s) that face a public street or ~~private street~~an OSU Street, multi-use path, and/or ~~sidewalk~~ pedestrian plaza shall have windows, pedestrian entrances, or display windows that cover at least 25 percent of the length and 15 percent of the surface area of the ground floor facade.

b. Ground Floor is defined as the finished floor elevation of the first floor that qualifies as a story in a building, as defined in the State of Oregon Structural Specialty Code.

c. Mirrored glass may not be used in ground floor windows.

d. Parking structures either above or below ground, shall be exempt from these standards for ground floor windows.

e. Buildings or portions of buildings used exclusively for research or storage purposes shall be exempt from the standards for ground floor windows described in "a", through "c", above. Buildings that do not meet the standards for ground floor windows shall not be located within a Primary Neighborhood Transition Area or within 50 ft. of Monroe Avenue.

SECTION 3.36.65~~5~~0.06 – LANDSCAPING, NATURAL RESOURCES, AND NATURAL HAZARDS

a. General Landscaping Provisions

~~a.~~1. Landscaping shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and shall be provided for parking areas adjacent to public streets and OSU Streets ~~private streets~~ in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements, except as modified by the provisions of this chapter.

~~b.~~2. In lieu of a landscape installation and/or landscape maintenance bond or other financial assurance for landscape and irrigation installation required by Section 4.2.20.a, a letter of commitment from ~~the~~ OSU ~~Operations and Maintenance Department~~ shall be provided. The letter of commitment shall include the following:

~~1.~~a) A copy of the approved landscaping and irrigation plan;

~~2.~~b) A commitment that the landscaping and irrigation will be installed prior to issuance of a final occupancy permit; and

~~3.~~c) A commitment that the landscaping and irrigation will achieve 90 percent coverage within three years and be maintained by ~~the~~ OSU ~~Operations and Maintenance Department~~

**NOTE**: proposed text amendments are displayed as follows:
-additions: double-underline
-deletions: strikethrough

b. Required Tree Plantings, Maintenance, and Preservation

1. Tree Plantings - Tree plantings are required for all landscape areas, including but not limited to OSU Street frontages, public street frontages, multi-use paths, and parking lots for four or more cars.

a) Street Trees

I. Along streets, trees shall be planted in designated tree planting areas or OSU standard tree wells. Where there is no designated tree planting area or a tree well as specified in LDC Section 3.36.60.18, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "III," below;

II. Along all OSU Streets with tree planting areas in excess of six (6) feet wide and where utility lines are located underground, a minimum of 80 percent of the street trees shall be large or medium-canopy trees.

III. If tree planting areas cannot be provided on University Collector, Pedestrian Core, or Sports Complex streets as identified in Figure 3.36-3 or street trees are prohibited by Section 3.36.60.06.b.2, an equivalent number of the required trees shall be provided within the setback of the development areas adjacent to the street, or in other locations within open space within the OSU Zone. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

b) The distance between required trees shall be determined by the type of tree used as indicated in Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees.

c) When the distance between the back of sidewalk and building is less than (20) feet, trees shall be planted in OSU standard tree wells.

d) Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts.

e) Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

f) Any street tree removed through demolition or construction within the public street right-of-way or abutting an OSU Street shall be replaced within the designated tree planting area, OSU standard tree well, or in yard areas adjacent to the street, except as allowed elsewhere by LDC Section 3.36.60.06.b.1.a.III.

2. Areas Where Trees May Not be Planted

a) Trees may not be planted within five (5) feet of permanent hard surface paving, walkways, or sidewalks, unless:

I. Trees are planted in OSU standard tree wells; or

II. Trees are planted in designated street tree planting areas as required in LDC Section 3.36.60.06.b.1; or

III. Trees are planted as outlined in Section 4.2.40.c.

b) Trees may not be planted:

I. Within ten (10) feet of fire hydrants and utility poles;

II. Within twenty (20) feet of street light standards;

III. Within ten (10) feet of OSU historic style street lights;

IV. Within five (5) feet from an existing curb face, except where required for street trees in designated trees planting areas or OSU standard tree wells; or

V. Within ten (10) feet of city owned utilities, including sanitary sewer, storm drainage, or water line.

3. Tree Maintenance Near Sidewalks and Paved Surfaces - Trees shall be pruned to provide a minimum clearance of eight (8) feet above sidewalks and walkways, and twelve (12) feet above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

4. Tree Removal and Protection

Removal and protection of trees within the OSU Zone shall be governed by Chapter 2.9 – Historic Preservation Provisions, Chapter 2.11 - Floodplain Development Permit, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, Chapter 4.2 – Landscaping, Buffering, and Screening, and Lighting, and Chapter 4.5 - Floodplain Provisions. In emergency situations or where trees meet the hazardous tree definition as defined in Chapter 1.6, removal of trees is permitted through 4.2.20.i – Hazardous Tree Removal.

c. Buffer Plantings

1. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Except where modified by provisions in this chapter, boundary plantings that conform to the standards in Section 4.2.40 – Buffer Plantings shall be used to buffer these uses from adjacent properties, public rights-of-way, and OSU Streets.

~~c.~~2. A vegetative buffer with a minimum width of 20 ft. that consists of a mix of evergreen and deciduous trees and shrubs shall be established between the OSU property line and any proposed building, access, drive and/ or parking lot within the Transition Area along the northern boundary of Sector A, B and C from the western boundary of Sector A to 26th Street and for the College Inn site. This vegetative buffer will be required upon any redevelopment of existing parking lots and/or the razing and redevelopment of existing buildings.

d. Screening (Hedges, Fences, Walls, and Berms)

1. Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Where screening is required by provisions of this code, it shall conform to the standards in Section 4.2.50 – Screening (Hedges, Fences, Walls, and Berms) except where modified by provisions in this chapter.

2. Where visible from public rights-of-way or OSU Streets, chainlink fences are prohibited unless coated with black vinyl.

e. ~~d~~ Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources – Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, ~~Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting,~~ Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. An exception to these requirements is that a Drainageway Management Agreement is allowed in lieu of a drainageway easement, as outlined in Section 3.36.6~~5~~0.07, below.

SECTION 3.36.6~~5~~0.07 – DRAINAGEWAY MANAGEMENT AGREEMENT

a. In lieu of drainageway dedications and/or easements for new development, expansion or redevelopment on parcels adjoining an open natural drainageway as per Chapter 4.13 - Riparian Corridor and Wetland Provisions, OSU shall provide a Drainageway Management Agreement (DMA) that meets the purposes cited in Section 4.13.10 and the policies of the City of Corvallis Stormwater Master Plan.

b. Drainageway widths and areas subject to the DMA shall be defined per Chapter 4.13 - Riparian Corridor and Wetland Provisions.

c. The DMA shall include but not be limited to the following objectives:

    1. Establish that the DMA is between Oregon State University (OSU) and the City of Corvallis (CITY) to establish CITY maintenance access rights and to limit OSU development activities within the particular drainageway.

    2. Protect the hydrological and biological functions of open drainageways including managing storm water drainage, improving water quality, and protecting riparian plant and animal habitats, in accordance with the provisions of Chapter 4.13 - Riparian Corridor and Wetland Provisions.

    3. Include a map(s) that defines the maintenance area (AREA) boundary line(s);

    4. Grant to the CITY the right, on, under, and across said AREA, to construct, maintain, replace, reconstruct, and/or remove a drainageway with all appurtenances incident thereto or necessary therewith, to facilitate (work toward) Properly Functioning Condition. Grant to the CITY the right, on, under, and across said AREA to cut and remove any trees and other obstructions which may endanger the safety or interfere with the construction, use, or maintenance of said drainageway. Grant to the CITY the right of ingress and egress to, over, and from the above described AREA at any and all times for the purpose of doing anything necessary, useful, or convenient for the operation of a stormwater utility. CITY shall provide notification to OSU and receive OSU's written authorization prior to accessing the utility. CITY shall provide notification to OSU and receive OSU's written authorization prior to implementing related work. Prior written approval will not be required during times of emergency;

    5. Require the CITY upon each and every occasion that such drainageway is constructed, maintained, replaced, reconstructed or removed, to restore the premises of OSU, and any buildings or improvements disturbed by the CITY, to a condition as near as practicable to the condition they were in prior to any such installation or work. If such restoration is not practicable, then the CITY shall pay to OSU an agreed upon compensation for such conditions that cannot be reasonably or practicably restored;

6. Require OSU and the CITY to limit use of the AREA to purposes consistent with the construction, use and maintenance of said drainageway. Such uses typically include natural landscaping and stormwater management facilities as approved by the CITY. OSU reserves the right to utilize the AREA for education purposes, provided the activities do not affect the terms of this agreement. No new building or other permanent structure, dumping, regrading, paving, decrease in vegetative cover, or other action which would enjoin the CITY from the intended purpose of this Agreement shall be placed or occur within the AREA without the written permission of the CITY. Actions specified within the plan are exempt from this obligation; and

7. With each request to enter into a DMA, OSU shall produce a Properly Functioning Condition (PFC) report. The PFC report shall be developed/compiled by a qualified professional and shall include;

    a) A stream health assessment of Oak Creek for the AREA impacted by development. As part of this assessment, an evaluation shall be done for any areas needing improvement due to site-specific impairments that have affected the PFC of Oak Creek.

    b) A list of recommended actions and improvements, which consider the findings and recommendations from the OSU Oak Creek Task Force report, to re-establish the PFC of Oak Creek.

    c) An implementation plan for the recommended actions determined in the PFC report.

SECTION 3.36.6~~5~~0.08 – PARKING IMPROVEMENTS

a. Parking areas shall be designed to promote safe and convenient pedestrian access.

b. Parking improvements may be constructed as stand-alone projects and/or concurrent with new development.

c. Parking improvements constructed as stand-alone projects shall be located in accordance with the sites identified in Figure 7.3 - Future Parking Facilities, of the CMP.

d. When usage of campus-wide parking facilities exceeds 90 percent based on the most recent parking usage inventory, any development that increases building square footage shall be subject to the provisions of Section 3.36.4~~3~~0.02.

e. New development in Sectors A through H may construct additional parking facilities in any of the Sectors A through H, provided the OSU campus shuttle is operational.

f. If the OSU campus shuttle ceases to operate, new development shall be subject to the provisions of Section 3.36.4~~3~~0.02.

g. Development in Sector J (South Farm) shall include construction of parking improvements in Sector J.

h. Existing parking improvements for the College Inn site shall be reserved for the use of the occupants of and visitors to that structure. As uses change and/or additional development occurs on the site, bicycle parking necessary to achieve the 10 percent reduction allowed in Section 4.1.20.q of this Code shall be provided.

i. Vehicle parking shall be located to the rear of buildings, and where it does not disrupt the pedestrian streetscape, may be located to the side of buildings.

j. On-street parking facilities are permitted subject to the provisions of Section 3.36.60.18.

SECTION 3.36.65~~5~~0.09 – TRANSPORTATION IMPROVEMENTS

a. Safe and convenient transportation improvements shall be provided in conjunction with new development. For the purposes of this section, "safe and convenient" means providing ~~City-standard~~ improvements consistent with functions identified with the street's functional classification. This includes street~~,~~ and pedestrian improvements, ~~landscape strips~~designated tree planting areas, and in some cases, bicycle improvements and on-street parking. All transportation improvements shall be constructed in accordance with the CMP Transportation Improvement Plan (TIP) and the City's Standard Construction Specifications. If there is any conflict between the CMP and City Standard Construction Specifications, the latter shall prevail.

b. An application that includes the installation of public ~~or private~~ street improvements shall be reviewed and processed in accordance with Section 4.0.60 - Public and Private Street Requirements. An application that includes the installation of private street improvements shall be reviewed and processed in accordance with Section 3.36.60.18 – OSU Street Standards. Additionally, construction of a portion of a Sector's available square footage of Development Allocation shall trigger the implementation of transportation improvements identified in the CMP TIP.

c. Where transportation improvements are required either by this Code or the CMP's TIP, but cannot feasibly be implemented, as defined below, a Memorandum of Agreement (MOA), when justified, as defined below, may be executed to specify the manner by which improvements shall be provided.

    1. A MOA is justified when implementation of the CMP TIP is demonstrated to be infeasible. Examples of justification include situations where insufficient ROW exists to construct standard improvements, such as on Washington Way, where there are conflicts with Significant Natural Features, or where there are physical or other constraints, such as topography, existing buildings.

    2. When an MOA is justified, it shall include but not be limited to the following objectives:

        a) Definition of the Terms of the Agreement;

            1) A listing of the parties included in the Agreement;

            2) A listing of improvements to be included in the Agreement and what project the improvements are associated with; and

            3) A time frame that the Agreement terms operate under.

        b) Justification for deviation from the standard shall include but not be limited to the following:

            1) Identification of any deviation(s) from the standard;

            2) Citation of the reasons the standard improvement cannot feasibly be implemented; and

            3) Identification of the revised design standards that will be incorporated into the design.

    3. The final MOA shall be approved by the City Engineer at his/her discretion and signed by OSU and the City Manager.

d. Pedestrian amenities such as lighting, sidewalks, bench placement, planters, courtyards, quads, transit stops/shelters, bicycle racks, recycling receptacles, etc. shall be considered part of typical street improvements and incorporated into the final design.

e. Transportation improvements shall be constructed to ensure ADA compliance.

f. Speed tables, street lighting, crosswalk marking, and similar safety and speed control improvements are components of typical street design and shall be considered in the final design or required when mandated by engineering design standards such as the Manual on Uniform Traffic Control Devices (MUTCD).

g. Copies of complete As Builts shall be certified by the design engineer and shall be submitted to the City for approval for all newly constructed public improvements.

SECTION 3.36.6~~5~~0.10 – PEDESTRIAN AND BICYCLE SYSTEM CONNECTIONS

a. Clearly defined and direct pedestrian connections (i.e., sidewalks and walkways) shall be provided between street and building entrances and between parking areas and building entrances.

b. All sidewalks and walkways~~pedestrian connections~~ shall provide~~be~~ a minimum of five ft. in width of unobstructed passage and must be constructed of a permanent hard surface including, but not limited to,~~hard surfaced using~~ pavers, brick, ~~asphalt,~~ or concrete. Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.

c. Sidewalks and walkways shall be ~~provided along all streets and shall be~~ required as an improvement when development and/or redevelopment occurs, except as otherwise provided in "e" below or in Section 3.36.60.18. Pedestrian facilities installed concurrently with development shall be extended through the development area to the edge of abutting pedestrian facilities.

d. An application that includes the installation of pedestrian improvements abutting public streets shall be reviewed and processed in accordance with Section 4.0.30 - Pedestrian Requirements. Pedestrian improvements abutting an OSU street shall be reviewed and processed in accordance with Section 3.36.60.18 – OSU Street Standards. Additionally, construction of any of a Sector's available Development Allocation for new development shall trigger the implementation of bicycle and pedestrian improvements identified in the CMP TIP.

e. Where pedestrian improvements are needed in excess of a development's frontage, as identified in the CMP's TIP and cannot feasibly be implemented, a Memorandum of Agreement (MOA) with the City in accordance with Section 3.36.6~~5~~0.09, when justified, may be executed to specify the manner in which improvements shall be provided.

f. Bicycle and pedestrian improvements shall be constructed to ensure ADA compliance.

g. Multi-Use Paths - Multi-use paths, such as paths for bicycles and pedestrians, shall be constructed of a permanent hard surface including, but not limited to, asphalt or concrete, and all materials shall meet City Engineering standards. The standard width for a two-way multi-use path shall be twelve (12) feet wide. The standard width can be reduced to a minimum of eight (8) feet wide to preserve Significant Tree(s), to preserve Historically Significant Tree(s), to accommodate Historic Resources, or in locations abutting railroad right-of-way.

h. Internal Pedestrian Circulation

1. Walkways shall be provided to connect the development area's pedestrian circulation system with existing pedestrian facilities that abut the development area but are not adjacent to the streets abutting the site.
2. With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, bollards, or landscaping. They shall be constructed in accordance with City Standard Construction Specifications. This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.
3. Prior to development, applicants shall perform a site inspection in conformance with LDC Section 4.0.30.f.
4. Natural Hazards and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and LDC Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards.

SECTION 3.36.6~~5~~0.11 – SITE FURNISHINGS

Site furnishings shall not block or impede pedestrian circulation or reduce the required sidewalk or walkway width.

SECTION 3.36.6~~5~~0.12 – TRANSIT/SHUTTLE STOPS

a. A transit stop and/or transit shelter shall be provided as required by the Corvallis Transit System.
b. A shuttle stop shall be provided as required by OSU Parking Services.
c. An application that includes the installation of transit improvements shall be reviewed and processed in accordance with Section 4.0.50 - Transit Requirements in Chapter 4.0 - Improvements Required with Development.
d. Corvallis Transit System (CTS) transit stops and OSU shuttle stops are considered part of an effective transit/shuttle system and shall be incorporated into the transportation system. Transit/shuttle stops and shelters shall be constructed to ensure ADA compliance.

SECTION 3.36.6~~5~~0.13 – BICYCLE PARKING

a. Bicycle parking shall be constructed with each development based on the assignable square footage (i.e., office, classroom, research facility, etc.) of a proposed development according to the parking standards in Section 4.1.30 of Chapter 4.1 - Parking, Loading, and Access Requirements.
b. Bicycle parking shall be near, but shall not block or impede building entrances.
c. At least 50 percent of the required bicycle parking shall be covered.
d. All bicycle parking shall comply with the standards in Section 4.1.70 of Chapter 4.1 - Improvements Required with Development.

SECTION 3.36.6~~5~~0.14 – MECHANICAL EQUIPMENT AND TRASH ENCLOSURES, AND OUTDOOR STORAGE AREAS

a. All mechanical equipment enclosures for non-agricultural buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of

these materials for those areas that are visible from a street, building, or pedestrian access way, or are adjacent to a neighborhood.

b. Trash collection enclosures for all buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, building, pedestrian access way, or are adjacent to a neighborhood.

c. All outdoor storage areas shall be screened with construction similar to the adjacent building or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, adjacent building, pedestrian access way, or are adjacent to a neighborhood.

SECTION 3.36.6~~5~~0.15 – PUBLIC, PRIVATE, AND FRANCHISE UTILITIES

a. All new utility distribution lines shall be underground.

b. Development requiring the installation of public utility improvements shall be reviewed and processed in accordance with Section 4.0.70 - Public Utility Requirements (or Installations), and Section 4.0.80 - Public Improvement Procedures.

c. Development within the City's combination sewer systems shall comply with the separation of storm drain from sanitary sewer system policy criteria in accordance with the City's Community Development Policy 1003.

d. Development occurring on a parcel fronting or adjacent to a drainageway identified in the City of Corvallis Stormwater Master Plan, shall be constructed in accordance with Section 3.36.6~~5~~0.07, Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and shall comply with the watershed management guidelines and policies identified in Chapter 5 of the City's Stormwater Master Plan.

e. Transformers and vaults not underground shall be screened consistent with LDC Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards and LDC Section 3.36.60.14 – Mechanical Equipment and Trash Enclosures, and Outdoor Storage Areas~~Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting~~.

f. An application that includes the installation of franchise utilities shall be reviewed and processed in accordance with Section 4.0.90 - Franchise Utility Installations of Chapter 4.0 - Improvements Required with Development.

g. Copies of complete As Builts shall be certified by the design engineer and shall be submitted to the City for approval for all new constructed public improvements.

SECTION 3.36.6~~5~~0.16 – EXTERIOR LIGHTING

a. Site and Street Lighting shall comply with LDC Section 4.2.80 – Site and Street Lighting, except where modified by this section.

~~a.~~b. OSU historic style light fixtures with shielded luminaires that minimize uplighting and glare shall be used along ~~pedestrian accessways~~sidewalks and walkways.

~~b.~~c. The historic style light fixtures shall have poles and bases, and associated pole-mounted equipment such as banner hangers, etc., finished with a neutral gray or black or other dark color.

~~c.~~d. Contemporary light fixtures with shielded luminaires that minimize uplighting and glare shall be used in parking areas or other areas outside of the historic campus core and shall meet the requirements of a full cut-off light fixture.

~~d.~~e. Outdoor field lighting may be installed on intramural and recreational playing fields, provided that the light is directed on the fields and not directed toward adjacent privately owned properties. Adjacent to residential areas, a lighting curfew of 10 p.m. shall be imposed on these playing fields so that all events are completed prior to that time.

~~e.~~f. With the exception of lighting for intercollegiate athletic facilities and intramural and recreational playing fields, light trespass onto surrounding residential properties shall not exceed 0.1 footcandles, except in areas where additional lighting for safety and security, as determined by the University, is necessary. In such cases, light trespass onto surrounding residential properties shall not exceed 0.25 footcandles. Testing of the lighting by the University to ensure compliance shall be done after the lights have experienced 10 hours of illuminance, or burn time.

~~f.~~g. Stadium lighting for future expansions to Reser Stadium shall be provided in a manner that does not increase light spillage outside of the stadium proper.

~~g.~~h. Installation of field lighting for intercollegiate athletic facilities other than Reser Stadium shall ensure that light trespass onto surrounding residential properties does not exceed 0.5 footcandles. Testing of the lighting by the University to ensure compliance shall be done after the lights have experienced 10 hours of illuminance, or burn time.

SECTION 3.36.6~~5~~0.17 – ACCESSIBILITY

a. All buildings and other structures used for human occupancy shall meet or exceed accessibility standards as established by the Americans with Disabilities Act.

b. Parking facilities for the disabled shall be provided near building entrances.

SECTION 3.36.60.18 – OSU STREET STANDARDS

All improvements required by the standards in this section shall comply with LDC Section 4.0.20 – Timing of Improvements unless otherwise indicated within this section. Improvements required with development shall meet construction specification standards established by the City Engineer and amended over time. Improvements required for publicly owned streets shall comply with Chapter 4.0 – Improvements Required with Development and be consistent with Table 4.0-1 Street Functional Classification System. Improvements required for OSU Streets shall comply with LDC Section 3.36.60.18 and be consistent with Table 3.36-5 – OSU Street Standards Functional Classification.

Natural Hazards and Natural Resources shall be addressed in accordance with Chapter 2.11 – Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 – Landslide Hazard and Hillside Development Provisions, and Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards.

a. **University Collector** *(i.e., 30th Street, 14th Street between Jefferson Way and Monroe Avenue, and Washington Way west of 15th Street)*

1. **Vehicle Lanes** – OSU Streets will have auto lane widths consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

2. **Bike Lanes** – OSU Streets will have on-street bike lanes consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

3. **Sidewalks**

   a) Sidewalks along streets classified in Figure 3.36-3 as University Collector shall be a minimum of six (6) feet wide and be provided along a project's development frontage to the edge of adjacent facilities when development and/or redevelopment occurs except in locations where Natural Hazards, Natural Resources, or railroad right-of-way prevent the installation of pedestrian facilities consistent with Table 3.36-5 – OSU Street Standards Functional Classification. Sidewalks shall be constructed in accordance with City Standard Construction Specifications and in compliance with ADA standards.

   b) Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.

   c) Sidewalks shall be separated from curbs by a designated tree planting area that provides at least six (6) feet of separation between the sidewalk and curb, except when at least one of the following conditions exists and provided the provisions in LDC Section 3.36.60.18.a.3.e are met:

      1) In locations where the existing sidewalk is located over a utility tunnel;

      2) In locations where the construction of a designated tree planting area of six (6) feet in width and a conforming sidewalk would require the removal of a Historically Significant Tree;

      3) In locations where the sidewalk is located within a Natural Resource area governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions and within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

   d) Where sidewalks are abutting vehicle travel lanes, parking or maneuvering areas, sidewalks shall be separated by grade, different paving materials, bollards, or landscaping.

   e) Where an existing sidewalk is located over a utility tunnel or where the construction of a designated tree planting area of six feet in width would require the removal of a Significant Tree(s), the existing sidewalk location may be retained provided all of the following are met:

      1) The existing sidewalk width complies with the standards in this zone, or it is replaced to meet the standard width in Table 3.36-5: OSU Street Standards - Functional Classification;

      2) The existing or proposed sidewalks complies with ADA requirements; and

      3) Street trees are provided consistent with LDC Section 3.36.60.06.b.1.a

f) The designated tree planting area shall be landscaped with trees and plant materials in accordance with LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards.

4. **On-Street Parking** – On-street parking is not permitted along University Collectors.

b. **Pedestrian Core** *(i.e., 13th Street, 14th Street, 26th Street between Washington Way and Monroe Ave, Adams Avenue, Benton Place, Campus Way, Jefferson Way west of 15th Street, Intramural Lane, May Way, Memorial Place, Orchard Avenue east of 27th Street, Park Terrace, Sackett Place, Washington Avenue between 11th and 15th streets, Waldo Place, and Weatherford Place)*

1. **Vehicle Lanes** - OSU Streets will have auto lane widths consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

2. **Bike Lanes** – OSU Streets may have on-street bike lanes or sharrows consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

3. **Sidewalks**

a) Sidewalks along streets classified in Figure 3.36-6 as Pedestrian Core shall be a minimum of six (6) feet wide and be provided along a project's development frontage to the edge of adjacent facilities, when development and/or redevelopment occurs except in locations where Natural Hazards, Natural Resources, or railroad right-of-way prevent the installation of pedestrian facilities consistent with Table 3.36-5 – OSU Street Standards Functional Classification. Sidewalks shall be constructed in accordance with City Standard Construction Specifications. Sidewalks may be either abutting the curb or separated by a designated tree planting area.

b) Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.

c) A designated tree planting area of at least six (6) feet shall be provided immediately adjacent to the sidewalk, either between the curb and sidewalk or within the setback area between the sidewalk and the facility except when at least one of the following conditions exists and provided the provisions in LDC Section 3.36.60.18.b.3.e are met:

1) There is insufficient width between the curb and an existing facility to provide a five-foot-wide sidewalk and a six-foot-wide designated tree planting area.

2) There is an existing sidewalk located over a utility tunnel and insufficient width on either side of the sidewalk to provide a six-foot-wide designated tree planting area.

3) There is an existing sidewalk of at least five (5) feet in width and an existing designated tree planting area that is less than six (6) feet in width.

4) The sidewalk is located within a Natural Resource area governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions and within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

d) Where sidewalks are abutting vehicle travel lanes, parking or maneuvering areas, sidewalks shall be separated by grade, different paving materials, bollards, or landscaping.

e) Where an existing sidewalk is located over a utility tunnel or where the construction of a designated tree planting area of six feet in width would require the removal of Significant Tree(s), the existing sidewalk location may be retained provided all of the following are met:

1) The existing sidewalk width complies with the standards in this zone, or it is replaced to meet the standard width in Table 3.36-5: OSU Street Standards - Functional Classification;

2) The existing or proposed sidewalks complies with ADA requirements; and

3) Street trees are provided consistent with LDC Section 3.36.60.06.b.1.a

f) The designated tree planting area shall be landscaped with trees and plant materials in accordance with LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards.

g) Except as noted in Section 3.36.60.10.c, construction of sidewalks and designated planting areas in compliance with LDC Section 3.36.60.18 along Pedestrian Core streets may be deferred until development of the development area and reviewed as a component of the Building Permit.

4. **On-Street Parking** – On-street parking along OSU Streets may be maintained, replaced, or modified within a street block where on-street parking already exists. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking on either side of the street per LDC Section 4.0.60.k.9. On-street parking must consistent with applicable provisions in Chapter 2.9 and other applicable provisions of this Code.

5. **Emergency Access** – When the curb-to-curb width of a street does not provide sufficient width to accommodate emergency vehicles, curb-side, vehicle-rated sidewalks with a mountable curb may be used in combination with vehicle and bike lanes to provide the required access width for emergency vehicles.

c. **Sports Complex** *(i.e., 26th Street between Western Blvd and Washington Way, and Ralph Miller Lane)*

1. **Vehicle Lanes** - OSU Streets will have auto lane widths consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

2. **Bike Lanes** – OSU Streets may have on-street bike lanes or sharrows consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

3. **Sidewalks**

   a) Sidewalks along streets classified in Figure 3.36-3 as Sports Complex shall be a minimum of ten (10) feet wide, including tree wells, and be provided along a project's development frontage to the edge of adjacent facilities when development and/or redevelopment occurs except in locations where Natural Hazards, Natural Resources, or railroad right-of-way prevent the installation of pedestrian facilities consistent with Table 3.36-5 – OSU Street Standards Functional Classification. Sidewalks shall be constructed in accordance with City Standard Construction Specifications.

   b) Sidewalks shall be located adjacent to the curb, and tree planting areas shall be eliminated and replaced with paved areas with trees in tree wells. Where tree wells are used, tree grates may be permitted. Tree wells and tree grates shall comply with specifications in the OSU Tree Management Plan. Tree wells shall abut the curb, and trees shall be provided consistent with the spacing standards in LDC Table 4.2-1. Street trees shall be furnished and maintained in conformance with requirements in Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards.

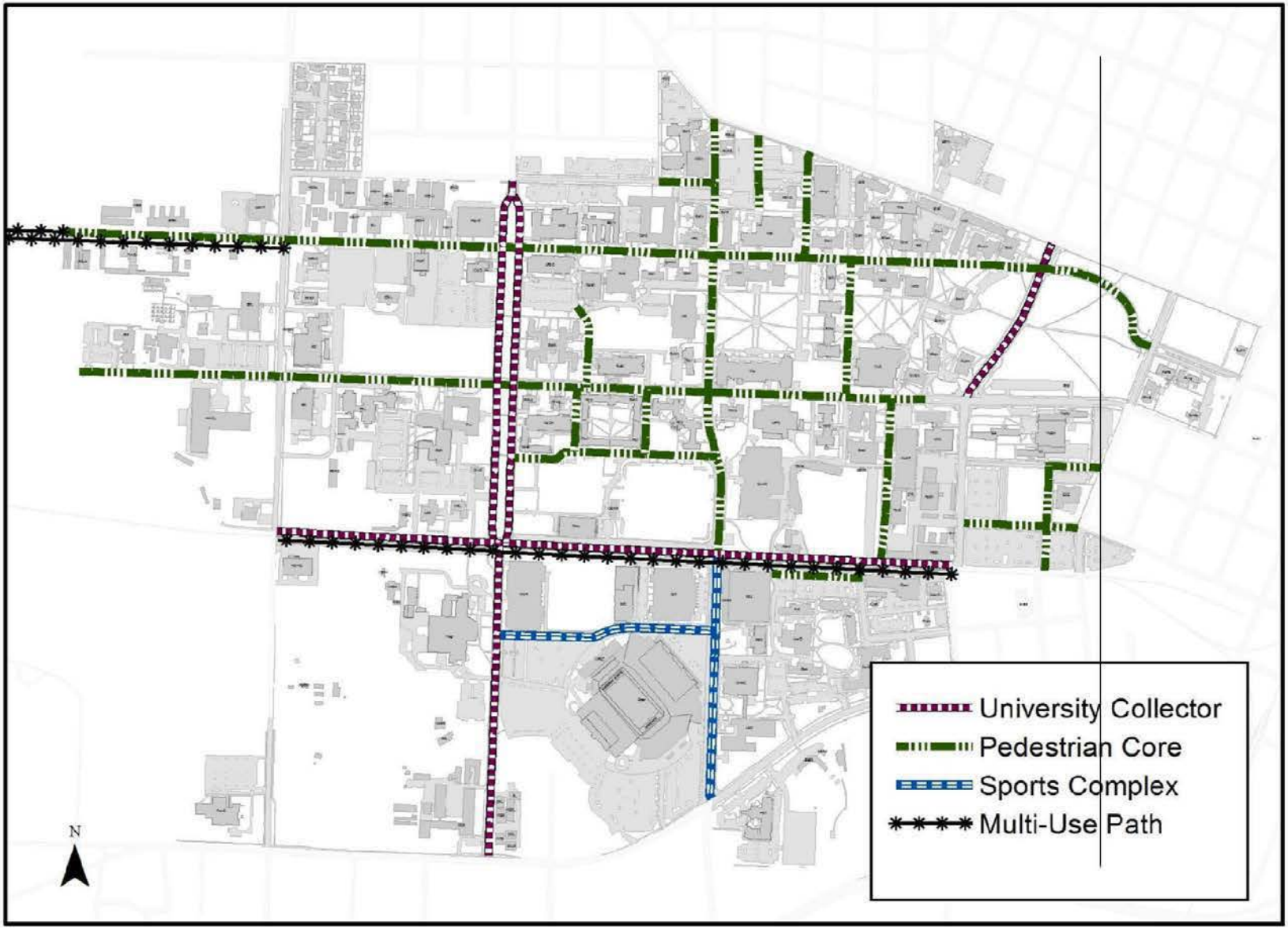
   c) Except as noted in Section 3.36.60.10.c, construction of sidewalks and designated planting areas in compliance with LDC Section 3.36.60.18 along Sports Complex streets may be deferred until development of the development area and reviewed as a component of the Building Permit.

4. **On-Street Parking** – On-street parking along OSU Streets may be maintained, replaced, or modified within a street block where on-street parking already exists. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking on either side of the street per LDC Section 4.0.60.k.9. On-street parking must be consistent with applicable provisions in Chapter 2.9 and other applicable provisions of this Code.

5. **Emergency Access** – When the curb-to-curb width of a street does not provide sufficient width to accommodate emergency vehicles, curb-side, vehicle-rated sidewalks with a mountable curb may be used in combination with vehicle and bike lanes to provide the required access width for emergency vehicles.

**NOTE**: proposed text amendments are displayed as follows:
-additions: double-underline
-deletions: strikethrough

*Figure 3.36-3: OSU Street Standards by Category*



**NOTE**: proposed text amendments are displayed as follows:
-additions: double-underline
-deletions: strikethrough

## Table 3.36-5: OSU Street Standards - Functional Classification[1, 2, 3]

| | ***University Collector*** | ***Pedestrian Core (local)*** | ***Sports Complex (local)*** |
|---|---|---|---|
| Auto Amenities (lane widths)[4] | 2 Lanes (11 ft. per lane) | 1-2 Lanes (10 ft. per lane) | 1-2 Lanes (10 ft. per lane) |
| Bike Amenities[5, 6, 7] | 2 Lanes (6 ft. per lane) | Shared Bike and Vehicle Facility, Sharrow, or 1-2 Lanes (6 ft. per lane) | Shared Bike and Vehicle Facility, Sharrow, or 1-2 Lanes (6 ft. per lane) |
| Pedestrian Amenities[8] | 2 Sidewalks (6 ft. per sidewalk)[9] | 2 Sidewalks (6 ft. per sidewalk) | 2 Sidewalks (10 ft. per sidewalk) |
| Transit (non-OSU) | As approved by OSU | As approved by OSU | As approved by OSU |
| Managed Speed[10] | 20 - 35 MPH | 5 - 20 MPH | 5 - 20 MPH |
| Traffic calming[11] | Permissible | Permissible | Permissible |
| Access Control | Some | Not typical | Not typical |
| Turn Lanes | Typical at intersections with arterials or collectors | Not typical | Not typical |
| Tree Planting Areas[12] | Two - 6 ft. Except across areas of Natural Features[9] | Two - 6 ft. Except across areas of Natural Features | Street trees shall be planted in OSU standard tree wells and may include OSU standard tree grates[13] |
| Through-traffic connectivity | Typical function | Permissible function | Permissible function |
| On-street Auto Parking[12] | No | Permissible; 1 - 2 parking aisles (parallel 8 ft., angled 19 ft.) | Permissible; 1 parking aisle (8 ft.) |

[1] These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.

[2] Streets, bike lanes, and vehicle-rated sidewalks shall be designed to provide emergency and fire vehicle access as approved by the City and Fire Department.

[3] Street improvements shall comply with Sections 4.5.90.02.C. and Section 4.12.70.

[4] Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On University Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Note: the number of lanes does not include turn lanes.

[5] On streets where there are shared bike and vehicle facilities, bike lanes are not required.

[6] One way streets shall only be required to provide one (1) bike lane. Contra-flow bike lanes are permitted.

[7] Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.

[8] An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established substandard route or other severe physical constraints preclude construction of the preferred facility width.

[9] A sidewalk and designated tree planting area will not be required on the south side of Washington Way between 15th Street and 35th Street. The width of the designated tree planting area may be reduced to five (5) feet on the west side of 30th Street between Western Blvd and Washington Way to create a uniform street profile.

[10] Speed shall be set in conformance with a vehicle speed study, State and Local code, and approved by licensed Civil Engineer.

[11] Traffic calming includes such measures as bulbed intersections, raised intersections, raised pedestrian crossings, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials.

[12] Where streets must cross protected Natural Features, street widths shall be minimized by providing no on-street parking and no designated tree planting areas between the curb and the sidewalk on either side of the street.

[13] Tree wells and tree grates shall be constructed consistent with specifications in the OSU Tree Management Plan.

d. **General Provisions –** Development shall comply with the standards in Section 4.0.60 – Public and Private Street Requirements, except as modified in this chapter and below.

1. For OSU-owned property within the OSU zone, the provisions in Section 4.0.60 that refer to Development Sites shall apply to Development Areas, as defined in this chapter, and shall not apply to Development Sites.
2. Any Improvements required by the provisions of section 4.0.60 to OSU Streets within the OSU zone shall be improved to the standards in Section 3.36.50.18 rather than City standards where those standards differ.
3. Provisions in Section 4.0.60 that apply to Collector and Neighborhood Collector Streets shall apply to University Collector Streets except as modified in Section 3.36.60.18.
4. Provisions in Section 4.0.60 that apply to Local Streets shall apply to Pedestrian Core and Sports Complex Streets except as modified in Section 3.36.60.18.
5. Improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System for public streets and Table 3.36-5 – OSU Street Standards Functional Classification for OSU Streets.
6. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking and no tree planting areas between the curb and the sidewalk on either side of the street as allowed by the provisions of Chapter 2.11 - Floodplain Development Permit, LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
7. The City of Corvallis will determine the functional classification of any new streets that are constructed outside of the alignments shown in Figure 3.36-3.

SECTION 3.36.70 – ROUGH PROPORTIONALITY

If an applicant intends to assert that it cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.

SECTION 3.36.8~~6~~0 – DEVELOPMENT STANDARDS FOR NON-UNIVERSITY-OWNED PROPERTIES

Development or redevelopment of properties in this Zone that are not owned by Oregon State University and are identified in Section 3.36.3~~2~~0.01.c, shall be reviewed based on the standards in Table 3.36-6~~5~~ - Residential Use Zoning Standards, below.

Table 3.36-6~~5~~: Residential Use Zoning Standards

| *Current Use* | *Development Zoning Standards* |
|---|---|
| Single-family Residential | RS-5 |
| Multi-family Residential | RS-12(U) |

3.36.9~~7~~0 - CAMPUS MASTER PLAN MONITORING

a. As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.

1. Updated tabulations of development and open space for the planning area, including -
    a) Gross square footage of development by type that occurred in each Sector over the previous 12 month period;
    b) Remaining available Development Allocation for each Sector; and
    c) Remaining open space areas and percentages for each Sector.
2. Updated parking utilization reports, including -
    a) Identification of new parking space creation and the total number of spaces provided within the CMP boundary and a breakdown by Sector and parking lot type - student, staff, visitor, free, etc.;
    b) Percentage of parking space utilization campus-wide; and
    c) Identification of available parking spaces using City standard parking configurations, and usage within each residential parking district bordering OSU and of the number of residential permits funded by the University. In addition, provide details of other efforts undertaken by the University to address neighborhood parking issues;
3. TDM Report - The TDM Report that identifies efforts and the effectiveness of those efforts undertaken by the University over the previous 12 months to reduce reliance on the single-occupant vehicle. Such efforts shall include, but not be limited to:
    a) Shuttle routes and usage;
    b) Other efforts in support of transit, car-pool, or van-pool usage;
    c) Tabulation of the number of single-occupancy vehicles reduced;
    d) Location and number of bicycle parking spaces, including the number of covered spaces and any additions to the inventory; and
    e) Identification of campus pedestrian routes and system improvements.
4. Base Transportation Model (BTM) update that includes the following components over the previous 12 month period -
    a) Traffic counts to be updated on a five-year cycle;
    b) New development, and if known, future development square footage and Use Type, based on the existing model's categories, to be included in the model assumptions on a per Sector basis;
    c) New parking areas or roadways that may have an effect on traffic volumes or patterns; and
    d) Within one year of adoption of the CMP, and on a recurrent two-year schedule, OSU shall complete in coordination with City Staff a baseline traffic count for Jackson Avenue between Arnold Way and 35th Street. City staff shall provide OSU and the neighborhood association with the most recent baseline traffic volume measurements made within the last five years.

b. Additional monitoring efforts include:

1. Within one year of adoption of the CMP, OSU should work with the City to perform a baseline traffic count of local streets identified by neighborhood associations as problems in the areas bordering Sectors A, B, and C, and south of Harrison Boulevard; and

2. OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.

**HUMAN SERVICES COMMITTEE**
**MINUTES**
**February 4, 2014**

| Present | Staff |
|---|---|
| Councilor Mike Beilstein, Chair | Jim Patterson, City Manager |
| Councilor Bruce Sorte | Steve DeGhetto, Parks and Recreation Assistant Director |
| Councilor Penny York | Carrie Mullens, City Manager's Office |

**SUMMARY OF DISCUSSION**

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities" | | Yes | |
| II. | Council Policy Review and Recommendation: 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs" | | | Amend Council Policy 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs" |
| III. | Other Business | Yes | | |

Chair Beilstein called the meeting to order at 2:00 pm.

**CONTENT OF DISCUSSION**

I. Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities"

Mr. DeGhetto said the policy provides staff with guidelines to evaluate requests from the public for free use of facilities. Free use requests for social gatherings, networking, and/or citizen training activities are frequently received by staff. Three criteria are applied to determine if the activity is exempt from paying fees:

- City sponsored or co-sponsored events, meetings, or activities (verifiable through a signed agreement or memorandum of understanding).
- Current separate agreement involving the use of City Parks and Recreation facilities.
- Benton County activities (with reciprocation of County facilities).

The City's financial policies identify established user fees for park facilities in accordance with the Parks and Recreation cost recovery methodology. Staff proposes amendments to reflect current cost recovery methodology and to improve administrative efficiency.

Mr. DeGhetto described a few examples of recent requests and noted that the policy allows for flexibility. He referred to the handout submitted by Councilor Hervey (Attachment 1) regarding the Public Participation Task Force (PPTF) efforts to encourage active neighborhood associations (NA) and agreed that there may be facility

use opportunities for NAs. He clarified that not every non-profit organization qualifies for free use of facilities, per policy guidelines. The Department collaborates with non-profits and other organizations to identify activities and events that are mutually beneficial and result in positive community outcomes. Providing additional free use (beyond this policy) will require more guidelines.

Mr. DeGhetto provided examples of when co-sponsorship is appropriate, such as activities related to Benton County's Healthy Kids Healthy Communities project. Shared use agreements are convenient when co-sponsoring events. He noted that fees for most community-wide events are within the lowest two tier amounts.

Mr. DeGhetto clarified for Chair Beilstein that Fall Festival is considered a co-sponsored community event that is exempt from paying a fee. The Department's budget includes Fall Festival support. It may be appropriate for Council to discuss the amount of services provided by Departments. He added that the cost recovery method includes higher-fee tiers that assist in covering the true costs of lower-fee tiers.

Councilor York said PPTF intends to make recommendations to Council in May. One PPTF consideration has been how to strengthen NAs as neighborhoods and people versus land use groups. Barriers for NAs include access to meeting facilities, accurate information on the City's Web site, availability of a listserv, and assistance to form NAs. Some neighborhoods have useful meeting facilities (City-owned and others) and some have members who have a relationship with a City Department making it easier to reserve space. She stated agreement with Councilor Hervey's written comments (Attachment 1).

Councilor York added that language allowing free use of facilities for NAs will need to be carefully worded and include definitions of City-accepted NAs, appropriate uses, frequency of use, and other considerations. Council will need to decide if NAs should be acknowledged as an asset to livability. How the process and criteria is developed and defined will be important. A PPTF subcommittee is exploring NAs and it may be useful for the subcommittee to meet with Mr. DeGhetto.

Mr. DeGhetto explained that City facilities are not equal. The Senior Center has a paid building attendant due to the size of the facility, required setup/take-down activities, and building security. Walnut and Tunison Community Rooms are accessed via a door keypad and code. Incurred costs of building use must be considered.

Mr. DeGhetto agreed that, if the goal is to get people involved, they need a place to meet. The City may not have enough space centrally located for all neighborhoods. Other organizations may be willing to offer space, such as the Corvallis School District.

Councilor Sorte requested the methodology for fees at the Senior Center. He said fees for services are important and the rate should correspond with the service. He would prefer a policy that clearly identifies base services.

Councilor Sorte suggested that the term "business purposes" be replaced with another term, such as "public purposes" or "community purposes." He opined that the term "business" means the Downtown Corvallis Association can use the facility and

Community Alliance for Diversity cannot. Community social activities may have good reasons for using City facilities and it may be appropriate to allow free use when there is a special interest extending across the community.

Councilor Sorte said Council wants decision-makers on staff. He encouraged staff to make the decisions about the different levels of service and appropriateness of facility use without Council second-guessing the decision(s). He added that it may be appropriate to review all facilities to determine if the City has too many expensive, high-maintenance facilities (e.g., Corl House) versus offering four or five structures that require little or no maintenance.

Regarding "business purposes," Mr. DeGhetto said a better term might be "community benefit." He agreed to send Councilor Sorte a copy of the Department's cost recovery methodology. It will answer questions about how fees are developed, identify different service levels, and include information about excess revenue generated from higher service levels. Those revenues become part of the Department's operations fund in-lieu-of property tax funds.

Councilor Sorte opined that government should not make a profit and revenue in excess of cost is profit. If government cannot cost recover and convince the public it is worth the service, government should not provide the service.

Mr. DeGhetto noted that direct costs are defined in the cost recovery methodology. Excess revenue is not considered profit because administrative costs are not included in the methodology and other cost components are not considered direct costs. Most facilities impacted by this policy are in the lower cost recovery tiers that have the highest community benefit. Fees attached to park facilities recover costs for services, such as pre/post-cleaning and setup/takedown. Mr. DeGhetto added that the Department is trying to increase the ability to be self-sufficient and not rely on property tax revenue.

Councilor Sorte opined that government has overdone self-sufficiency. Government needs to maintain what it has as a community. Self-sufficiency is appropriate for the private sector, not the public sector.

Councilor York reported that a PPTF focus is equity, access, and fairness. PPTF does not talk about participation quantity as much as finding methods to reach out to the community that are effective with all groups. One issue PPTF will consider is the proximity of meeting space for neighbors. The availability of facilities for use in specific areas of the community will be considered in terms of equity, access, convenience, and costs.

Mr. DeGhetto responded that the use of facilities may need to be communicated differently for different groups. It is more than looking at what is equitable and just.

Councilor York agreed and said "reasonable accommodations" could be included in the language. All facilities may not be the same; however, all members of the community should be able to attend a NA meeting. She inquired about next steps.

Mr. Patterson said there is a tendency to only focus on City facilities. Many neighborhoods have public school buildings that could be used for meetings and/or activities. The City collaborates with the Corvallis School District for recreational sports facilities. Often, schools have janitors in their facilities during evening hours, making schools one of the best places to hold neighborhood meetings. As the lead organization in the public participation effort, the City needs to reach out to the School District, explain the need, and discuss ways the School District can assist. Additionally, the use of private sector meeting rooms should not be overlooked. Businesses often allow community organizations to use their meeting rooms. The City needs to talk to the community about this effort to identify what is available. The focus should not be only on what the City can control.

Councilor York said PPTF has also discussed letting NAs do real work. She agreed that the City needs to take the lead in discussing shared-use with the School District and other large organizations. It may be appropriate for NAs to work with smaller organizations to locate meeting space.

Mr. DeGhetto announced that he would talk with PPTF about this issue. The Department has been very successful placing groups into school buildings and other facilities. There is capacity at the Majestic Theatre and The Arts Center. The number of internal and external resources needs to be identified.

Chair Beilstein said the policy needs to identify when free use is not appropriate or available. He supports allowing free use for a broad public interest meeting. He inquired whether the policy provides staff with the ability to decide when a request is appropriate for free facility use.

Mr. DeGhetto said staff has the latitude to meet the elements of the policy. Free use for NAs has always been an issue. It is hard for a NA to enter into an agreement with the Department since it is not always practical for NAs to offer volunteers for a specific project.

Councilor York said if a NA is working on a neighborhood emergency plan they should be able to use City facilities to talk about their safety. Crafting an emergency plan provides a service to the City. Mr. DeGhetto agreed and noted that policy language would need amended to clarify this use.

Chair Beilstein said if a NA is drafting an emergency plan, they would most likely want involvement from the Police and Fire Departments which makes it a City function allowing free use. He supports amending the policy as recommended with the assumption that staff can implement it appropriately. He would also entertain postponing the recommendation until NAs can be added and other amendments can be crafted.

Councilor York said it is likely the policy will require additional amendments following PPTF recommendations. She would prefer to have more interaction with staff and PPTF before forwarding recommendations to Council.

Mr. Patterson suggested the Committee recommend approval of the amendments as presented by staff, acknowledging that the policy may come back for review following PPTF recommendations.

Councilor Sorte said the purpose statement needs clarification. The reader needs to know what "appropriate" and "Business purposes only" means. The policy does not address community benefits, the broadness of those benefits, and the tiered methodology.

Mr. Patterson and the Committee discussed several hypothetical examples of groups requesting free use of facilities and how City staff would address those requests. Mr. DeGhetto explained that staff would initially evaluate the overarching community benefit of each request.

Mr. Patterson said a clearly defined policy will eliminate issues of discrimination when evaluating requests that test "community benefit." The policy should make a staff decision easy.

In response to Councilor Sorte's comments about offering private sector alternatives, Mr. DeGhetto said up-selling facilities keeps citizens engaged in using City facilities. The School District has a use prioritization and fee schedule and not all of the School District's rooms are at capacity. The Parks and Recreation Department may need to incorporate use prioritization into its programs. The primary mission is to provide venues for programs.

Councilor York noted that Linn-Benton Community College has a tiered approach and facility use prioritization with flexibility, depending on the request.

Chair Beilstein noted that most park use is free and only facilities need to be reserved. The Committee can consider amendments now and review the policy again after the PPTF recommendations or postpone recommendations until Councilor Sorte can work with City staff on amendments, as long as that work is completed fairly quickly.

Councilor York suggested Mr. DeGhetto work with Councilor Sorte on policy amendments to be brought back to this Committee as soon as possible. When Council considers the recommended changes, they can be reminded that the policy may need additional review based on PPTF recommendations.

II. <u>Council Policy Review and Recommendation: 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs"</u>

Mr. DeGhetto referred to the meeting materials and explained that he obtained clarification and language suggestions from Benton County regarding tobacco use and e-cigarettes per the Committee's request. The proposed amendment is consistent with the updated Municipal Code.

<u>The Committee unanimously recommends</u> Council amend Council Policy 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs."

III. Other Business

The next Human Services Committee meeting is scheduled for 2:00 pm on Tuesday, February 18 in the Madison Avenue Meeting Room.

The meeting adjourned at 3:05 pm.

Respectfully submitted,

Mike Beilstein, Chair

ATTACHMENT 1

**From:** Ward 3
**Sent:** Thursday, January 30, 2014 10:19 PM
**To:** Holzworth, Carla
**Cc:** Patterson, Jim; Ward 5; Ward 7; Ward 1
**Subject:** Council Policy Review and Recommendation:97-4.09, "Guidelines for Free Use of Parks and

Carla,

Would you include this email in the materials available to the Human Services Committee meeting Tuesday, February 4th?

HSC, the Public Participation Task Force is looking at a number of ways that the City can be encouraging of healthier, more active Neighborhood Associations (NAs). While the whole Task Force has not yet reviewed the potential recommendations for supporting NAs, I'm guessing that one recommendation will be free use of some City facilities for NA meetings and gatherings.

While the full process for how specific recommendations that would impact Council Policy 97-4.09 will move forward is not yet established, you may want to delay making recommendations to Council on this policy until council has had an opportunity to review the recommendations from the PPTF. If such a delay does not create current problems for staff, it may save staff time in the long run.

Richard

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

# MEMORANDUM

| | |
|---|---|
| To: | Human Services Committee |
| From: | Karen Emery, Director |
| | Stephen DeGhetto, Assistant Director |
| Date: | February 4, 2014 |
| Subject: | Guidelines for Free Use Policy Review-Council Policy/CP 97-4.09 |

**Issue:** This policy establishes guidelines regarding exemptions from paying fees for the use of City Parks and Recreation Facilities. It is the purpose of this memo to inform the City Council of the completion of the triennial review of the Guidelines for Free Use, as required by Council Policy CP 97-4.09.

**Background:** This policy provides guidelines for staff to evaluate requests from the public for free use of its facilities; i.e., picnic shelters, community rooms, sports fields. Based on the established City Council financial policies, identified park facilities have an established use fee and all user requests are charged in accordance to the cost recovery methodology. Any fee waiver granted to a user must follow the Policy Exemption guidelines, as stated in Council Policy 97-4.09.023.

**Discussion:** The City is often asked to provide free use of its facilities for social gatherings, networking or citizen training activities. Staff regularly references Council Policy 97-4.09 for processing free use requests. Three criteria are applied, per policy, to determine if the group is exempted from paying fees:

a. City of Corvallis sponsored or co-sponsored events, meetings, or activities. Co-sponsored activities must be verifiable through a signed agreement or Memorandum of Understanding.

b. Arrangements executed through a separate agreement involving the use of City Parks and Recreation facilities.

c. Benton County, a tax-supported agency, as long as they reciprocate with free use of County facilities to the City.

Staff has changed language to reflect Cost Recovery Methodology and to improve administrative efficiency.

**Recommendation:** Human Services recommend to City Council revisions to Council Policy #97-4.09 be approved as revised.

**Review and Concur**

Nancy Brewer, Finance Director

James A. Patterson, City Manager

**Attachments:**

1. Council Policy #97-4.09-Revised
2. Free Use Request Form

# CITY OF CORVALLIS

# COUNCIL POLICY MANUAL

## POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

### CP 97- 4.09 Guidelines for Free Use of Parks and Recreation Facilities

**Adopted May 27, 1997**
Affirmed December 21, 1998
Affirmed June 19, 2000
Amended January 22, 2002
Amended December 2, 2002
Amended December 20, 2004
Amended March 19, 2007
Amended April 6, 2009
Amended February 22, 2011
**Amended February xx, 2014**

4.09.010 Purpose

To establish guidelines in the review, approval, and exemption from paying fees for use of City Parks and Recreation facilities. This policy provides a methodology to permit free use, where appropriate, while optimizing the generation of non-property tax revenue, to financially support the ongoing facility operation.

4.09.020 Policy

The Parks and Recreation Department operates recreation facilities which are available to the public. These facilities are used for a variety of recreation programs, community events, meetings, classes, and social gatherings.

Fees are charged for the use of these facilities to help defray the cost of operations and maintenance of the facilities. The following are guidelines for reviewing requests for exemptions from payment of fees.

**Council Policy 97-4.09**

4.09.021 Definitions

| | |
|---|---|
| Permit | An application form issued or authorized by the Parks and Recreation Department for use of a Parks and Recreation facility. |
| Parks and Recreation Facilities | All buildings, parks, **natural areas**, structures, roads, playing fields, swimming pools, and picnic areas which are operated and maintained by the Parks and Recreation Department. |
| Fee | A payment for the use of parks and recreation facilities, used to defray costs of maintaining the facility. |

4.09.022 Guidelines

All users must pay to use Park and Recreation facilities, according to the Council adopted ~~fee schedule~~ **cost recovery methodology**. The only exemption to paying a fee is outlined in Section 4.09.023 Exemptions. Any user wishing to be exempt from paying a fee for the use of Parks and Recreation facilities must complete the Request for Free Use form and receive approval from the Parks and Recreation Director. An exemption to paying a fee for each facility use may be authorized for a period of up to ~~one year~~ **three months**. A user must reapply for exemption **for** each ~~year~~ **use**. Any violation of any of these requirements by the exempted user may jeopardize any future consideration of fee waivers.

4.09.023 Exemptions

With a current approved Free Use Agreement, the following are exempt from paying a fee. All reservation permits must still be completed for each reservation.

a. City of Corvallis sponsored or co-sponsored events, meetings, or activities. Co-sponsored activities must be verifiable through a signed agreement or memorandum of understanding.

b. Arrangements executed through a separate agreement involving the use of City Parks and Recreation facilities.

c. Benton County, a tax-supported government agency, as long as Benton County also provides free use of its facilities to the City.

1. Each department within the County must complete a separate Free Use Agreement.
2. Only official, tax-supported departments or divisions of Benton County will qualify; it is not sufficient to have "Benton County" in the name of the group to qualify for free use.

~~d. Users granted free use may not extend those privileges to any other person or agency, including clients, customers, partners, or vendors without specific written approval from the City.~~

~~4.09.024 Time Frame~~

~~Exempted users granted free use can only reserve a facility three months in advance, unless negotiated otherwise in mutual agreements.~~

4.09.0254 Other

a. The Parks and Recreation Department reserves the right to remove any or all rooms, buildings, or park areas from free use, if the use will result in a loss of revenue to the City because there is public demand to rent the facility.

b. Free use is intended for business purposes only, therefore only activities similar to the daily operations of the user are appropriate (i.e., business meetings, conferences, business retreats). Luncheons, dinners and picnics (excluding scheduled meal breaks during business meetings), dances and parties, even for the benefit of employees or clients, contain a social element which is inappropriate for free use. Such events do not qualify for free use even when scheduled in combination with a business event.

c. The Parks and Recreation Department and other City departments have priority use of facilities.

d. At the Senior Center, senior activities have priority use, per Council Policy 91-4.03.

e. Users are responsible for setup and cleanup, damage to the facility, and, when required, liability insurance.

f. A user requesting free use must sign an anti-discrimination agreement included on the Request for Free Use form.

g. An approved Free Use Agreement will not exempt the user from fees for services that are normally associated with use, or that have a financial impact on the City's ability to honor the free use request. Examples include building attendants for after-hour use, or unusual or additional staff, supplies, etc. needed to accommodate or support the request.

h. Users are required to give ~~one week~~ **two weeks** prior notice in the event of a cancellation to facilitate booking ~~of~~ **the facility**. ~~use reservation.~~

i. Free use is a courtesy that may be revoked at any time.

**j. Users granted free use may not extend those privileges to any other person or agency, including clients, customers, partners or vendors, without specific written approval from City.**

**k. Exempted users granted free use can only reserve a facility three months in advance, unless negotiated otherwise in mutual agreements**

4.09.026 Appeals

The decision of the Parks and Recreation Director can be appealed to the City Manager or designated representative. The decision of the City Manager or designated representative is final.

4.09.030 Responsibility for Review

The Parks and Recreation Director will review this policy at a minimum triennially, ~~beginning in October 1998,~~ or when needed, and will make recommendations to the City ~~Manager.~~ **Council**.

***Request must be received 10 business days prior to your event***

City of Corvallis Parks and Recreation Department

# Free Use Request for Parks and Recreation Facilities

Requesting Organization:_____Today's Date: _____

Organization Description (check one):

- ☐ Non-profit, tax exempt status designation (attach copy of IRS certification)
- ☐ Benton County/City of Corvallis
- ☐ School District 509J
- ☐ Business ☐ Individual

Organization Representative (print name): _____

*First* *Last*

Mailing Address (print): _____

*Street or P.O. Box*

_____ _____ _____

*City* *State* *Zip*

Daytime Contact Number: (_____)_____

Briefly describe the activity for which you are requesting free use of a facility:

_____

_____

Date(s) & time(s) requested: _____

Expected attendance:_____ Will an admission fee be charged? ☐ Yes ☐ No

Attach the appropriate completed permits:

| | | |
|---|---|---|
| ☐ Parks | ☐ Corl House | ☐ Sound |
| ☐ Field | ☐ Tunison | ☐ Alcohol |
| ☐ Pool Facility | ☐ Senior Center | ☐ Non-designated area alcohol |

Do you have a pre-existing facility use agreement with City of Corvallis/Parks and Recreation(attach copy)? ☐ Yes ☐ No

**Anti-Discrimination Agreement:** The organization agrees not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, age, source of income, or mental or physical disability during the course of this agreement.

**Damage:** The organization agrees to be responsible for any and all damage to any facility used under this agreement, and to be responsible for set up and clean up of any facility related to the agreed upon use.

**Liability Waiver:** The organization agrees to hold harmless and indemnify the City of Corvallis, Oregon from any and all liability for injury to persons or property occurring as a result of this activity.

**Signed:** _____ **Date:** _____

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**For Office Use Only**

1. Organization meets the basic eligibility requirements for a fee exemption?
   ☐ Yes ☐ No

   How? _____
2. Are permits approved for the dates and times requested?
   ☐ Yes ☐ No
3. Will the City incur extra costs (i.e., additional staff time) if this fee exemption is granted?
   ☐ Yes ☐ No
   If "yes", approximately how much additional cost and for what? $_____ for
   _____
4. What is the projected rental value of the facility use (at the non-profit rate, if available)? $_____
5. The recommendation regarding this rental fee exemption is:
   ☐ Approved. Reason: _____

   ☐ Denied. Reason: _____

_____ _____

**Facility Administrator's Signature** **Date**

Department Director Review:

1. This application for an exemption of rental fees is:
   ☐ Approved. Reason: _____
   ☐ Denied. Reason: _____

2. Additional direction to staff: _____
   _____
   _____
   _____

_____ _____

**Department Director's Signature** **Date**

# MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

**To:** Human Services Committee
**From:** Karen Emery, Director Parks and Recreation KE
Stephen DeGhetto, Assistant Director Parks and Recreation SD
**Date:** February 4, 2014
**Subject:** Review of Council Policy CP 07- 4.16. Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs

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**Issue:**
Council Policy CP 07-4.16, Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs, is due for review, and this memorandum reflects the suggested revisions.

**Background:** This policy establishes rules and regulations to protect the rights and safety of the community.

**Discussion:** Parks and Recreation staff suggest minor grammatical and punctuation revisions to update the policy. Staff included updated language regarding smoking to be consistent with Municipal Code 5.03.080.160.

**Recommendation:** Staff recommends that the Human Services Committee recommend that Council approve the suggested minor changes to CP 07- 4.16 Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs.

**Review and Concur**

James A. Paterson, City Manager

Attachment:

Council Policy CP 07- 4.16 Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs

# CITY OF CORVALLIS

# COUNCIL POLICY MANUAL

## POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

**CP 07- 4.16** **Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs**

**Adopted July 2, 2007**
Revised October 20, 2008
Revised December 20, 2010
**Revised February XX, 2014**

4.16.010 Purpose

This policy establishes rules and regulations to protect the rights and safety of the community and to allow the City staff to perform their jobs at all City-owned or managed Corvallis Parks and Recreation Department facilities and at all events or programs sponsored by Corvallis Parks and Recreation Department.

Corvallis is a community that honors diversity. The City and those in its employ do not have a policy, practice or procedure which directly or indirectly discriminates. This policy applies to everyone.

Parks are traditional forums for the exercise of free speech. This policy is not intended to interfere with the exercise of free speech in Corvallis Parks. This policy applies regardless of the message a person may wish to convey.

4.16.020 Definitions

Parks. For purposes of this policy, Parks are defined as any property or facility owned or controlled by the City, set aside and maintained by the City for the recreation and relaxation of the public, managed by the Parks and Recreation Department.

Facilities. For purposes of this policy, Facilities are defined as offices, buildings, and structures managed by the Parks and Recreation Department, whether or not the city owns the facility. Facilities include the Senior Center, the Osborn Aquatic Center, the Walnut Community Room, the Corl House, picnic shelters, playgrounds, playing fields when being used for organized team sports, park restrooms, the Starker Arts Amphitheater and stage, and temporary structures or temporary enclosures permitted by the City. Facilities do not include open areas,

sidewalks or paths not within some structure or enclosure. Facilities do not include playing fields which are not reserved for use for organized team sports.

4.16.030 Policy

The following are prohibited in any Park or Park Facility:

1. Violation of any City Park Regulation set out in Chapter 5.01 of the Corvallis Municipal Code.

2. Intentionally causing public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance or alarm, by engaging in fighting or behaving in a violent, tumultuous or threatening manner.

3. Possessing a weapon, except as permitted by ORS 166.370.

4. Smoking **as defined by Section 5.03.080.160 of the Corvallis Municipal Code or the use of chew, snuff, snus, and any other smokeless tobacco product, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation**~~, chewing, inhaling, burning, or ingesting by any other means tobacco or tobacco-like products; i.e., cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhaling,or ingesting, inside City facilities or in any City parks (Municipal Code 5.03.080.160.02)~~. **Smoking also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form. Electronic smoking device is defined as any electronic oral device, such as one composed of a heating element, battery, and/or elecronic circuit, which provides a vapor of nicotine or any other substances and the use of inhalation which stimulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah or under any other product name or descriptor, and any cartridge or other component of the device or related product.**

5. Consumption of alcohol, except as allowed by a permit issued as part of a facility or park rental (Municipal Code 5.03.040.010.06).

6. Aggressive Panhandling. Begging, demanding funds, or soliciting alms or charity, knowing that a reasonable person would find the manner of the begging, demand or solicitation to be alarming or threatening (Municipal Code 5.03.080.150).

7. The use of any City staff offices, equipment, computers or phones, without the express permission of on-duty staff.

8. Unlawful or unauthorized removal of City equipment or supplies from facilities or recreation programs.

9. Engaging in any activities prohibited by law.

10. Destroying, damaging, or defacing City property.

11. Failing to leave a designated area or designated facility subject to a priority use permit when asked to do so by the person holding the priority use permit.

12. Failing to leave a Park or Facility when the Park or Facility is closed without having a permit to do so.

13. Interfering or preventing the use of a Park or Facility by another person, without having a priority use permit.

14. The City Manager may develop patron behavior expectations for the following Parks and Recreation Facilities and programs for the safe operation and use of the facility and programs:
    Senior Center
    Osborn Aquatic Center
    Recreation programs

Violation of patron behavior expectations for a specific facility or recreation program is prohibited by this policy.

4.16.040 Enforcement

The Parks and Recreation Department and Corvallis Police Department staff will implement the Code of Conduct rules. Unlawful activities will be reported to the Corvallis Police Department. People who violate the Code of Conduct will be asked to stop the action immediately and may be ordered to immediately leave the Parks and Recreation Department program or facility. If the prohibited behavior continues or the behavior is a crime or infraction, they may also be subject to arrest and/or citation. Refusal to leave when properly directed by staff may result in arrest for trespassing.

4.16.041 The Parks and Recreation Department may deny a person who has violated the non-criminal Code of Conduct rules from entering any Department program or City

facility until a written agreement is reached to discontinue the behavior or action, for a specific time, from one week, up to one year, or permanently. If an individual is removed from a program or facility, a certified letter will be sent from the Parks and Recreation Department Director or her/his designee or hand-delivered by a City of Corvallis employee within 48 hours outlining the occurrence, the length of time of the removal plus the appeal and reinstatement process. If an address is not attainable, the certified letter will be hand delivered at the time of next contact. If, in the judgement of the Department Director, the person constitutes a threat to the safe operation of a program or a City facility, or is involved in repeated incidents of criminal behavior, the person may be permanently excluded from all City of Corvallis Parks and Recreation Facilities, Events, and Programs. If the violation is criminal, a trespass notice will be issued by Corvallis Police Department staff at the time of the violation or if not present, at the time of next contact.

4.16.050 Trespass Durations

Criminal behavior may result in the following trespass durations:

| Criminal Behavior | Trespass Duration |
|---|---|
| Infraction | One Week - 7 Days |
| Crime (Non-Person) - Misdemeanor | One Month - 30 Days |
| Crime (Trespass) - Misdemeanor | Three Months - 90 Days |
| Crime (Person) - Misdemeanor | One Year - 365 Days or permanent exclusion |
| Crime - Felony | One Year - 365 Days or permanent exclusion |

Repeated incidents of criminal behavior will subject offender to additional trespass periods consecutive to original trespass duration.

4.16.060 Appeal

Anyone receiving notice of restricted access to Parks and Recreation Department programs and facilities may request a meeting to have the incident reviewed. The request must be in writing and filed at the Corvallis Parks and Recreation Department within 48 hours (exclusive of weekends) of receipt of the notice.

The incident review will be informal and the Parks and Recreation Director will consider information from City employees involved in the incident, the person requesting the hearing and from other witnesses to the incident(s). At the conclusion of the meeting, the Parks and Recreation Director may affirm, modify, or cause the notice to be canceled. A written copy of the decision will be delivered or mailed to the person requesting the meeting on the date issued. This decision may be appealed to the City Manager or the City Manager's designee.

4.16.070 Review and Update

This policy shall be reviewed and updated every three years by the Parks and Recreation Department Director.

**URBAN SERVICES COMMITTEE**
**MINUTES**
**February 4, 2014**

Present
Councilor Roen Hogg, Chair
Councilor Dan Brown

Absent
Councilor Richard Hervey (excused)

Staff
Jim Patterson, City Manager
Nancy Brewer, Finance Director
Jon Sassaman, Police Chief
Mary Steckel, Public Works Director
Emely Day, City Manager's Office

Visitors
Gary Angelo
Gabriel Asch
Carolyn Bales
Mike Blair
Jeannette Blevans
Martin Buck
John Caruso
Paul Cauthorn
Courtney Cloyd
Bill Cohnstaedt
Lisa and George Corrigan
Elaine Cull
Jim Day, *Corvallis Gazette-Times*
Cobie deLespinasse
Thomas Elliott
Daniel Golletz
Rick Hangartner
Karin Hardin
David Hart
George Heilig
Cassie Huber
Deb Kadas
Ken Keneston
Cooper Kikuta
Adele Kubein
Dennis Lazaroff
Mariana Mace
Sam Matheny
Cheryl McLain
Martin Meehan
Gail Milton
Stan Nudleman
Roseanne Parker
Jodie L. Pastre
Kim Patten, Corvallis School District 509J
Richard Pond
Christi Raunig
Beth Roberson
Russell Ruby
Frank Schamp
Vincent Schwindt
Susie Sebenek
Bill Smyth
John Turman
John Wydronek

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Dapp Hangar Land Lease | | | Approve the Dapp hangar land lease and authorize the City Manager to sign the lease agreement |
| II. Residential Parking Districts | Yes | | |
| III. Other Business | | | |

## CONTENT OF DISCUSSION

Chair Hogg called the meeting to order at 5:00 pm.

Chair Hogg thanked those who attended the meeting, noting that staff sent a postcard about the proposed Residential Parking District (RPD) Program expansion in hopes of soliciting community input to the Program that, he emphasized, was still being developed. Many people wanted to testify about the RPD Program expansion issue, so Chair Hogg said he would limit testimony to three minutes per person.

I. Dapp Hangar Land Lease

Public Works Director Steckel said a current, stable Corvallis Municipal Airport tenant requested permission to construct a private hangar. The Airport Commission recommended approval of the lease.

Based upon a motion moved and seconded by Councilors Brown and Hogg, respectively, the Committee unanimously recommends that Council approve the Dapp hangar land lease and authorize the City Manager to sign the lease agreement.

II. Residential Parking Districts

Chair Hogg asked that testimony opportunities be given first to people who had not previously testified to the Committee regarding the RPD Program expansion.

Ms. Steckel distributed printable communication staff received from community members after the meeting packet was prepared through 12:00 pm today (Attachment A).

Councilor Brown distributed written information (Attachment B).

Bill Smyth observed that a proposed RPD boundary would run down the middle of NW Polk Avenue (Polk), separating him from the only logical place for him to park. He asked that the boundary be moved 20 feet to encompass his residence.

Dennis Lazaroff asked the Committee to consider adding to the RPD Program an appeal or exception process. He owned a small house on a small lot, with a driveway that would accommodate one vehicle. He rented the house to four college students who each had a vehicle. Under the proposed Program, the household would be allocated two RPD resident parking permits. He considered it unfair to ask one of his tenants to not have a vehicle because of the Program rules, when the tenants had legitimate reasons to park near the house. He elaborated that an appeal process could allow residents to demonstrate that more permits were needed for a household.

Adele Kubein said her neighborhood, bordered by Polk and NW Buchanan Avenue (Buchanan) *[within proposed RPD E but immediately outside the Phase 1 Implementation boundary]* would be "doomed" to people seeking free parking spaces. The neighborhood encompassed Corvallis High School and had very few on-street parking spaces.

George Heilig owned a commercial building at NW Seventh Street (NW Seventh) and NW Van Buren Avenue (Van Buren) that was occupied by multiple businesses. He opined that one RPD style would not be applicable to all neighborhoods, as the mixed uses in the neighborhood encompassing his building did not fit the concept of a residential neighborhood. He said business clients came and went quickly without impacting single-family residences. Most of the residential use in the neighborhood consisted of apartments that had on-site parking. He recommended that the proposed RPD E eastern boundary be moved west to NW Ninth Street (NW Ninth). Further, he believed a better southern boundary for RPD E would be NW Monroe Avenue (NW Monroe) or at least Van Buren. Many of the buildings in the neighborhood were being converted to professional offices. He opined that creating RPDs within one-half mile of Oregon State University's (OSU) campus would affect more neighborhoods than were actually impacted by parking related to OSU. OSU property within one-half mile of his building did not include classroom space. He urged the Committee to reduce the size of the RPD area and re-consider the area with respect to commercial activities.

Thomas Elliott co-owned property at NW Eighth Street (NW Eighth) and Van Buren that housed office space for seven attorneys and seven employees. The neighborhood had commercial and residential properties. His office overlooked NW Eighth between Van Buren and NW Harrison Boulevard (Harrison), and he did not believe people parking along NW Eighth were OSU students; people who parked along NW Eighth were neighborhood residents or employees or clients of businesses within the neighborhood. The neighborhood was within one-half mile of OSU's campus; however, that portion of the campus was an open, grassy area west of SW 11th Street (SW 11th). The neighborhood was not within one-half mile of OSU classrooms, laboratories, or facilities students would access. He believed the neighborhood did not have a problem with students parking in the area. He was concerned about unintended consequences of the proposed RPD Program expansion and did not believe the Council wanted to adversely affect community businesses. He believed the proposed Program would adversely affect all of the businesses in the neighborhood and their clients. He concurred with Mr. Heilig that the RPD boundary should be moved, preferably to NW Ninth and NW Monroe or at least to NW Ninth and Van Buren. If the Committee recommended that the Council approve expanding the RPD Program, he would like the Council to re-consider allowing two hours of free parking for business clients.

Susie Sebenek, a resident near NW 13th Street (13th) and Polk, referenced Ms. Kubein's testimony that the neighborhood would be "inundated" with parking. She referenced a survey the City conducted a few years ago, in which 70 percent of respondents said they would park elsewhere, rather than pay for a parking permit. She urged the Committee to move the proposed RPD Phase 1 Implementation northern boundary to Buchanan. While the distance from Polk to Buchanan may not be very far, drivers may consider it farther, in that they would be parking north of Corvallis High School.

Karin Hardin, Chapter Advisor for Alpha Gamma Delta sorority on NW 26th Street (26th), expressed concern about how OSU's "Fraternity Row," consisting of eight sororities and

fraternities on 26th, would be incorporated into the RPD Program. Each facility housed 50 to 75 members and had very little on-site parking because the historic structures were built before students began bringing vehicles to campus. She was concerned where sorority members would park and be able to safely get to their houses. She questioned how many RPD resident parking permits would be allocated to the houses.

Christi Raunig owned a business at NW Ninth and NW Monroe. The proposed RPD Program would encompass only the north side of NW/SW Monroe. She asked about the intentions for the south side of NW/SW Monroe between SW Eighth Street (SW Eighth) and SW Ninth Street (SW Ninth), which did not have any parking restrictions. Her business had limited on-site parking, and clients must be able to access her facility throughout the day, possibly for 90 minutes at a time. Giving her clients RPD guest parking permits was not a viable option. She would like the north side of NW/SW Monroe between NW Eighth and NW Ninth excluded from the Program, so it could remain available for business parking. She was concerned that businesses within the building would have enough RPD parking permits for all employees to park on side streets and not impact client parking.

Frank Schamp resided in the 500-block of NW 15th Street and said his neighbors were very upset about the proposed RPD Program expansion. Many OSU students parked in the neighborhood, but that did not create a problem. He questioned where his children would park for their daily visit to assist him and his wife with tasks they could not do. He questioned whether members of a church in the neighborhood that did not have a parking lot would need to pay to park for church functions.

Daniel Golletz, a tenant in a commercial building at 13th and Harrison, said two professionals and two employees worked in the building, which had limited on-site parking. The professionals and employees in the building and their clients relied upon on-street parking. He hosted twice-monthly meetings attended by ten to 12 people. The proposed RPD Program would make it very difficult for the businesses in the building to continue in that location. Requiring RPD guest parking permits for clients throughout each day was not a feasible option. From previous Committee discussions, he understood that RPD non-resident parking permits would cost approximately $300 per year; he considered $1,200 for parking permits for the two professionals and their employees a significant expense for the businesses. If the Program was implemented, the businesses would likely need to re-locate out of the neighborhood.

Bill Cohnstaedt said the staff report to the Committee indicated that the RPD Program expansion was proposed primarily to allow residents to park conveniently near their homes and encourage non-residents to use alternative transportation. According to an OSU *Daily Barometer* article, the Program expansion was intended to encourage more people to park on OSU's campus, so OSU could reach the 85-percent-parking-utilization threshold and construct more parking facilities. He considered the goals compatible and the City's proposal a simplistic means of achieving the goals. Setting RPD non-resident parking permit fees at a rate higher than OSU charged would direct those commuting to OSU's campus to park at campus parking facilities. He suggested that the RPD legislation include

definitions and specifications, such as "neighborhood resident." He referenced the issue of off-street and available on-street parking spaces, the number of neighborhood residents in each RPD, and how RPD resident parking permits would be allocated. He suggested that RPD resident parking permits be allocated based upon bedrooms, rather than lot sizes or number of kitchens, as the number of bedrooms in a facility likely indicated the number of residents. He noted that the legislation must be enforceable by parking enforcement staff and the Municipal Court Judge. He submitted written testimony (Attachment C).

Carolyn Bales lived in a house along Polk between NW Tenth Street (NW Tenth) and NW 11th Streets (NW 11th) that did not have a driveway or garage, so she relied on on-street parking. OSU and Linn-Benton Community College (LBCC) Benton Center students parked along the streets in her neighborhood, creating parking challenges for neighborhood residents. She believed charging for RPD non-resident parking permits would not help the parking situation. She asked that she not be required to pay for two resident parking permits.

Martin Buck, a resident along NW 30th Street (30th), said his neighbors believed there was not a parking problem in the neighborhood; and plenty of on-street parking spaces were available. The neighborhood might experience some parking problems during major OSU football games, but on-street parking spaces were still available. He considered the proposed RPD Program expansion an opportunity for the City to generate revenue. He questioned why an issue as important as RPD Program expansion was announced via a small postcard that could be easily lost; and the Committee meetings were at 5:00 pm on a weeknight, when many people were unable to attend and testify. He and his neighbors felt they were being forced into the RPD Program. Referencing the proposed fee for RPD non-resident parking permits, he suggested that the City postpone implementation of the Program expansion for one year to allow property owners time to construct driveways and garages. He noticed that OSU had little on-campus parking and recently removed a parking lot and constructed a building, without replacing the removed parking. He questioned how OSU was allowed to construct more buildings but not provide more parking. He opined that OSU caused the parking problems, and the community was expected to resolve the problems. He suggested that the City issue a questionnaire to gauge how the community felt about parking conditions, surmising that many people in the audience did not believe a problem existed.

John Turman said he disagreed with the proposed RPD Program expansion. His office was at the corner of NW Seventh and Harrison. He concurred with Mr. Heilig and Mr. Elliott regarding parking and traffic flow. He observed people parking along NW Seventh near his office and walking to the Law Enforcement Center where they worked. Meanwhile, metered parking spaces near the Library were empty. OSU students who lived in apartment buildings in the neighborhood drove away mid-day. He did not have a problem finding a parking space, but he expected the situation would change with the proposed RPD Program expansion, since the number of people who could get parking permits was much lower than the number of people parking in the area who would no longer be able to do so. His clients would be unable to park along the street. He parked along the street

when he anticipated a client, so his client could use the sole off-street parking space available for his office. He anticipated more parking problems if two clients were at the office simultaneously or his two employees and bookkeeper were in the office. He said the neighborhood was not strictly residential in nature and was a transition to the Downtown commercial area. Many people currently parked in the neighborhood legitimately but would not have a permit for the proposed RPD.

Gabriel Asch, an OSU student, said the proposed RPD Program expansion would primarily impact OSU students, who did not have a lot of expendable income. He would not be able to afford a RPD permit to park at his residence. Many students experienced financial constraints, and it seemed unreasonable to charge them more fees. He had not experienced parking problems at his residence near 26th and NW Taylor Avenue (Taylor). The proposed RPD would be one-block from his residence and would prompt people to park in his neighborhood. He said many of his neighbors did not have concerns about the current parking situation in the neighborhood. The financial burden of a RPD would not be feasible for many college students.

Courtney Cloyd of the Central Park Neighborhood Association (CPNA) noted that the northern part of proposed RPD F, which was existing RPD C, bordered by SW Sixth Street (SW Sixth), SW Ninth, SW Monroe Avenue (SW Monroe), and SW Madison Avenue (Madison), had a very different composition from the area south of SW Jefferson Avenue. The area encompassed professional offices and civic and religious facilities. He recommended that parking in the area continue to be managed under the current scenario, with two-hour, free-parking allowances, facilitating circulation for clients and patrons of the neighborhood day care facility. He considered that scenario the only practical way for the services to continue functioning. He said there was no substantial difference between the neighborhoods north and south of NW/SW Monroe. He recommended extending the two-hour, free-parking allowance from NW Sixth Street (NW Sixth) to NW Ninth and from NW Monroe to NW Tyler Avenue (Tyler), thereby moving the northern boundary of proposed RPD J one block northward, coinciding with the proposed Phase 1 Implementation boundary. That area was extensively used for parking by people accessing LBCC Benton Center.

Mr. Cloyd said he walked with a measuring wheel along all the block faces within the CPNA area and the eastern half of proposed RPD J. By measuring the block faces, he observed a difference in the number of potential parking spaces, compared with the City's estimates for the block faces. He said he would submit his calculation data, and he urged that the discrepancies be investigated.

Cassie Huber, Associated Students of OSU (ASOSU) Director of Community Affairs, said many OSU students communicated to ASOSU about the proposed RPD Program expansion. Students paid an average of $571 for off-campus rent, utilities, and amenities. Those students living outside the proposed RPDs would need to pay an additional $300 for a RPD non-resident parking permit when they could not find parking on OSU's campus. She acknowledged the parking problems on and off OSU's campus. OSU's Campus Master

Plan specified that, when the on-campus parking utilization reached 85 percent, OSU would expand plans for new parking facilities; parking utilization was currently 57 percent. She believed the proposed RPD Program plan for non-resident parking permit fees might increase on-campus parking, but one year was not enough time to plan for another parking facility that would accommodate the increasing OSU student enrollment. OSU students were circulating petitions to boycott the RPD non-resident parking permit requirement. The proposed RPD Program plan for non-resident parking permit fees might make students more aware of on-campus parking, but ASOSU would not be able to stop the students' boycott. She suggested that transit systems become more available to students, with more bus stops and covered bicycle parking facilities. She was uncertain whether the City was ready for the large number of OSU students who would use public transit, rather than pay for a RPD non-resident parking permit.

Mariana Mace resided along NW Seventh in proposed RPD E, slated for Phase 2 Implementation. She was surprised that the RPD extended northward to Polk except for NW Seventh and NW Eighth. She said NW Seventh and NW Eighth from Tyler to LBCC Benton Center were impacted by OSU students, as several five-bedroom multi-unit residential facilities were recently constructed on NW Seventh and NW Eighth, and only a few had adequate on-site parking. NW Seventh, NW Eighth, and Tyler were also used for parking by staff and students of the Benton Center and Samaritan Health Services (SHS). SHS employees were charged to park at their facility north of the Benton Center, and some parked in the neighborhood to have opportunities to walk. Ms. Mace's residence did not have on-site parking, so she was impacted by OSU, the Benton Center, and SHS. She said OSU was only one element of neighborhood parking problems.

Ms. Mace asked why the cited blocks of NW Seventh and NW Eighth were not included in proposed RPD E, since they were impacted. She said she asked staff what would happen if she could not park in front of her home and had to park across the street in proposed RPD E and buy a RPD non-resident parking permit because she could not park in front of her house. She would probably park without a non-resident parking permit and risk the parking tickets. She urged the Committee to re-consider the RPD Program expansion or consider that OSU students were not the sole cause of the parking problems. She asked where the tenants of the multi-bedroom houses on NW Eighth would park when they could not park along the street and did not have enough on-site parking.

Jeannette Blevans, Business Manager of St. Mary's Catholic Church, said the Church was partially impacted by current parking restrictions. Without parking restrictions, no on-street parking was available near the Church. The proposed RPD Program would not be enforced during weekends, but it would impact weekday events at the Church. She asked how the Church and City could determine a solution for where the Church's 1,800-plus member families would park for weekday services without RPD non-resident parking permits.

Russell Ruby said the proposed RPD Program expansion would make it impractical for many of the residents of his residence building to continue living at NW 23rd Street and

Van Buren in existing RPD B. Usually,19 people resided in the building, and most had vehicles. The property had seven on-site parking spaces, available to residents on a first-come-first-parked basis, which were usually filled before any residents sought on-street parking spaces. Currently, all residents of the building were allowed to purchase resident parking permits. Available on-street parking spaces could be several blocks from the building, but that situation was tolerable for residents.

Mr. Ruby said the Committee's previously discussed plan of allocating RPD resident parking permits based upon lot square footage (one permit per 2,500 square feet) would allow five RPD resident parking permits for the building's 13,939 square feet. Five to seven residents would still be forced to park beyond the boundary of proposed RPD C, two blocks north of Harrison. Even transferrable parking permits could be lost or misplaced among the residents' vehicles. Anticipated difficulties caused by the proposed RPD Program provisions caused him and other residents of the building to consider moving out of the neighborhood before the Program was implemented. He said parking problems in his neighborhood stemmed from two sources: increasing pressure from OSU parking and continued negligence by the City Council in failing to require sufficient on-site parking for new, high-density housing developments in the neighborhood.

Roseanne Parker, a resident of the same building as Mr. Ruby, concurred with his testimony.

Beth Roberson, Board Chair of the Indoor Park, said her organization rented space at First Presbyterian Church. Currently, 120 families were members of the Park but would not be eligible for RPD non-resident parking permits. The Park, open from October to mid-June, provided affordable recreation for families. If members could not park near the Park, the Park would need to re-locate. As part of its contract, Park members did not utilize the Church's parking lot. The Park, open weekdays, was accessed daily by 20 to 60 families from Corvallis and nearby communities.

Cobie deLespinasse, a resident of the same building as Mr. Ruby, expressed concern that not all of the building's residents would be able to have RPD resident parking permits. They did not all occupy on-street parking spaces. When she returned from work in the evening, the on-site parking spaces were usually occupied; without a RPD resident parking permit, she did not know where she would park, if she could not park along the street near the house.

David Hart owned and worked in a building at NW 13th and Harrison in proposed RPD J; the building housed five businesses. Proposed RPD J would encompass 15 commercial buildings, many with multiple businesses, which he estimated might total 50 businesses. Proposed RPDs E and J had mixes of residential and commercial uses. His property had five on-site parking spaces, six professionals, and two employees. The proposed allocation rate of one RPD employee parking permit per 400 square feet of office space would entitle his property to six parking spaces. This could leave only three parking spaces for the clients of the six professionals. The allocation formula would not provide enough parking

spaces for the building's occupants. He and the other businesses in the building would not be able to function with the parking permit allocation and restrictions and would need to relocate.

Mr. Hart said most of the commercial business operators in his neighborhood had enough on-site parking, but many had inadequate on-site parking for staff and clients. He noted that businesses along NW Monroe included restaurants and bars, and their patrons already had problems finding parking spaces.

Deb Kadas, a resident of existing RPD A, supported RPDs for those who wanted them but believed RPDs should not be imposed on those who did not feel a need or desire for them. She did not support the Committee's proposal, as it would not improve neighborhood livability in existing RPD A. Under the proposal, RPD A resident parking permit fees would increase, the number of allotted resident parking spaces would decrease, and the RPD would no longer allow two hours of free parking. Neighborhood parking congestion would likely continue because the proposal included sale of non-resident parking permits beyond those purchased by residents. She believed neighborhood livability would decrease while the City made money from the parking problem by selling more parking permits.

Ms. Kadas acknowledged that a permit-only RPD Program would be simple to administer and enforce; however, she believed public streets should be available to everyone. The two-hour, free-parking allowance worked well in RPD A, and she would like that provision maintained. She believed the proposed RPD Program would unfairly increase the value of residences with driveways and garages and unfairly decreased the value of residences without such amenities. Of the ten residences on NW 31st Street between NW Jackson Avenue (Jackson) and Van Buren, only two properties had driveways; the remainder had alley-access, one-car garages that were built for Model T cars. Contemporary vehicles could fit in the garages only if nothing else was stored in the garages.

Ms. Kadas said the lack of free parking impacted residents who needed daytime babysitters, housekeepers, or service personnel or had home-based businesses with clients. She cited several social activities that would not be possible in RPDs without free-parking allowances. Her neighbors included retirees and senior citizens. The lack of free parking would also impact residents who might have guests and prospective property purchasers. She noted that many people walked through her neighborhood.

Ms. Kadas opined that the City should not sell RPD non-resident parking permits for unused on-street parking spaces.

John Wydronek owned three rental properties within the proposed RPDs. He acknowledged the parking problems near OSU's campus, but the proposed RPD Program expansion would create a problem for a larger area. He believed many neighborhoods were handling parking conditions well, but the proposal would impact their neighborhood livability.

Mr. Wydronek asked about RPD Program provisions for non-resident property owners. He needed to clean and show apartments, perform maintenance, and mow lawns. He considered it unreasonable to ask a tenant for a RPD guest permit. He would like to have two permits for himself and his wife and would like the permits to be transferrable between their vehicles. He would also like his permits to be applicable in the multiple RPDs where his properties were located.

Mr. Wydronek opined that allocating RPD resident parking permits by lot square footage would not be applicable for multi-plex residential facilities. His nine- and 20-unit facilities did not have parking problems. His nine-plex, 18-bedroom facility typically had 16 or 17 vehicles and 13 on-site parking spaces and would be allocated four RPD resident parking permits. He questioned how the permits might be allocated among the residents. He urged the Committee to re-consider the proposed RPD Program expansion details.

Mr. Wydronek suggested that RPD resident parking permits could be allocated based upon lot square footage multiplied by the number of stories in the building.

Councilor Brown shared Mr. Wydronek's e-mail with Committee members (Attachment D).

Sam Matheny resided along NW 11th and owned a rental house next door to his residence. He opposed the proposed RPD Program expansion. He moved from a neighborhood in an exiting RPD, which he described as a nightmare, with parking enforcement officers monitoring parking every two hours. With the City receiving parking citation revenue, he did not believe residents should need to pay for RPD resident parking permits. He believed residents should receive free RPD parking permits.

Mr. Matheny questioned discontinuing the two-hour, free-parking allowance. He asked why the RPD provisions were enforced during the summer months, when neighborhood parking was not a problem, and guests could receive parking tickets. He opined that the parking problem was caused by OSU's student enrollment growth, so OSU should deal with the problem more than neighborhood residents.

Mr. Matheny said his tenants told him they would park along the street and leave their driveway available for their friends.

Cheryl McLain resided on NW Sixth in the Downtown area. The block encompassed two residences and multiple businesses. The residences were constructed in 1922 with narrow driveways that each accommodated one vehicle and garages too small for contemporary vehicles. She believed she should not have a parking meter in front of her residence. The two residential properties each had two on-street parking spaces that were not used by OSU students; the spaces were typically used by employees of the Law Enforcement Center. She said OSU students did not park in her neighborhood.

Cooper Kikuta resided Downtown and said it was typical for family households to have two vehicles. When family members were 16 years old, they often obtained another vehicle. If

his family put two vehicles in their driveway, they were unable to access the garage. He rarely found on-street parking near his home between 4:00 and 6:00 pm. The only non-metered, on-street parking spaces near his home on NW Sixth were in front of residences. Those parking spaces were typically used by employees of the Law Enforcement Center. If parking meters were installed in front of his house, he or his friends would need to pay the meters during their visits, which he considered unfair.

Lisa Corrigan resided near 30th and Taylor in a house constructed in 1934. Parking problems dramatically increased in the neighborhood during the past five to six years, as more multi-unit residential developments replaced single-family houses and typically were occupied by OSU students. Proposed RPD B's southern boundary would be one block from her home. She expected that her neighborhood's current parking problems would move northward past her house. Rather than suggesting that the border be moved one block and cause problems for another neighborhood, she offered some suggestions: 1) ask OSU to construct abundant, affordable on-campus parking; 2) have no RPD in North College Hill or extend the RPD to NW Grant Avenue; 3) provide two free RPD resident parking permits per kitchen; and 4) not enforce RPD provisions during OSU's holidays and the summer.

Kim Patten, Corvallis School District 509J (509J) Maintenance and Transportation Supervisor, reviewed written testimony regarding how the proposed RPD Program expansion would impact students and staff at Harding School *[in proposed RPD B, immediately outside the proposed Phase 1 Implementation boundary]* (Attachment E). She offered to participate in further discussions on behalf of 509J.

Elaine Cull, a resident along SW Seventh Street (SW Seventh), said her neighborhood was severely impacted by OSU's increasing student enrollment. She asked why OSU was allowed to continue increasing its student enrollment without participating in resolving the resulting neighborhood parking problems. She had not seen any contributions from OSU toward parking issues. She said OSU recently constructed buildings on parking lots without providing alternative parking facilities. A dormitory was under construction along SW 11th, and the City Planning Commission did not challenge OSU about not providing more off-street parking spaces. She believed OSU was not held accountable for providing parking relief. She expressed her concerns to OSU officials but was not satisfied with their responses. She believed OSU introduced a large problem that involved more than neighborhood parking. She questioned how 25,000 people could be moved onto and off of OSU's campus daily. She did not believe OSU could construct enough parking to resolve the parking problem, but she believed OSU should provide some parking.

Ms. Cull also believed the community needed more bus routes. Her friends who lived on Witham Hill rode public transit to work at OSU; the buses had few passengers when they boarded but had standing room only upon arrival at OSU. She suggested more routes in heavily travelled areas during typical commuting times.

Ms. Cull suggested that OSU needed more covered, secure bicycle parking facilities, citing instances of items being stolen from her bicycle and her bicycle being stolen. OSU advocated more bicycle transportation but did not provide enough covered, secure bicycle parking.

Ms. Cull asked what solutions OSU offered for the parking problem. She suggested that OSU re-evaluate its Campus Master Plan provision regarding 85 percent parking utilization.

Mike Blair resided along SW Fifth Street (SW Fifth) between SW Washington Avenue (Washington) and SW Western Boulevard, previously worked at OSU, and was familiar with the OSU on-campus parking issues. He said Downtown employees, more than OSU students, created parking pressures in his neighborhood. He advocated for the City and OSU to collaborate for parking structures. He referenced Eugene, Oregon, and University of Oregon studies, which indicated that people parked farther from their destinations to park for free outside RPDs.

Mr. Blair noted that the City and OSU were beginning work on transportation master plans, and he urged that the City, OSU, Benton County, and adjacent cities collaborate regarding mass transit. He noted that people not driving personal vehicles would help resolve parking issues.

Chair Hogg recessed the meeting from 6:10 pm until 6:17 pm.

Paul Cauthorn recently moved to Corvallis because of its charm and was restoring an older house. He was unsure about investing in more properties because the proposed RPD Program expansion did not seem friendly to businesses and neighborhoods. He did not like how the Program might affect neighborhoods. He said he heard property owners say they would remove landscaping to create parking spaces, which would negatively affect the aesthetics of neighborhoods. A similar situation occurred in West Eugene, Oregon, where 97 percent of residences were occupied by tenants, and the crime rate was 50 percent. He did not want a similar scenario in Corvallis. He said government changes without citizen input could have "ripple effects" that could be unknown until a change was implemented. He added that resolving RPD Program problems with "patches" would result in a Program similar to a multi-patched pair of jeans. He suggested that the Committee tell the Council that the proposed RPD Program expansion idea was poor and not wanted by neighborhood residents.

Todd Powell had a son attending OSU, who received two parking tickets during the past few weeks. His son had a RPD resident parking permit but could not find an on-street parking space. He opined that any growing business should take care of its needs. He considered the neighborhood parking issues to be OSU's problem. He said the proposed RPD Program expansion affected many people.

Mr. Powell owned rental property near NW 11th and Jackson in a quiet, non-party neighborhood. His tenants included a professor and graduate students. A five-unit rental

property in the neighborhood did not have driveways or garages; the property was developed in 1914. He did not believe the proposed RPD Program expansion was the solution to neighborhood parking issues. His property would be allocated two RPD resident parking permits. He asked how he would handle a situation of a plumber working at his property. He acknowledged that it could be difficult to put pressure on OSU for a solution, but he considered the parking situation to be OSU's issue. If the proposed RPD Program was implemented, he believed each neighborhood must be considered. His rental property was in a neighborhood with parking on one side of the street. He did not believe tenants' parking options should be limited.

Vincent Schwindt lived on NW Tenth, with parking on one side of the street. He asked the Committee to "abolish" the proposed RPD Program expansion and require OSU to address the neighborhood parking issues created by its increased student enrollment and staff. He asked what the City was doing to improve bicycle transportation. The community had a reputation as a bicycle-friendly community, but the bicycle lanes were filled with leaves during the fall and Christmas trees during late-December and early-January. He said his neighborhood was becoming a "ghetto," with older single-family residences converted to apartments and no parking.

John Caruso recently moved to Corvallis because of its charm. He believed the restrictive provisions of the proposed RPD Program expansion would have unintended consequences that would change the character of the community and push the parking problem throughout Corvallis. He consciously selected a residence away from OSU's campus but did not know that the RPD Program was being considered for expansion. He concurred with a previous suggestion for a systematic survey to gauge community support for or opposition to the proposed Program expansion. He also suggested that information be available for meeting attendees, as he had not seen a summary of the proposed Program provisions. He believed the proposed RPD Program would deter many potential residents and property investors. He encouraged business owners within the proposed RPDs to express their views, as they would be impacted when customers, patrons, or clients could not park to access the businesses. He expressed concern that the proposed RPD Program expansion would be worse than the existing parking conditions, and he concurred with an earlier suggestion that the Committee recommend that the Council not proceed with the proposal.

Gail Milton, a Corvallis real estate broker, did not live in one of the proposed RPDs but worked in each of the RPDs throughout the year. She said she could not imagine needing to purchase a $300 RPD non-resident parking permit for each RPD in which she would need to show property. She often met clients at property sites, and they needed places to park vehicles. She and clients were not always able to park in the driveway of the property because the building was occupied. Without access to on-street parking, she could not represent a property seller or buyer in one of the proposed RPDs. She conducted employee candidate tours for local businesses. When she drove candidates through the neighborhoods near OSU's campus, the amount of on-street parking was a deterrent. If the parking situation was extended farther from the campus, the negative impression would

affect sellers' ability to sell properties or purchasers' desires to buy. She did not want to carry ten RPD guest parking permits and wonder which RPD she was in and whether she displayed the correct permit to avoid a parking ticket. She said she did not have a budget for $3,600 in RPD guest parking permits for ten RPDs; and parking restrictions would cripple many businesses, including hers.

Carl Findley , a resident along NW 16th Street, said the proposed RPD Program expansion did not provide for continued, normal commerce, based upon much of today's testimony. He said Corvallis had nice neighborhoods and continuing commerce, but now the community had an influx of high-density residential developments for OSU students. While it was expensive to enforce the two-hour, free-parking allowance, it might be a better option. He believed there was a better solution than the proposal.

Jodie L. Pastre resided at SW Sixth and Washington and managed her son's rental property behind her home. She would want to provide her son's tenants with parking. The rental house had six bedrooms and one driveway. She could purchase additional RPD parking permits and increase the rental rates or decrease the rates because of the lack of available parking. She questioned whether she would need to construct a parking lot behind the rental house for the tenants' use and whether the City's Historic Resources Commission would allow that alteration to the historic property.

Ms. Pastre was remodeling and planned to rent a house at SW Fifth and Washington. The property had the same parking scenario as her son's rental property. She would need to purchase two additional RPD parking permits for the property, as it was not likely to be rented by a family. She may have to sell the property to a family, as the property had two parking spaces.

Ms. Pastre noted that her guests could use the two-hour, free-parking spaces across the street from her house. Her husband's business clients needed to be able to access his office at their home.

Stan Nudleman opined that businesses in existing RPD C should continue to be allocated one RPD parking permit per 400 square feet of rentable space. If businesses were allocated parking permits based upon property lot size, some property owners might be unable to rent building space. His building at SW Eighth and Madison in existing RPD C had 8,000 square feet of rentable space, and he received 20 RPD parking permits, based upon the current allocation methodology. The 20 permits were barely sufficient for his tenants' needs. Under the allocation proposal of two permits per 5,000 square feet of lot size, he would be allowed four permits for his tenants.

Mr. Nudleman said existing RPD C was not established as a RPD; the Council approved it as a business and residential parking district. The Council agreed to allocate one parking permit per 400 square feet of rentable space, and the PTWG considered that decision appropriate. Prior to creation of existing RPD C, all on-street parking spaces were filled by OSU students and Downtown employees by 9:00 am, prohibiting use by tenants,

businesses' clients, and Central Park visitors. He asserted that not recognizing businesses' needs would be contrary to the Council's goals. He believed it would be appropriate for existing RPD C to have an exception to the permit-only scenario; allowing two hours of non-permit parking would allow people to visit the Park and neighborhood businesses. Private parking spaces and City-marked two-hour parking spaces allowed some usage but were inadequate for the neighborhood businesses. He believed continuing the current permit allocation methodology and allowing two hours of non-permit parking would ensure continued viability of existing RPD C.

Mr. Nudelman liked the idea of parking permits, believing they would improve livability in neighborhoods surrounding OSU's campus.

Gary Angelo of College Hill Neighborhood Association distributed and reviewed an update to his previously submitted written testimony (Attachment F). He said he measured block faces and calculated potential on-street parking spaces. He asserted that calculations should be based upon standard parking space sizes. He said the discrepancies between his calculations and those of the PTWG consultant would be important in determining the number of parking permits that could be issued without exceeding the 75-percent parking-utilization rate and ensure neighborhood livability. He suggested that the Committee exclude the area between NW 33rd and NW 35th Streets and Good Samaritan Episcopal Church because including those streets and the Church would not benefit neighborhood residents. He elaborated that Church staff could use the Church's parking lot.

Ken Keneston, a Corvallis resident, visited many businesses along NW Monroe but often found that the adjacent metered parking spaces were filled. He drove several blocks from NW Monroe to find free, two-hour parking spaces. He tried to visit the businesses during weekends, when weekday commuters did not fill the parking spaces. If the two-hour, free-parking allowance was eliminated from the RPD Program, he would not visit any of the businesses because he would probably not be able to find parking within a few blocks. He considered the RPD Program a livability issue that would affect commerce and create problems for economic development within the community.

Martin Meehan resided in existing RPD A. He noted that people were worried about the number of permits that would be allocated to each residence. He referenced a survey of parking spaces available along each block face within the proposed RPDs. His block face had six houses that would be eligible for a total of 12 parking spaces. The survey indicated that 29 permits would be issued, with 17 permits available to non-residents at $300 each. He considered the staff report numbers to be inflated.

Mr. Meehan said he was unable to find RPD Program information on the City's Web site and no indication of the source of the additional RPD parking permits that would be sold to non-residents. Along his short street, there could be 17 non-residents legitimately seeking parking spaces. He urged the Committee to put information on the City's Web site to inform people about parking in the community.

Rick Hangartner rented office space from Mr. Nudelman. He opposed creation of existing RPD C. When First Presbyterian Church removed some of its on-site parking, its staff and visitors began parking along the street, creating parking problems in the neighborhood. He opined that RPDs enclosed groups. He believed the OSU/City Collaboration Project Steering Committee began with wrong assumptions, leading to the proposed RPD Program expansion. He did not think the community understood OSU's status as a business. He elaborated that OSU was essentially a privately owned corporation of the State of Oregon with the sole obligation of making revenue to support its operations and the ability to condemn property anywhere in the state to increase its activities, including functioning as a for-profit business. OSU expanded its business and externalized its costs by destroying existing parking and refusing to construct more parking facilities. Within the next year, OSU would remove another parking lot to construct another building north of its engineering building. He opined that the City was responsible for recognizing OSU's status and its goals and should protect the community by telling OSU that, if it expanded its business operations, it must, on its property, mitigate the expansion impacts. When he checked two weeks ago, OSU indicated that it would not allow free parking at Reser Stadium because it recently converted the parking lot to a fee lot.

Mr. Hangartner suggested that Council members be available for private meetings with citizens to hear concerns.

Richard Pond resided in the 600-block of NW 18th Street and could park anywhere on the street five years ago. The problem was now worse, and OSU students parked in front of his house. Near his home had been a 48-unit residential development with 60 beds; the development now had 28 units with 140 beds. One RPD resident parking permit per unit would mean 28 parking permits for that development, and his guests would not be able to park within two blocks of his house without a RPD guest parking permit. He noted that parking permits would not guarantee parking spaces. He said the garages required at new multi-unit residential developments marketed to OSU students were often used for parties, rather than parking vehicles.

Ms. Steckel said the staff report included responses to items identified at the previous Committee meeting and an updated count of business, civic, and religious properties within the proposed RPDs related to the calculation of employee parking permits. Staff recommended that guest parking permits be allocated by address to limit the number of permits and recognize that different types of properties might have different guest parking needs. Staff recommended a fee for guest parking permits, as they were the most-abused aspect of the RPD Program and needed accountability. Staff also recommended a durable, transferrable permit, which would cost more to produce; and production costs must be recovered through the permit fees. After extensive consideration, staff recommended that guest parking permits be associated with resident parking permits to ease enforcement. Also, staff acknowledged Councilors' request that non-resident parking permits not be sold up to the 75-percent parking-utilization target but then not be used. Therefore, staff considered charging $30 for guest parking permits if the associated residence did not have

a resident parking permit. Guest parking permits associated with resident parking permits would cost $20.

Ms. Steckel referenced previous Committee discussions about the difficulty in determining office square footage for businesses. Staff recommended allocating two employee parking permits for each business, civic, and religious (BCR) property. BCR properties desiring more parking permits would need to demonstrate to staff that the facility had more than 400 square feet of office space. Staff recommended that employee parking permits be transferrable with a fee of approximately $100. She noted that the Yellow Parking Lot behind City Hall, which was primarily used by Downtown employees required purchase of permits at $75 per quarter ($300 per year).

Ms. Steckel said the PTWG discussed contractor or service-provider permits for $100 per year that would be applicable in all of the proposed RPDs. Some communities offered one-day parking permits for use by contractors inspecting projects; those permits had nominal fees up to $5.

Feedback from the notification postcards was included with the staff report; additional feedback was distributed at the beginning of today's meeting (Attachment A), and staff continued receiving information for distribution at the next Committee meeting.

Staff report Attachment A responded to Councilor Hervey's desire for tracking issues and comments to date. She cautioned that the summary was not comprehensive. The meeting packet also included maps of the proposed RPDs and an updated table of the estimated number of resident parking permits that would be available for each RPD.

Following the last Committee meeting, staff was asked whether Central Park and the Library block should be removed from the proposed RPDs. Ms. Steckel said staff was concerned about including those blocks in the Downtown RPD because they differed greatly from the Downtown area. Parking meters could be installed around the blocks.

Referencing tonight's testimony, Ms. Steckel said the City used 18 feet and 22 feet as standard measurements when marking parking spaces in areas with parking meters. The areas without parking meters were not marked for parking spaces; different measurements were used for those areas. Vehicles could be parked conservatively or erratically, thereby affecting the parking space counts. She acknowledged some inconsistencies in the parking space data and that the PTWG consultant focused on a different area of concern than the Committee was considering. The maps did not indicate parking space counts for some Downtown block faces because the consultant did not include those block faces in its analysis. Councilor Brown toured the neighborhoods and identified some errors, prompting an updated memorandum from Project Manager Adams (Attachment G).

Councilor Brown referenced his supplement to the meeting packet. As an extension of a provision of existing RPD C, staff had suggested two employee parking permits per 800 square feet of office space, with the possibility of more permits being available upon

request. Additionally, employee parking permits would cost an amount between the resident parking permit fee and the non-resident parking permit fee. He provided staff with a table of the number of non-residential properties within the proposed RPDs. He expected that employee parking would not be a problem in four of the proposed RPDs and might not be an issue in the other RPDs. He believed all of the RPDs had capacity for employees. He noted unresolved issues, such as Harding School and Benton County Health Department. The issue of Library employees could be resolved by excluding it from a RPD or applying another scenario. If the Library was excluded, proposed RPD J should not have problems in terms of employee parking permits. His analysis alleviated his concerns that employee parking permits would be a problem. The remaining issues should not overwhelm the proposed RPDs.

Councilor Brown referenced Mr. Angelo's information regarding proposed RPD A's boundaries and suggested that the Committee continue discussing that issue.

Councilor Brown referenced testimony presented tonight regarding customer parking, which had not been fully discussed by the Committee. He noted that some areas, such as NW Monroe across from OSU's campus, had businesses with many customers. Proposed RPD F, encompassing the Downtown area, would also have many customers. Customers were currently accommodated by allowing two hours of free parking. Business owners in proposed RPD J were also concerned about where their customers would park.

Councilor Brown asked that the Committee, at its next meeting, discuss his handout (Attachment B) regarding RPD boundaries, specifically concerning whether Central Park, the Public Library, Chintimini Park, The Gem, and Good Samaritan Episcopal Church should be included in RPDs. Most of those facilities were on a proposed RPD boundary for Phase 1 Implementation; Chintimini Park would be included in Phase 2 Implementation. He believed the boundaries could be adjusted to exclude the facilities without damaging the integrity of the RPDs or the overall RPD Program.

Ms. Steckel said staff suggested that employers could purchase transferrable RPD employee parking permits and be responsible for the permits. If permits were inappropriately used, the employer could lose all of its employee permits.

Ms. Steckel confirmed for Chair Hogg that contractor permits could be available for Realtors to use in all of the proposed RPDs. Councilor Brown suggested that contractor permits also be available for owners of properties in multiple RPDs.

Chair Hogg noted that the Committee would meet March 4 and needed to incorporate all of the public input received and develop a proposal for the Council's consideration. He asked when the proposal should be submitted to the Council to meet the September 1, 2014, implementation target.

City Manager Patterson noted that 46 people testified tonight. He observed that the notification postcard was effective in soliciting public input. He considered the testimony

presented compelling and suggested that the Committee and staff re-consider the approach to addressing neighborhood parking issues. When the RPD Program expansion project began, it was hoped that an easy, understandable Program could be developed. He would also like the Program to be easily enforced. He acknowledged that parking enforcement staff was unable to perform the community's expected level of enforcement for two-hour, free-parking allowances in the existing RPDs, and some in the community expressed their displeasure with the City. He wanted staff to be able to provide the community's expected level of enforcement.

Mr. Patterson emphasized that the proposed RPD Program expansion was not intended as a revenue source. Enforcement costs would consume most of the permit revenue.

Mr. Patterson said people spoke at the OSU/City Collaboration Project meetings about neighborhood livability issues and asked that the City act regarding parking in the neighborhoods. He believed the City Council made serious efforts to respond to the request. Tonight, neighborhood residents said parking was not a problem, and they did not want problems created. The Council's ultimate decision would likely not please everyone.

Mr. Patterson suggested that the Committee and staff re-evaluate the testimony and the approach to the issue. He said re-implementing the two-hour, free-parking allowance may be one of the best alternatives. Considerations involved the nature and locations of neighborhood parking issue and how the City could improve neighborhood parking issues.

Mr. Patterson noted that staff provided extensive information about the RPD Program review, but some people may have just learned about it. Staff discussed the best and most cost-effective means of notifying people who might be affected by a RPD Program expansion. He believed the project was appropriate, but the City did not want to make an existing problem worse or create a problem where one did not exist. He said the Committee was aware that addressing a parking problem in one neighborhood might negatively impact parking in another neighborhood. From tonight's testimony, he observed that it might be best to resolve the situations of greatest importance on a case-by-case basis.

Chair Hogg added that Corvallis as a community encouraged citizen input and involvement, and elected officials listened to citizen input. He and Councilor Brown represented City Wards that would be in the proposed RPDs and were familiar with RPDs. Elected officials worked to maintain Corvallis' livability standards while addressing changes occurring in the community. He thanked those who testified to the Committee. He said the Committee would consider all of the testimony and re-evaluate and review the project before making a recommendation to the Council.

Councilor Brown said elected officials and staff attempted to coordinate their activities, but they approached issues from different perspectives. He reiterated Mr. Patterson's statement that the RPD Program was not an attempt to generate revenue. He explained that RPD sign installation would cost $300,000 without identified funding by RPD residents

or non-residents. Costs for sign maintenance, parking enforcement, and Program administration may match parking permit revenue; currently, costs were more than the RPD parking permit revenue; and he expected that situation to continue.

Councilor Brown said the Committee extensively discussed the RPD Program expansion project for several months. The notification postcard prompted many of the people who testified tonight. The postcards were sent to addresses within neighborhoods that would be affected by the proposed PRDs. The Committee received testimony regarding how the Program would impact businesses or guests. Potential visitors to the community were not notified of the Program, so their input was unknown.

Councilor Brown suggested that the *status quo* might be the best solution for neighborhood parking issues. The overall parking situation was complicated; and the Committee and staff were attempting to meet the needs of residents, commuters, customers, contractors, and others. Benefitting one group could negatively affect another group. He hoped the Council would consider the no action as an option to reduce negative impacts.

Ms. Steckel said the Committee would need to present a proposal to the Council by April to meet the September 1 implementation target. She suggested that staff present three proposals, with possible advantages and disadvantages of each, for the Committee's consideration: 1) the existing RPD Program and parking restrictions; 2) a hybrid of the existing RPD Program and the current RPD Program expansion proposal, incorporating some of the issues presented tonight; and 3) the current RPD Program expansion proposal.

Councilor Brown suggested clarifying the current proposal to clear some of the misimpressions in the community.

III. Other Business

A. The Urban Services Committee meeting scheduled for February 18, 2014, is canceled.

B. The next regular Urban Services Committee meeting is scheduled for March 4, 2014, at 5:00 pm, in the Madison Avenue Meeting Room.

Chair Hogg adjourned the meeting at 7:23 pm.

Respectfully submitted,

Roen Hogg, Chair

ATTACHMENT A

# MAYOR & COUNCIL EMAIL

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## Proposed Residential Parking Program (RPD)

- *To*: ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Proposed Residential Parking Program (RPD)
- *From*: jerryhortsch@xxxxxxx
- *Date*: Tue, 4 Feb 2014 14:51:48 -0500 (EST)
- *Cc*: ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx, public.works@xxxxxxxxxxxxxxxxxxx

I currently own 9 cottages on the NE corner of 14th and Harrison.
These units are non-conforming because they were built in 1929, therefore, do not have adequate off-street parking, lot size is only 5,608 sq. ft.

This is written to express my opposition to 2 items in the proposed RPD.

1) Current proposal allocates 1 permit for every 2,500 sq. ft. of property. This property would only be eligible for 2 permits, when, it needs at least 9 permits to function properly.

2) Current proposal is to sell permits to no more than 75% of district's parking capacity on a "first come first served" basis. This seems very unfair to properties that rely on having on-street parking. (Why not first built first served?) What is going to happen to the other 25%? As the owner of this property, how do I know my tenants will have a place to park?

I urge the Urban Services Committee to delete 1) limiting permits to 2,500 sq. ft. per permit; and 2) limiting parking to 75%of district's capacity on a "first come first served basis".

I you have any questions, please feel free to contact me.

Jerry Hortsch

(541)760-2303 cell
(541)754-0150 home

jerryhortsch@xxxxxxx

- Prev by Date:**Webinar: Design Guidelines for Transit Supportive Communities**
- Previous by thread:**Webinar | How to Have a Mobile App at All Your Events | February 12th 10am PST/1pm EST**
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# MAYOR & COUNCIL EMAIL

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## Problems with RPD recommendations!

- *To*: public.works@xxxxxxxxxxxxxxxxxxx, ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Problems with RPD recommendations!
- *From*: rtoddpowell@xxxxxxxxxxx
- *Date*: Tue, 4 Feb 2014 00:00:11 +0000 (UTC)
- *Cc*: bob.loewen@xxxxxxxxxxxxxxxxxxx, bennett.hall@xxxxxxx

To whom it may concern,

Unfortunately, I cannot make the meeting at Madison Avenue as I have to work past 5pm. However, I called and spoke with a couple of landlords in the area and they feel very much the way I do--we want to speak and stand up for our tenants who would be adversely affected with the committes proposals. I just want to follow the law with providing proper numbers of people who occupy per bedroom and need to provide ample parking for those people. I believe whoever came up with the square footage per permits allowed obviously owns a single family home. And, do they have a driveway or garage? I sure dont!

I am very much in support of finding solutions to these parking issues near campus, however I do not believe penalizing those who live there is the answer. It's just big government bandaid solutions in my opinion. Please see the attached letter I wrote concerning this issue and if it heads up the ladder to the Corvallis City Council, I will be present.

Sincerely,

Todd Powell
Corvallis Resident since 1967
OSU graduate 1989
Corvallis property owner
**Attachment:**`parking restrictions.docx`
*Description:* MS-Word 2007 document

- Prev by Date:**Planning Commission - Notice of Disposition**

- Next by Date:**FW: Planning Commission - Notice of Disposition**
- Previous by thread:**FW: Planning Commission - Notice of Disposition**
- Next by thread:**John Hope-Johnstone (Cert. Internet Marketer)'s invitation is awaiting your response**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## FW: Parking District Meeting Reminder

- *To*: "'ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx'" <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: FW: Parking District Meeting Reminder
- *From*: TESTA Nicholas R <Nicholas.R.TESTA@xxxxxxxxxxxxxxxx>
- *Date*: Tue, 4 Feb 2014 16:29:38 +0000
- *Cc*: "'Deb Kadas'" <debkadas@xxxxxxxxx>

Dan, it has been awhile since I've contacted you about anything related to city matters; however, I would like you to not support this parking proposal. I do not wish to be charged additional money to park my car at my home. As a tax paying resident why can't each house hold receive :one "free" parking pass and any extra beyond one pass/household is where the city can charge for them. Guest passes should also remain free and available to residents as they are now.

From Deb's description it appears this is on a fast track to approval. Also, the type of vehicle allowed to park in residential districts should be residential vehicles not commercial, multiple axel trucks, etc. If this is not addressed someone could simply buy a pass and park their dump truck for a small cost compared to storing it at a private location. Who want to look at a dump truck parked in front of their house because the city views our street as having surplus capacity?

I am not sure I can make it tonight, but I will try.
Nick

**From:** Deb Kadas [mailto:debkadas@xxxxxxxxx]
**Sent:** Tuesday, February 04, 2014 8:03 AM
**To:** Deb Kadas
**Subject:** Parking District Meeting Reminder

Hello Neighbors,

I apologize for the late notice, but this is a reminder that the Urban Services Committee of the City Council is meeting TONIGHT AT 5:00 PM at the Madison Avenue Meeting Room (500 SW Madison) to

take public input on the new proposed parking districts. (You should have received a blue postcard about this last month.)

**Although we are already in a parking district, if the proposals are approved, our district will change and you will be impacted.**

Here are a few of the important changes that I see:

1. Our Parking District A will expand a bit. (Here is a link to the map of all the proposed districts, with details of our district on page 2: http://www.corvallisoregon.gov/modules/showdocument.aspx?documentid=7355
2. The number of permits per household will be reduced from 3 to 2, but I think it is going to be based onsqft of residence or something like that.
3. The cost of the permits will go up to $20/year.
4. The proposed districts will be PERMIT-ONLY, meaning that there will no longer be any free 2-hour parking in our neighborhood.
5. The details of guest permits are still being worked out.
6. The city plans to SELL parking permits in the district for what they deem as "surplus" parking spaces, to reach a 75% daytime utilization. These permits will cost 115% of the cost of a faculty parking permit on campus, and be available FOR SALE. I don't know who gets first priority to purchase these permits for surplus spaces.

The primary goal of this committee is to "improve neighborhood livability" by relieving parking congestion.

I must admit, I have been busy and have not been following this closely. Some of my information above might be inaccurate. Here is a link to the city website and the details of the decisions that the committee has come up with so far...

http://www.corvallisoregon.gov/index.aspx?page=1528

I urge you to read this and attend the meeting tonight if you have opinions. Questions or comments can be directed to the City of Corvallis Public Works Department at 541-766-6916
orpublic.works@corvallisoregon.gov

Sincerely,
Deb

ps One little detail that didn't slip by me...the City Council approved the concept that they will approve ALL or NONE of the Urban Service Committee's parking district proposal...meaning that there will not be room for tweaking individual districts once the proposal goes to council. Not to sound alarmist, but I believe the committee is on a fast track to approve this, so if we don't give our input now, it will be too late once it goes to full council. This is my own belief...no one told me this. I could be wrong.


- Prev by Date:**Press Release: 15th Street/Washington Way Improvements**
- Next by Date: **Webinar | How to Have a Mobile App at All Your Events | February 12th 10am PST/1pm EST**
- Previous by thread:**Press Release: 15th Street/Washington Way Improvements**
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# MAYOR & COUNCIL EMAIL

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## parking districts -- support and added data

- *To*: Mike Beilstein <mikebeilstein@xxxxxxxxx>, Biff traber <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: parking districts -- support and added data
- *From*: Glencora Borradaile <cora@xxxxxxxxxxxxxxxxxxxx>
- *Date*: Tue, 04 Feb 2014 08:22:43 -0800

Hi Councillors Beilstein and Traber -- I wanted to pass along my support for developing parking districts and putting a price on parking in public space by email as I haven't taken the time to go to a public meeting.
I am sure that many people have pointed you to Shoup's book "The High Cost of Free Parking" http://www.nytimes.com/2010/08/15/business/economy/15view.html which gives endless numbers and backing for charging for street parking. I encourage you to have automatic fee increases built into the new bylaws, for both residents and non-residents. Or perhaps be creative and allow residents to pay for a parking space in their neighborhood to use for something other than a car (planter boxes, bike racks, mini-parks, swing sets ... see http://www.flickr.com/groups/1034110@N24/ and http://parkingday.org/ for ideas).
I also hope that, with the added personnel I assume will be needed for enforcement, that parking attendants will ticket those vehicles that are parked across sidewalks, something that I have noticed has increased in past years and I feel will get worse as people avoid paying to park on the street. See http://www.carfreecorvallis.com/2012/03/rights-of-way/for more information.
Many thanks,
Cora (Glencora Borradaile)


- Prev by Date:**Press Release: 15th Street/Washington Way Improvements**
- Next by Date: **Webinar | How to Have a Mobile App at All Your Events | February 12th 10am PST/1pm EST**
- Previous by thread:**Press Release: 15th Street/Washington Way Improvements**

- Next by thread:**Webinar | How to Have a Mobile App at All Your Events | February 12th 10am PST/1pm EST**
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# MAYOR & COUNCIL EMAIL

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## No Ghetto in Our City. Review & Adjust or Decommission the Parking District

- *To*: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: No Ghetto in Our City. Review & Adjust or Decommission the Parking District
- *From*: Will Bowerman <w_bowerman@xxxxxxxxx>
- *Date*: Fri, 31 Jan 2014 19:15:52 -0800 (PST)

Dear Mayor Manning,

I don't want to see this beautiful city we live in, turn into what looks like a ghetto, or discriminate against those who live here. However it looks like we may be heading that direction with the proposed parking district expansion. In the proposed parking district zones I own two historic lots with a total of five, legal, city acknowledged, units on the pair. I have more off street parking than many comparable properties in the area. Currently all of these units are rented, and to good tenants. A family of four in a three bedroom, the parents are both PhDs, a professional with a PhD in a two bedroom, a professional with master credentials in a one bedroom, four graduate students in a four bedroom, and an engineering student that is seeking their second engineering credential.

Perhaps you may not respect what I do as a property owner and manager in this town; as it seems like there is a bit of a prejudice towards people like me in this community. But I try to keep my grounds looking good, take care of, and keep good tenants in, all of my properties. I also hope that we can keep these neighborhoods looking nice, with well-landscaped and uncluttered properties.

Yet with the proposed issuance of one permit per 2,500 square feet of lot size, I see that we may lose some nice landscaping and start to see a more "ghetto" appearance. I was talking to one of the neighbors across the street from one of my properties. He said that one of his lots is only good for one permit, has no off street parking, and has two units totaling three bedrooms. He obviously takes pride in his fleet of property and keeps them looking very sharp. He informed me that if this district comes to pass he will likely have to take down a nice tree and put in a driveway to accommodate the parking needs of the tenants.

As for my lot, across the street from his, I have three units, with six total bedrooms, on a 7,405.2 square foot lot - enough for two permits. I have four off street parking places. This mathematically provides one parking space per member of the property. However if both of the residents in each of the one bedroom units get parking permits first that will leave no extra permits for the four bedroom house, with only two off street spaces associated with it. Usually when we are dealing with young professionals or graduate students each comes with an automobile. Thus leaving two people out to hang, which in turn forces me to put in more off-street parking. To do so I must remove nice vegetation and lose the appeal of my historic properties, not my first choice, but if forced I will do it.

In both my neighbor and my potential scenarios one could call this look "ghetto" and I don't like it. Sure one can argue that the city can enforce any off-street parking that is deemed illegal or nonconforming. However, the city currently doesn't seem to have the illegal parking situation under control. In a half hour bike ride, on January 30, 2014, in Corvallis I witnessed 17 occurrences of illegal off-street parking; please see attached photos.

If forced to put in more off street parking on my properties and it is deemed nonconforming or illegal this raises enforcement issues. How is it judged that some will get cited for these and others not? If any enforcement issues arise with my properties I will personally bike the town looking for violations and turn them in. Likely putting exponential burden on the parking enforcement staff and creating a disgruntled sector of population. Economically this added enforcement of the whole city would not be sustainable.

On this issue of economic viability I highly encourage the city reflect on whether the proposed parking district itself even sustainable. Will the permit sales cover the cost, especially if people start parking off street? It will still need to be patrolled, whether or not anyone has purchased permits. Will the added patrol of other neighborhoods to keep illegal off-street parking from happening be included in this calculation? If not it will be incomplete. We already had to pass a levy to keep services from getting cut; we cannot afford to take on more money losing programs.

Looking at this from an equality position, it seems to miss the mark. Consider two scenarios:

1) We have an owner occupied house, a married couple, children no longer at

home, they own one car - the daily driver, and a pickup to go the garden center on occasion, with a 0.12 acre lot (5,227.2 square feet), with two off-street parking spaces.

- In this scenario we see that this couple has two automobiles, and they are able, due to their lot size, to get two parking permits, plus they have two off-street parking spots. No problem for them.

2) We have five graduate student renters, living in an existing, conforming, five-bedroom unit, on a RS-12 zoning, a 2,200 square foot lot, and each having a car.

- In this scenario we refer to the City of Corvallis' own planning language, the Corvallis Land Development Code, to see that this property was built to minimum standards that allowed a lot size of 2,200 square feet (LDC 3.6.30, Table 3.6-1, 2006). Further we see that the two off street parking spots meet the requirements for single detached residential use (LDC 4.1.30.a.1.a., 2006). However they have five automobiles, two off street parking places, and the availability of no parking permits. Quite a bit of problem for them, where do they park their overflow?

Thus it appears that the current iteration of the proposed parking district is flat discriminatory against those that are not owner-occupiers of their property. It would be fair to have the availability of one permit per bedroom. If we want to keep our economy strong, and keep our town from shriveling up, we best not discriminate against out population of students. After all Oregon State University is not the only university that people have to choose from.

All and all it seems like this residential parking district is not well though out. It should be stopped where it's at and have a proper evaluation to make sure it is non-discriminatory and will not degrade the beautiful appearance of our community.

Sincerely,

Will Bowerman

**Attachment:** IMG_1619.JPG

*Description:* JPEG image

**Attachment:** IMG_1625.JPG

*Description:* JPEG image

**Attachment:IMG_1628.JPG**
*Description:* JPEG image

**Attachment:IMG_1629.JPG**
*Description:* JPEG image

**Attachment:IMG_1621.JPG**
*Description:* JPEG image


- Prev by Date:**OSU Street Standards (LDT13-00001) - Applicant's Final Written Arguments**
- Next by Date:**About 4 hours to go**
- Previous by thread:**OSU Street Standards (LDT13-00001) - Applicant's Final Written Arguments**
- Next by thread:**About 4 hours to go**
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# MAYOR & COUNCIL EMAIL

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## Re: Parking Permit Districts

- *To*: ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Re: Parking Permit Districts
- *From*: Paul Cauthorn <paulcauthorn@xxxxxxxxx>
- *Date*: Fri, 31 Jan 2014 12:41:39 -0800
- *Cc*: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxx

Hello Bruce,

You are giving weight to a small group (yes, perhaps many hundreds over many years, as you claim), who were NOT even commenting on the current proposal, as it is now. Also, what weight have you given to all the other tens of thousands of citizens of Corvallis who are not even yet aware of this extreme plan? These are people who don't even know that they should comment. Or if they do, you and other councilors have blustered them by saying, "It is a done deal," when you haven't even voted on it yet.

I understand that you are listening and valuing opinions that fit your agenda, but honest public process doesn't sneak massive changes through without involving the public -- all of the public. And, not just ones that agree with you.

What steps are being taken by the council to inform the public of the possible consequences of this proposed massive change to Corvallis? Sending out a single postcard to those in particular zone, while ignoring people a block or even a mile away, people who would also feel the consequences, is no way of doing it.

Again, this proposal should go to a vote of all the citizens of Corvallis. If you don't think it would pass, then you shouldn't be supporting it.

Thank You,

Paul Cauthorn
541-513-8151

On Fri, Jan 31, 2014 at 9:50 AM, <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx> wrote:

Good morning Paul,

It is not a small vocal group. As I mentioned over the years many hundreds of very thoughtful people have visited with me about this issue. Over 90% of them recognize that some form of parking regulation is essential to increase the safety and reduce the congestion of neighborhoods adjacent to OSU. I appreciate your frustration since I too live in a neighborhood that does not currently have a parking problem. Yet it probably will and then I will gladly pay if necessary to have access to parking on the street in reasonable proximity to our home. I will continue to advocate for each resident receiving two free parking permits that are hang tags so they can be transferred among owners' vehicles and guests.

Bruce Sorte

> Dear Mayor and Council,
>
> Thank you for your emails and other communications regarding the parking
> scheme.
>
> One thing that keeps coming up is that we as homeowners and residents do

> not have a right to park on the streets in our neighborhoods. But then I
> am told by some that this parking permit process was initiated by
> residents
> complaining about a lack street parking in their neighborhoods. Well, if
> they don't have a right to those parking spots, then why should their
> concerns matter and why should they have your ear?
>
> The parking scheme that I've read (looks like it is different depending
> who
> one speaks to) will not address parking in the evenings. I have traveled
> through the campus neighborhoods in the wee hours of the morning and the
> streets are full. The student houses around campus attract boyfriends and
> girlfriends, who also drive. Unless the residents with their paid parking
> permits arrive home during the hours of restricted parking, then they will
> likely still experience the same parking issues they came to you about, in
> the first place.
>
> I can not understand how you would value the concerns of a small number of
> people over the concerns of thousands of people. Why should thousands of
> people be inconvenienced, taxed, and their friends burdened for the hope
> that a small handful of vocal people will be better off?
>
> Creating parking districts, restricting people's ability to travel and
> associate freely, building up infrastructure and bureaucracy is NOT a good
> strategy for handling this issue.
>
> This isn't a situation that you can simply try and then realize that it
> didn't work and stop it without consequence. If you go forward with a
> 100+
> full city blocks having no parking without a permit, you will have
> unleashed a beast that you can not put back in the box. This is a big
> decision that should involve ALL of the citizens of Corvallis and not just
> a handful of people in this one area. All of Corvallis will feel the pain
> of this decision. Most people in the community have no clue to what you
> are crafting -- why is that?
>
> I suggest you put the idea to a city-wide vote. If you can justify this
> scheme to the whole community, then they will support it. If you have

> doubts that the whole community would support it, then you should question
> why you would support it yourself.
>
> Thank You,
> Paul Cauthorn
> 541-513-8151
>
>
>
> Hello,
>
> Thank you for your message.
>
> One of the major reasons that the city and the university entered into our
> three-year collaboration was because residents of the near-campus
> neighborhoods were fervently seeking the council's help in addressing the
> lack of parking in their neighborhoods. Many asked for residential
> parking
> districts such as the three already in existence in the city.
>
> Since the collaboration was formed more than two years ago, the parking
> and
> traffic work group has met dozens of times, conducted a parking/traffic
> study, and made many recommendations to both the city and OSU for how the
> problem can be addressed. As you indicate below, this is a complex issue
> and it will not be addressed solely by expanding the number of parking
> districts. It is also safe to say that whatever measures are ultimately
> adopted, not everyone will be pleased. I do believe the council is
> committed to taking some action because they have been encouraged to do so
> by many residents.
>
> To learn more about the other recommendations currently being pursued,
> please visit the Collaboration Corvallis page of the city's website. You
> are also welcome to attend the meetings of the council's Urban Services
> Committee, which is currentloy developing a residential parking district
> proposal for the full council's consideration.
>
> Sincerely,

>
> Julie Manning
> Mayor
>
>
> On Wed, Jan 22, 2014 at 5:19 PM, <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
> wrote:
>
>> Hi Paul,
>>
>> Thanks for the comments, I too have been working on this issue and
>> observing parking behavior for more than 30 years and six different
>> residences within the parking districts. I favor no parking districts,
>> however that would create a tremendous amount of congestion in the
>> residential neighborhoods close to campus. The two hour districts that
>> were designed to alleviate that congestion years ago did not change the
>> congestion they just made it more dangerous with mostly students racing
>> through the districts in search of parking places throughout the day.
>>
>> The permit only parking districts will push additional parking into the
>> non-permit areas eventually. It will also help distribute OSU parking
>> more
>> evenly across campus and encourage more current drivers to walk, bike
>> and
>> take the bus. When the congestion becomes too great in the non-permit
>> areas we will extend the parking districts. There will come a point when
>> driving will take too long as parking is many blocks removed from
>> campus.
>> The conversion to alternate means of transportation will then increase.
>> This is not a perfect yet it is the best solution which we will adapt as
>> necessary over time. I will continue to support the Urban Services'
>> efforts to deal with this very difficult and critical problem and at the
>> same time look forward to your ideas when you have a chance to send
>> them.
>>
>> Take care,
>> Bruce Sorte
>>

>>
>>
>>
>>
>>
>>
>>
>>
>> > My apologies if you receive this email twice. I did not see it show up
>> in
>> > your email log when I sent it on Monday.
>> >
>> >
>> > On Mon, Jan 20, 2014 at 2:41 PM, Paul Cauthorn
>> > <paulcauthorn@xxxxxxxxx>wrote:
>> >
>> >> Hello Mayor and City Council,
>> >>
>> >> I received a postcard notifying me to the parking permit issue. I am
>> >> new
>> >> to Corvallis. I grew in Eugene and have seen the mistakes Eugene has
>> >> made
>> >> over the years dealing with growth, specifically around the
>> University.
>> >>
>> >> I chose to leave Eugene and move to Corvallis for many reasons
>> including
>> >> the politics in Eugene, the small town "Mayberry" feel of Corvallis,
>> and
>> >> my
>> >> family history being deeply rooted in this community.
>> >>
>> >> I urge you to not pursue the parking permit scheme. I have read
>> through
>> >> the documents online and can understand what initiated the issue
>> being
>> >> brought up. I don't think this is what people want and many people
>> are

>> >> unaware of the extreme nature of this current proposal.
>> >>
>> >> You can not simply make parking unavailable to the general public in
>> one
>> >> huge area and expect the problem to just go away. People will find
>> the
>> >> nearest allowable spot and commute from there. In Eugene, South
>> >> University
>> >> Neighborhood lobbied for a parking district and the city put in 2
>> >> hour/permit parking. Then the next neighborhood, which was a mile
>> away
>> >> from campus, had their streets plugged with vehicles. People park
>> all
>> >> day
>> >> and ride their bikes or bus the extra distance. The problem was not
>> >> solved
>> >> it was just foisted on another neighborhood.
>> >>
>> >> In the districts that Corvallis city staff wish to create, there are
>> >> businesses. I have spoken with a few business owners who believe
>> they
>> >> will
>> >> be allowed to keep two hour parking in front of their businesses. If
>> >> so,
>> >> those spots will be full all the time by people visiting friends or
>> >> making
>> >> a quick stop to the university. This parking scheme will hurt
>> Corvallis
>> >> businesses.
>> >>
>> >> Currently, Corvallis has mixed neighborhoods around the University.
>> >> When
>> >> government starts limiting the neighborhood feel by installing ugly
>> >> no-parking signs, creating stress to homeowners, adding to the tax
>> >> burden
>> >> (permits), making it less possible or more difficult for friends to
>> >> visit,
>> >> making it difficult for contractors, and many yet unknown

>> ramifications
>> >> of
>> >> a permit situation, these neighborhood would become less home owner
>> >> friendly. In Eugene, the West University neighborhood was a mix of
>> >> homeowners and tenants. It is now 97% tenant occupied. The crime
>> rate
>> >> in
>> >> this neighborhood, when I last looked, was 50%. It is an unspoken
>> >> disaster.
>> >>
>> >> I urge you to give careful consideration to my comments. I believe
>> this
>> >> parking permit scheme should be round filed and other more creative
>> >> solutions should be explored.
>> >>
>> >> I would be happy to speak with any of you. I have seen what has
>> >> happened
>> >> to Eugene, and I do not want Corvallis ruined by well-intentioned
>> >> short-sighted thinking.
>> >>
>> >> Thank you for your time.
>> >>
>> >> Sincerely,
>> >> Paul Cauthorn
>> >> 543 SW 6th Street
>> >> Corvallis, OR 97333
>> >>
>> >> 541-513-8151
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2/2/2014 urbanservices

**To:** Urban Services Committee (USC) Members

**From:** Stanley Nudelman, citizen and member of the Parking and Traffic Work Group (PTWG)

**Re:** Business concerns, and specifics about Central Park.

1) **Businesses:** Businesses should continue to be allocated permits based on one permit per 400 sf of rentable space (the city council and the parking and traffic workgroup ( PTWG) considered allocating one permit per 300sf of rentable space and felt that would be too many permits and if based on 500 sf would be too little.) If based on lot size this could destroy the ability of some businesses to rent their spaces. **Clearly a viable business community is a priority of the City of Corvallis.** As an example, consider the building I own at 760 SW Madison (in parking district "C") on the south side of Central Park. It has 8000 sf of office rentable space and I presently get 20 permits based on one permit per 400 sf. These 20 permits have been barely sufficient to sustain the needs of my tenants. Under the lot size scenario of 2 per 5000 sf of lot size I'd get about 4 permits, clearly an insufficient amount to allow this historic Corvallis property to survive as a business.
2) **Parking district "C":** This district was not developed as a "residential" parking district. It was approved by the City Council as a **"business and residential"** parking district. The rules for this district and the decision to give one permit for each 400 square feet of rentable space was agreed upon by the council and confirmed as the proper allocation by the PTWG of the collaboration project. This district was necessary because prior to its inception all the parking spaces were filled by students and downtown employees by 9 AM, thereby forbidding its use by tenants, and their clients (as well as visitors to Central Park.) Not recognizing the needs of the business community would be antithetical to the goals of the city council.
3) **Central Park:** As mentioned above it would be appropriate to make an exception in parking district "C" to the "permit only" scenario. Allowing two hours of non-permit parking would allow visitors to Central Park and clients of the businesses to find parking places. The "private" spaces and "city 2 hour only" spaces allow some usage for these citizens but are totally inadequate for the needs as expressed above.

4) **In summary:** Continuing the present regulations of allowing for <u>one permit per 400 square feet of rentable business space</u> and <u>allowing two hours of non-permit parking</u> would allow continuing viability of this unique parking district "C".

Thank you for your consideration of the above.

Sincerely,
Stanley Nudelman

# MAYOR & COUNCIL EMAIL

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## parking

- *To*: ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: parking
- *From*: fake_mccoy1@xxxxxxxxxxx
- *Date*: Sun, 2 Feb 2014 12:33:23 +0000 (UTC)

Hello,

This is Robert McCoy.

You have heard from me before in regards to the purposed residential parking permits coming in September.

I received the postcard in the mail a week or two ago with a website address to go to with FAQ about the fees.

The information on the site is not adequate:

1. The map is NOT readable even when expanded. I live at 845 SW 11the Street. I CANNOT tell whether or not I will be affected.

2. Further more, it does NOT give me information as to how to apply for a permit.

3. It also states:

("However, not every resident will be able to purchase a permit for every vehicle they own. The amount of on-street parking is limited in most of the proposed districts and the Urban Services Committee proposes to sell permits for no more than 75% of a district's parking capacity. That means if there are 100 available parking spaces in a district, only 75 permits will be sold.

Permits will be sold on a 'first come, first served' basis. Once the threshold number of permits is issued for a particular district, no more permits will be sold, even to residents.")

This is NOT FAIR and will just make for a bidding war for us residents!

If I own property at 845 SW 11th street and have only the street to park I believe I have a right to park in front of my house.

The streets belong to the public and residents. It is not in my opinion up for "bid" to raffle out to just anyone who is first in line and has money to purchase the right to own their own spot to park just because they need to go to class at OSU !!!

The residents deserve the right to a first com basis!

Not just persons who have a bank account and moneys to buy a spot on the street in order to go to class.

WE residents deserve the right first to park in front of out own home!!!!!

I repeat! I have NO other place to park and I deserve the right to have a place to park in order to live at my own home at 845 SW 11th Street.

I'm also appalled to read (after expressing my concern to you several weeks ago) that disabled persons as myself have been disregarded. I intent on writing the local newspaper about this and will mention all correspondence by date with the city council.

Robert McCoy

541-829-1276

- **Follow-Ups**:
  - **Re: parking**
    - *From:* ward2

# MAYOR & COUNCIL EMAIL

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

## Parking Jefferson and 9th

- *To*: "ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking Jefferson and 9th
- *From*: anthea@xxxxxxxxxxxxxxxxxxx
- *Date*: Sat, 1 Feb 2014 07:54:54 -0800

Dear Roen,

We live in the cream craftsman house on the corner of 9th and Jefferson - we had the pleasure of meeting you when you were coming door to door. We are classical musicians - I am concertmaster of Portland Opera and Jason is Professor of Conducting and Cello at Willamette University. We moved here three years ago from Connecticut, where we were teaching at Wesleyan University.

I have been reading with concern about the new parking proposals in our immediate area. We have two young daughters, and a steady influx of babysitters, grandparents, students, and playmates coming and going. With no street parking available, our lives (and the lives of our students and friends) will be severely impacted. We each have one car, and most often have a grandma car as well as two student cars in the immediate area. Our neighborhood is split single family homes (such as ours) multi family homes, university housing, and apartment complexes. Street parking, as it stands now, is often full and takes some time to find a space. With permit only, I can't even imagine how we could continue our current lives.

Please consider our plea and leave the parking as is - it is a major part of our lives.

My number is 8608346028 and address is 861 sw Jefferson - corner of 9th.

Thank you,
Anthea Kreston and Dr. Jason Duckles

Sent from my iPhone

- **Follow-Ups**:
  - **Re: Parking Jefferson and 9th**
    - *From:* ward2

- Prev by Date:**Fw: No Ghetto in our Neighborhood. Review & Adjust or Decommission the Parking District**
- Next by Date:**parking**
- Previous by thread: **Fw: No Ghetto in our Neighborhood. Review & Adjust or Decommission the Parking District**
- Next by thread:**Re: Parking Jefferson and 9th**
- Index(es):
  - **Date**
  - **Thread**

# MAYOR & COUNCIL EMAIL

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

## Parking District

- *To*: <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking District
- *From*: "CAKeith" <ca.keith@xxxxxxxxxxx>
- *Date*: Sat, 1 Feb 2014 23:19:26 -0800

Hi Dan Brown Ward 4 Councilman and our neighbor to the East,

I am in agreement with many NW VanBuren and NW Jackson Ave residents. Please consider supporting the addition of our neighborhood to the new parking district 2-hour restriction. We do not want our street ( while OSU is in session) to be turned into a parking lot, potentially like a grocery store parking lot at 5pm on a weekday night. You folks at the east-end seem to be having the worst of it right now. - Lets' look at a meaningful solution for all of us.

I do believe a number of us will be attending Wednesdays hearing.

For your serious consideration, thank you,

Claudia Keith

3740 NW Jackson Ave

5417520591

- Prev by Date:**Parking Districts**
- Next by Date:**Parking district "C" discussion by Urban Services Committee**
- Previous by thread:**No Ghetto in Our City. Review & Adjust or Decommission the Parking District**
- Next by thread:**Parking district "C" discussion by Urban Services Committee**
- Index(es):
  - **Date**
  - **Thread**

# MAYOR & COUNCIL EMAIL

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## Parking Districts

- *To*: "ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking Districts
- *From*: SM Coakley <coakley.sm@xxxxxxxxxxx>
- *Date*: Sat, 1 Feb 2014 21:32:56 -0700

Dan,

I have just discovered that Jackson St. west of 35th has apparently now been excluded from the proposed parking districts. I request that it be added back into the conversation and included as part of the proposed District A. As you know, the east end of our three block street is already heavily impacted by those seeking to park free all day. There have been several near misses of collisions when departing drivers swing into drives or pull mid-street U-turns without caution. I understand that blocking of driveways is common as well.

If our street (and that west of Van Buren end up being the only neighborhood streets close to campus which are outside a parking district, then I would anticipate heavy and continuous day use of Jackson and an extension of use into the VanBuren street.

Please take action on this request; when I attended an earlier hearing on this matter and subsequently reviewed various maps of the proposed zones, Jackson and VanBuren west of 35th were included in the plans. To my knowledge, no contact has been made with our neighborhood about the change. I do understand that some of our neighbors object to the concept of paying for a street permit but the alternative is going to be far worse than the minimal charge. I, too, believe that the city should provide owner occupied residents with at least one free permit per year but if that is not an option, being included in a parking district is extremely important to the quality of life in this neighborhood.

The irony of sending postcards only to those for whom districts are proposed means that one can easily miss that they are going to be impacted to an even greater degree.

I would appreciate you doing whatever is needed to have Jackson west of 35th added into Parking district A. I note that this district extends out to 35th between 33rd and 35th on Van Buren so extending it west of 35th for Jackson (and Van Buren) should be a straight-forward addition.

Thank you for your assistance with this matter.

Stella

Stella Coakley
3839 NW Jackson
Corvallis, OR 97330

- Prev by Date:**No Ghetto in Our City. Review & Adjust or Decommission the Parking District**
- Next by Date:**Parking District**
- Previous by thread:**Parking Districts**
- Next by thread:**[SuperUpdate] Update Regarding Oregon Minority Educator Pipeline Models Grant and Oregon Minority Educator Retention Grant**
- Index(es):
  - **Date**
  - **Thread**

## RESIDENTIAL PARKING DISTRICTS

## EMAIL RESPONSE TO PUBLIC OUTREACH POSTCARD AFTER JANUARY 27

**From:** jerryhortsch@xxxxxxxxxx
**Sent:** Tuesday, February 04, 2014 11:52 AM
**To:** Ward 6
**Cc:** Ward 2; Ward 3; Ward 4; Public Works
**Subject:** Proposed Residential Parking Program (RPD)

I currently own 9 cottages on the NE corner of 14th and Harrison.
These units are non-conforming because they were built in 1929, therefore, do not have adequate off-street parking, lot size is only 5,608 sq. ft.

This is written to express my opposition to 2 items in the proposed RPD.

1) Current proposal allocates 1 permit for every 2,500 sq. ft. of property.
This property would only be eligible for 2 permits, when, it needs at least 9 permits to function properly.

2) Current proposal is to sell permits to no more than 75% of district's parking capacity on a "first come first served" basis.
This seems very unfair to properties that rely on having on-street parking. (Why not first built first served?) What is going to happen to the other 25%? As the owner of this property, how do I know my tenants will have a place to park?

I urge the Urban Services Committee to delete 1) limiting permits to 2,500 sq. ft. per permit; and 2) limiting parking to 75%of district's capacity on a "first come first served basis".

I you have any questions, please feel free to contact me.

Jerry Hortsch

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**From:** jrjeriley@xxxxxxxxxxx **On Behalf Of** Jean Riley
**Sent:** Tuesday, February 04, 2014 11:06 AM
**To:** Public Works
**Subject:** Parking permits in the College Hill district

WE are a 30 year resident of 225 NW 31st Street. I have urged the Parking Committee to give the long term residents a break of some kind. This of course would take man power and proof of residency. I would be willing to help formulate this proposal. The currant proposal and the new

penalties proposed on the long term residents make it impossible for anyone to visit our home. Can my daughter only come and see me in the evenings? What about my elderly friends that meet at our home once a month? Do they have to park three blocks from our house and walk there in the rain? You do realize that we are being penalized for living close to the University. I have always been grateful for your system of parking permits as it has given the residents access to a parking space in front of their own home. Your system of parking passes that can be easily reproduced by students has never been successful. There has to be a better system and it is our belief that your proposal is not the answer. I have also spoken about the fact that the city has the parking ticket lady functioning on Christmas vacation and Spring Vacation. I have even spoken to my city council man about the fact that it is not necessary during vacation time and would save money if she did not patrol during that time.
I am writing you an email because I did not receive anything in the mail about this proposal. My neighbor just informed me this morning.
We are wondering who wrote this proposal up and do they live in my neighborhood?? I know parking is a huge problem and always has been but I do not see this as a good solution. I have a feeling that someone will read this and throw it aside but I am out of town right now and can not come to the meeting tonight.

Jack and Jean Riley
225 NW 31 Street

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**From:** Amsberry, Kelly
**Sent:** Tuesday, February 04, 2014 8:48 AM
**To:** Public Works
**Subject:** Parking District Changes

Hello Parking District Change reviewers,

Our parking district (District A) has been effective at ensuring that parking is generally available near our residence. Changes which would allow permits for "surplus" parking places to be sold are inappropriate and defeat the purported purpose of parking districts! Allowing purchase of parking permits by renters moving into our expanding plethora of faux "single family" residences in order to compensate for the inadequate parking provided in these developments is disingenuous and will potentially reduce the amount of parking available for current residents.

The obvious solution to this problem is to require new developments to provide adequate parking for tenants, rather than (once again) pushing the problem back onto the current residents of legitimate single family homes. This problem could be eliminated at the source by prohibiting unregulated dormitories from masquerading as single family homes, but that is a discussion for another day.

In any case, the purpose of parking districts is to ensure adequate parking for residents near their

homes, NOT to provide a source of revenue for the City. I oppose the proposed sale of parking permits beyond the number allotted to each household.

One final note – I would like to see permits required for football game days. I frequently cannot find a parking place on game days, and last fall I went out my front door and saw a group of people having a "tailgater" right in front of my house!

Kelly Amsberry
235 NW 31st St.

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**From:** Carolyn Kindell
**Sent:** Monday, February 03, 2014 9:36 PM
**To:** Public Works
**Subject:** Comments on Proposed "Phase" of new parking district

I believe that the new parking district should be fully implemented at this time with no phasing. I live in the JANA Neighborhood and feel strongly that the parking district should be expanded northward to Buchanan Blvd. To implement only a portion of the originally proposed parking district will unfairly burden those residences that are within the district, but outside of the currently proposed "phase" depicted in the maps on the City website here: http://www.corvallisoregon.gov/modules/showdocument.aspx?documentid=7355

The Mckenzie Group was hired by the OSU/City Collaboration to do a survey of people parking in the neighborhoods surrounding campus. The survey asked "how far would you walk for free parking"? Polk Avenue, the proposed "phase" boundary is roughly 1/3 of a mile from campus, yet the study indicated that most of those surveyed were willing to walk 1/2 mile to a mile for "free" parking. http://archive.corvallisoregon.gov/0/doc/349791/Electronic.aspx

The Collaboration's Parking working group recommended a 1/2 mile distance from campus as the parking district boundary, which would be Buchanan, rather than Polk.

My home is just outside of the north boundary (Polk Ave) of Zone E. My family and many of our neighbors in the JANA Neighborhood anticipate a heavy amount of traffic and congestion on our streets that are left just outside the currently proposed "phase."

Thank you for considering these comments.

Sincerely,

Carolyn Kindell

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From: Tony Van Vliet
Sent: Monday, February 03, 2014 9:00 PM
To: Public Works; Matt Gough
Cc: Tony Van Vliet
Subject: Parking Districts

Mary Steckel, Public Works Director

Dear Mary, I can't remember if you were assisting Director Rogers at the time we formed our small district around the park several years ago. At that time we were told the clear cut instructions on what we had to do. It involved getting a percentage of occupant signatures in the proposed area to agree to a district.
Your task is difficult because of so many types of occupants or users in each proposed area. You have churches that have been in the central core for over a hundred years—and today with difficult and varied parking situations. Most were encouraged to remain in the central core to provide services and provide for an anchor of township to Corvallis.

Here's a little history and some conclusions we had from our hearings:

1. As a former member of the Parking Commission, we hired a company to run a parking study over ten years ago.The conclusion at that time was that parking downtown had not reached a crisis level but that in just a few years the justification for a parking structure near the park would be needed. We are now there!

2. During that same time discussions had been initiated about a combination parking structure at the corner of 9th and Monroe. Similar to those at Portland State. Students would use pass cards but the public would pay to park. Businesses would occupy lower store fronts.

3. Even in creating our small district it was decided by all attending meetings that an all permit approach was unworkable- it eliminated visitors and vendors from using the two hour parking slots. Which by the way, those slots are hard to use today by students especially after a few receive citations. The city concurred because our zone was small and would not place a need for additional meter maids. When the city expands either solid permit areas or hybrid areas, in order to work, the city would have to add a substantial number of meter maids, or they become meaningless to enforce.
Our last ballot measure which added just a few new police positions barely passed—and the University is currently facing more budget reductions. The public may not be so gracious asking for more meter maids.

4. When you get into several permit types, the burden of logistics for those who must make it work becomes very difficult. Add to that trying to base enough 2Hr spaces or permits based on kitchens or square foot of office space has little resemblance to actual use and really needs to be negotiated among those in each district.

5.Our district has worked very well, our permits allow staggered use of the staff permits while still allowing parents to scoot into our loading zones as well as for disabled folks on Sunday. Parents wishing to stay longer than a few minutes can hunt for a close by 2 HR. slot. Since our area is working well maybe the USC might consider splitting the new "F" at Jefferson and forming a new district to the South.

Here are my comments that should be added to those of The First Presbyterian Church staff. Please share them with the USC councilors

Tony Van Vliet, Elder
First Presbyterian Church

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From: Meda Younger
Sent: Monday, February 03, 2014 5:06 PM
To: Public Works
Subject: RPD Program

My feedback to the committee, as I am unable to attend the meeting Feb.4 at 5:00pm:

It seems so unfair and needless, to charge RESIDENTS on our streets to park in front of their own homes.

Students come to our street because they don't want to pay the fee to park at Reser. They come early in the morning, take their bikes off their cars, ride to campus, and are there all day. If the powers that be, at the University, would make parking at Reser Stadium lots FREE to students, it would take the pressure off the city streets. If not, then let the STUDENTS PAY to park on the streets, not the residents.

The University is making a problem where there shouldn't be one. Building has occurred without a plan to take care of needed parking spaces,

If a city business or an apartment complex is built, the city recquires adequate parking be added to accompany that particular structure or structures.

How about the University stepping up to make parking available on some of the outlying property they own, and/or building parking sturctures like the one across from Gill Colliseum.

Please, let's keep it fair!
Respectfully submitted,
M. A. Younger

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From: cvl
Sent: Tuesday, February 04, 2014 6:00 AM
To: Steckel, Mary
Subject: parking districts

To: Ms. Steckel --

I'm attaching a letter for your consideration for the section of the meeting on parking districts.

Thank you,
Carolyn

Feb 3, 2014

To Urban Services Committee,

Although my understanding is that parking districts have already been approved and Urban Services is just working out the details, I would still like to weigh in on this subject. I object to the notion of the parking districts and the methods being considered to implement them for several reasons, but I will mention only three: the university's responsibility, the selective application of the proposal, and the inability to allow for anomalous situations.

Parking problems in Corvallis aren't unknown, but the current parking crisis is purely student-driven. I'm extremely unhappy with the university's systematic elimination of campus parking in order to force drivers into their overpriced and inconvenient parking lots. This strategy is backfiring and foisting their parking problems onto the surrounding neighborhoods. Their aggressive policy of parking space removal even includes extending the yellow paint further out from entrances on streets bordering the campus, as well as removing parking across from Dixon Rec Center, taking out the lot next to the library, putting in too many spaces for university vehicles, ADA vehicles, etc. etc. What is the university's motivation for doing this? Are they receiving green credits or some kind of financial incentive? I can't begin to imagine their reasoning in creating such an impossible parking situation for everyone. Their assertion that they will provide adequate parking if their utilization rate exceeds 85% is hypocritical: surrounding neighborhoods have suffered the brunt of university parking inadequacies by exceeding their parking utilization rates by substantially more than that.

And why must only residents living near the university suffer the imposition of parking districts, while the rest of the city lives in ignorant bliss of the problems caused by the university of having to pay for parking in front of their own homes? Instead of making residents living near the university pay the price for the university's bad parking policies, the city should show some backbone and insist that the university take responsibility for supplying adequate parking for its participants – especially with its ambitious growth agenda.

One of the reasons my husband and I bought our house was because it had plenty of parking (corner lot). He's in several bands and has rehearsals in his studio; he also teaches in his studio. People come and go all the time, musicians, students, and out-of-towners (musicians from Portland, Tigard, Eugene, etc). I doubt that this parking district concept can accommodate this kind of activity. Will it limit the amount of parking available and harm his business? Or will we be running a parking concession to keep track of who has permits, who needs permits, how many permits we'll need, how much we'll have to pay for permits, etc. – a patently unfair situation, and ridiculously ironic in that we haven't even had any parking issues in our neighborhood to date (other than game days). And what's going to prevent the rate from increasing? The city has been wanton in its disregard for any stakeholder other than the university, and in my view, basically destroyed what was once a very lovely town through short-sighted land use decisions. The solution should be the responsibility of the one perpetrating the problem – the 500 lb nonprofit gorilla that just garnered a billion dollars in funds, doesn't pay property taxes, and expects the city to do its dirty work. This is an unfair burden to put on the city as well as the homeowners.

Carolyn Ver Linden

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**From:** rtoddpowell@xxxxxxxxxxx
**Sent:** Monday, February 03, 2014 4:00 PM
**To:** Public Works; Ward 2
**Cc:** Loewen, Bob; bennett.hall
**Subject:** Problems with RPD recommendations!

To whom it may concern,

Unfortunately, I cannot make the meeting at Madison Avenue as I have to work past 5pm. However, I called and spoke with a couple of landlords in the area and they feel very much the way I do--we want to speak and stand up for our tenants who would be adversely affected with the committes proposals. I just want to follow the law with providing proper numbers of people who occupy per bedroom and need to provide ample parking for those people. I believe whoever came up with the square footage per permits allowed obviously owns a single family home. And, do they have a driveway or garage? I sure dont!

I am very much in support of finding solutions to these parking issues near campus, however I do not believe penalizing those who live there is the answer. It's just big government bandaid solutions in my opinion. Please see the attached letter I wrote concerning this issue and if it heads up the ladder to the Corvallis City Council, I will be present.

Sincerely,

Todd Powell
Corvallis Resident since 1967

OSU graduate 1989
Corvallis property owner

January 21, 2014

Dear Urban Services Committee,

I am writing in response to the proposed new on-street parking restrictions regarding the Residential Parking District (RPD) Program. I do earnestly applaud the committee for trying to remedy the parking near campus, but I see some real pitfalls early on with the proposed regulations.

Let me give you some background. I am born and raised in Corvallis and graduated at OSU, so I can firsthand attest to the escalating parking issues near the OSU campus and the demand it puts upon local residents over the years. I own a triplex and a four plex within blocks of Monroe. I manage these properties with extreme diligence making sure tenants are not loud or unruly, which Bob Lowen can reference. I also make sure these units are extremely nice and well maintained, which in turn attracts a very studious student and/or professor. Because these units are campus close, they severely lack the proper parking for each of these tenants and rely on street parking heavily, especially the property located at 213 NW 11th Street, just one block from Monroe Street. Parking has always been a tremendous problem for my tenants, and especially during the day when students descend upon the neighborhood in search of permit free parking. My son is a graduating senior after this term and he can tell you that even with an OSU permit, he has incredible difficulty finding adequate parking, so he even searches these same neighborhoods we are discussing. He actually just received two different parking citations in the same day because he was 50 feet from a parking district. But, with all this said, here are some of my issues I will outline after reading the city website, as well as speaking with Mary Steckel on January 21st, 2014:

Here is what the opening sentence of the website states, ***"The City of Corvallis Residential Parking District (RPD) program is intended to enhance the quality of life in neighborhoods experiencing chronic parking congestion along their streets."*** I can assure you that I am on your side regarding these overpopulated parking issues during the day near campus, but I believe strongly that you will indeed hamper the quality of living based on how you indeed to regulate parking.

As stated on the city website, ***"How many permits will I be able to get?***

***A: The proposed RPD program would allocate resident permits based on the square footage of the property lot size. The current proposal is to allocate one permit for every 2,500 square feet of property, with every property being eligible for at least two permits. In other words, lots up to 7,499 square feet would be eligible to purchase up to two permits. Residential lots of 7,500 square feet up to 9,999 square feet would be eligible for three permits. One additional permit would be available for each 2,500 square feet of property above 10,000. The Urban Services Committee is contemplating a cap on the number of permits available per lot, but has not proposed one at this time."***

Here's a big problem for the residents at my property. According to Mary Steckel, my property square footage would allow only 2 city permits for parking. That is a real problem considering Bob Loweon will tell you that for every 1 bedroom the rental laws state that 2 people are legally allowed per bedroom. Again, my street has a 7 unit building on one side and 5 units on the other side with a duplex directly across the street. The 7 unit building is located at 227 NW 11th Street and is owned by Larry and Terri Hellesto, and just a few years ago they built an addition in the back which was fully permitted and under the supervision of the City of Corvallis. These units are extremely campus close but also located in a uniquely quiet neighborhood and they were originally built as high density. Today, our neighborhood is zoned RS9U, which is considered "medium". I could speak to the neighborhood, but let me break down my property located at 213 NW 11th Street. Specifically, my building alone has 4 separate living units, with the breakdown as follows: 1 studio, 1 bedroom, and 2 separate 2 bedroom units. So, worse possible scenario, that would mean all residents in that building would need 11 permits. My 4 Plex cannot merely allow 2 permits based on this committee's recommendation, and whoever came up with this square footage equation is simply looking at a single family house and not taking in consideration the needs, or "livability issues" of those owners and residents actually occupying the property.

I fully support finding a solution to these parking issues, so let me suggest a few from an owner's perspective. First, please assess specific neighborhoods, whether or not they provide housing for single families or multi housing. When you look at what 100% capacity looks like, don't limit these neighborhoods to the 75% you are proposing. Second, and this is the biggest one, don't penalize the local residents who live in these neighborhoods, but go after the offenders! Namely, monitor these neighborhoods and administer tickets for all the people descending into these neighborhoods by day, don't ticket the people who live there full time. It was told to me by Mary that my tenants could park there after 5pm, but could not be parked on their property between the times of 8am-5pm IF they did not have the proper bumper sticker attached to their car. How crazy is that? You are proposing that my tenants at my property can have only 2 permits and the others have to move their cars on and off the property every day? And where from, the WinCo parking lot? This is completely absurd!

I also recently had a plumber drop by to install a new sink and clean the drain lines, so do I have

to buy them a permit to have their truck parked in front of the street while doing repairs for tenants? I hope you can see that this logic does not make sense.

I am strongly asking you to take a look at your final proposal you are submitting to the City Council, as I know several stand up landlords surrounding this neighborhood that will undoubtedly have an issue with the preliminary suggestions. I am totally in support of RPD Program finding solutions to help these overrun neighborhoods! But, the quick solution **IS NOT to penalize the quality property owners and tenants who occupy these streets!** Rather, it should be to penalize and hold accountable the people causing this strain. In my opinion, the OSU administration should step up and build a structure to help with this issue since they are the ones in fact growing their business. If the city cannot put pressure on OSU, then certainly the quicker solution would be to ticket the daily offenders who pillage our neighborhood! If a single family house sits on the same lot as a 5 unit or 7 unit building, then please limit the house but don't limit the medium to high density units as this attracts the best people. Most of these people do in fact bike or walk to campus, but they still own a vehicle. These vehicles have no where to go other than the street. If I have to abide by such housing laws for tenants per bedroom, then I would hope the City of Corvallis would also want to accommodate the citizens who actually live there as well!

In closing, I believe too many quick decisions are being formulated without seeing all sides to this diverse equation. There are many different perspectives, but the first perspective should be to enhance the living spaces of local residents. The local street parking should be FREE since we are the ones paying our taxes, and your $20 yearly proposal for income should be generated by the massive ticket revenue you will undoubtedly generate. At $50 per ticket, you will be taxing the offender, not taxing the one who actually pays to live there! Please think this through, as you will create nightmares for many people trying to administrate your program as well as hurt some of the very neighborhoods you are trying to protect!

If you have any further questions, please do not hesitate to reach me at 541-760-6810 cell, or rtoddpowell@xxxxxxxxxxxxxxxx

Sincerely,

Todd and Michelle Powell

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**From:** Maureen Swanson
**Sent:** Monday, February 03, 2014 10:19 AM
**To:** Public Works

**Cc:** Ward 2
**Subject:** Proposed Parking...

Ms. Steckel,

From the information sent on January 15, it is my understanding that the new currently proposed parking restrictions will eliminate free parking on my street after September. As a home owner and property tax payer, I am disappointed with the proposed parking restrictions as outlined on the City's website. I have read some of the letters concerning this issue but did not see any "suggestions" for alternative solutions. I do not believe that placing the burden on the homeowner to pay for the "privilege" to park in front of one's own home with no guarantee that the space will be available when needed is an outrage since the taxes we pay, already include money for street signs, repairs and cleaning (which is another issue for another time). There are other possible solutions: First of all, I propose that the City of Corvallis eliminate the parking fee for cars that fit in the driveway between the street and the sidewalk. This would have the potential to eliminate at least one car per home from parking on the street. Secondly, one on-street parking space permit per home (perhaps, size dependent) could be provided free of charge to the home owner and the space could be marked with paint rather than a sign eliminating eye-sore signage. That space(s) would be only for the resident's use 24/7. No exceptions! Any other spaces are on a "first-come-first-serve" basis as it is today. Therefore, the city would only have to provide permits for homeowners eliminating additional permits. Parking enforcement would be easier...if a car is parked in the residential parking space without the owner's permit on the dashboard, then that car should be ticketed.

I would appreciate the Urban Services Committee giving consideration to my suggestions and I look forward to meeting you tomorrow. I have shared this email with Mr. Roen Hogg, my Ward 2 councilman.

Respectfully,
*Maureen Swanson*

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**From:** John Wydronek
**Sent:** Monday, February 03, 2014 7:25 AM
**To:** Public Works

**Subject:** Question about February 4 USC Staff Report on RPD's

After reviewing the staff report included in the February 4th USC committee meeting packet, I have a question regarding guest permits. The text of the report is included below.

The first hi-lighted sentence states that staff recommends allocating a guest permit per address. As you explain this makes sense as it allows all addresses to have a guest and addresses issues with multi-family properties.

At the end of the guest permit section I have hi-lighted a section where the staff recommends only allowing guest permits to those that have a resident permit.

These two recommendations seem to contradict each other as every address may not be allowed to have a resident permit because of the lot size restriction. This is the case in multi-family properties where there are less permits allowed (based on square footage) than there are addresses. For example, lot size may dictate a maximum of 4 permits but there are 9 units on the property. There is also the case where the 'family' does not own a car or have a valid drivers license and therefore does not qualify for a resident permit. Although this is exactly what the City would like to see (less demand on parking by not bringing a car to Corvallis), it precludes them from getting a guest permit which is absurd.

I'd appreciate clarification of these recommendations so I have clear understanding what is being proposed.

Best Regards,

John Wydronek

*Guest Permits*

After the discussion at the last meeting, three decisions remain for the guest permit pro&rram element. These are: (1) how should guest pen-nits be allocated-per property or per resident permit, (2) should the City charge for a guest pen-nit or should it be fi·ee with the pw-chase of a resident permit, and (3) should it be possible to obtain a guest permit without purchasing a resident permit.

Staff recommends that one guest permit be allocated to each address. This is based on the assumption that each address houses a separate set of one or more people (for the purposes of this document, called a "family") and that each "family" has the same right to guests as any other "family". If only one guest permit was assigned to each property, there would be no way to equitably share that pass among the different "families" in a multi-family building. On the other hand, if one guest permit was allocated to each resident permit, there could be a doubling of the number of vehicles searching for a parking place at any one time. Using a "per address" allocation is

a fair compromise between the other two alternatives.

Staff recommends that there be a charge for the guest permit that is comparable to the resident permit fee. As stated in previous reports, because the guest permit is transferable in the new program, the value of the permit is greater and should be reflected in the price. In addition, it will cost more to produce the &ruest permit with materials and a design that is not easily reproducible. Finally, a fee for the guest pennit may limit the number obtained, which will relieve some of the enforcement burden.

Staff reviewed the question of whether a guest permit should only be available to those who purchase a resident permit. A concern was raised at the USC meeting that this could force some residents to purchase a resident permit that they didn't really need, which would take up capacity in the 75% threshold. An opposing concern is the risk of abuse from people using the transferable guest pass not for temporary visits, as it is intended, but as a more flexible substitute for a resident permit. This puts an additional bw-den on Parking Enforcement staff in tracking guest permit usage. One potential way to mitigate that burden is to charge more for a guest permit that doesn' t have a corresponding resident permit, for instance, $30. The extra cost may possibly ilissuade some people from choosing the guest permit over the resident permit (at $20), but would not be so burdensome for those people who only need a guest permit. However, staff does not have confidence that the extra $10 fee is enough to dissuade someone who is determined to abuse the system. In general, staff believes there would be less abuse if a guest permit was only available to those who also purchase a resident permit, and makes a recommendation to maintain that in the *final* program design.

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**From:** Stanley Rich
**Sent:** Monday, February 03, 2014 7:50 AM
**To:** Public Works
**Subject:** On-Street Parking

Dept. of Public Works, in regard to the new parking on-street near the campus. Will those of us who own property we rent have permits to park on street to make repairs or conduct other business at our property? Our permit pre property owner should be transferable to those we hire to work on these properties.
One would think this is one of the bundle of property rights associated with ownership that include property tax responsibilities Will you please make this provision in then new program? Thank you.

Stanley and Debra Rich

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**From:** Doug Sackinger
**Sent:** Sunday, February 02, 2014 8:28 PM
**To:** Public Works
**Cc:** Mayor; Ward 5
**Subject:** Public Comments regarding Proposed Parking Districts

We are submitting this email as public testimony regarding the proposed Parking District surrounding OSU campus, expected to be implemented September 2014. We received the postcard notification and live within the proposed Parking District 'E' at 539 NW 17th St.

We bought our house in 1999 when OSU enrollment was much smaller than it is today. We work in Corvallis and believed that living in the same city in which you work is desirable. We found a house we liked in a neighborhood that we could afford on our middle-class income.

We appreciate the efforts that the Parking & Traffic Subcommittee of the OSU/Corvallis Collaboration has made. We responded to their survey and have read some of their meeting materials, including the Group Mackenzie report. We have a few points that we'd like to input as you consider implementing this parking district.

The parking district boundary that has been proposed is not large enough, it will displace nonresidents/commuters to north of Polk Avenue. Six or seven blocks is still closer to OSU buildings near Monroe Ave than some of the remote parking lots on the OSU Campus. The boundary should be extended to Buchanan and perhaps further given the parking effects of Corvallis High School.

We approve of tying of on-street parking permits to lot size - it ties the parking symptom to the root problem of purpose-built rooming houses developed by exploitive absentee landlords in a single-family zone. My preference would be for a zoning code that would prevent these disruptive rooming houses. A parking district that discourages that kind of development is a partial measure, but better than nothing.

We disapprove of the provision that would allow additional permits to be purchased at a higher cost. While the cost structure may or may not discourage commuters, the problem is that commuters are not the only contributor to the parking problems. Occupants of overcrowded single-family houses that are paying $600+/month for a bedroom will not balk at all at paying 115% of the OSU permit price for a parking permit. Two on-street parking permits per single family dwelling should be adequate for any household, even those that don't have off-street parking. Planning for 2-3 unrelated adults in a single family dwelling is

reasonable.

We are also concerned that a transferrable guest permit would be used to expand resident parking beyond the 1 permit/2500 sqft. We suggest guest permits be limited in quantity and time length and perhaps available for printout online with an expiration date and security code or number that would be apparent to the Parking Enforcement Officer. Lower cost, more convenient, and less susceptible to abuse.

We also look forward to having parking enforcement patrol north of the current parking district - we see cars parked across sidewalks, parked on front yards, and have had several cars parked blocking our driveway. While we frequently call these in, the behaviour often continues. We would also encourage occasional off-hours patrols (weekends and evenings) to discourage this behaviour.

Finally, We would suggest that implementation of the Parking Districts be funded by OSU. Their decisions have caused these multiple livability problems, including the parking problems. We would likely pay for on-street parking permits, but we suggest that OSU should be paying for the parking and housing necessary for their increased enrollment/employment. If any other employer were to expand their facilities as much as OSU has, they would be required to provide adequate parking and system development.

Meanwhile, while the parking issue is finally being addressed, single family homes on our street are being demolished at an alarming rate and replaced with rooming houses. This neighborhood was a diverse mix of owner/occupants, grad students, working class renters and affordable housing in 1999. Soon it will be a 5-bedroom rooming house monoculture.

Thanks for your time, efforts, and for taking input from long-time residents, property-owners, voters, and taxpayers of the affected area.

Doug & Jennifer Sackinger

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**From:** Karin and Tim
**Sent:** Sunday, February 02, 2014 9:27 PM
**To:** Public Works
**Subject:** parking district testimony

My name is Karin Krakauer
I live at XXXXXXXXXXXXXX

IN the area surrounding my house, there are quite a few older homes, many of which are rentals. Many were built long before cars/parking were an issue, and a fair number of them have **NO** onsight parking.

600 block of NW 11th
*636 single family
*605 duplex

500 block of NW 11th
*542 a 6 plex
*530 think its 8 units

600 block of NW 12th
*a duplex on the NE corner

500 block of NW 12th
*single family home

400 block of NW 12th
*445 single family
*single family
*431 single family
*429 single family
*404 single family

400 block of NW 13th
*418 duplex
*428 single family-the only newer residence out of all I observed. Not sure how it passed the inadequate city code enforcement in regard to parking.

This is just a list of residences right around my house. i am sure there are similar examples to the west and to the south towards campus.

Expanding parking districts may ease the immediate problem of commuter parking, but it will do nothing to alleviate the parking used by all these residents who have NO WHERE else to park. In an ideal world, issues with parking would cause people to get rid of their cars. But this is NOT

an ideal world, As you add parking districts, the parking will just shift elsewhere. Expanding parking districts does not solve the problem, just creates different problems.

I just read that OSU has an endowment of one billion dollars. Seems like OSU could afford to build another parking structure to accomodate their students. The residents of Corvallis should not have to shoulder the burden.

Thanks for considering my testimony
Karin Krakauer

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From: Minc, Leah
Sent: Saturday, February 01, 2014 2:15 PM
To: Public Works
Subject: Residential Parking District

To: Mary Streckel, Director of Public Works

Mary - We own a small house on Tyler (between 7th and 8th) that has no off-street parking. If we are not in the lucky 75% of residents to get a parking permit under the proposed RPD program, what are we to do? We are not the only ones on our block faced with this problem.

Regards,

Leah Minc

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From: Sandy Riverman
Sent: Saturday, February 01, 2014 6:38 PM
To: Public Works
Subject: Proposed parking districts

Dear Public Works:

Please note in your records my opposition to the proposed new on-street parking restrictions. I live one block north of Harrison between 13th and 14th and live within one of the areas under consideration.

While I have not appreciated the increase in parked cars, due in large part to the construction of large multi-room student dwellings (and destruction of so many single family dwellings), I am not in favor of charging a fee for homeowners in the parking district.

Instead, please consider charging a fee for the people who come to park in our neighborhood. We already pay our taxes for our property and I feel that this would be an additional financial burden. Not penalizing the people who are avoiding parking on campus, and instead imposing a new fee on us homeowners is unfair and unjust.

I rent out rooms to visiting medical students, here for a rotation that varies from two weeks to one year. It would be difficult to ask each of these visitors to buy a permit and then arrange to pick it up. Also, there are elderly neighbors who rely on the assistance of friends who come to care for them during the day or simply visit with them. How could they avoid being ticketed when they are here doing such good deeds?

I have a friend who lives in the College HIll parking district who constantly complains about the difficulties of living in a permit-only neighborhood. Please don't do this to those of us who have never requested it.

Thank you in advance for the hard work you are doing to collect our feedback.

~Sandy Riverman

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From: Will Bowerman
Sent: Saturday, February 01, 2014 12:54 PM
To: Steckel, Mary
Subject: Parking District Expansion Concerns

Dear Ms. Steckel,

I own two properties in the potentially impacted area if the parking district gets restructured/enlarged. I think this proposal is not well thought through yet and should be halted until all the issues are resolved. Then at that point, if it is as well though of as some of the

councilors believe, it should go to vote. This will impact Corvallis in quite a few aspects and should not be taken as lightly as it seems like it is. I received no public notice directly from the entity of the City that is working on this parking issue. It was sent to me via the Housing Program branch of the City. How does this happen when I am a tax payer on not one, but two, properties that will be directly impacted by this?

My Concerns:
- Where will everyone park that has not enough spaces with combined off-street and permit parking? I have one property that is this way with the proposed zone, as does one of my neighbors. Neither he nor I own large strip units as can be witnessed elsewhere in town. The large units will have even more impact.
- How will enforcement of the overflow parking be managed, i.e. the neighborhoods that don't have districts where everyone goes to to park?
- Will it be economically feasible to patrol both the new/revised districts as well as the rest of the City to prevent illegal or non-confomring parking from happening?
- It seems like the way you told me over the phone, of having to retrieve the guest pass to park on the street to manage properties I own an pay taxes on is quite a bit of falderal. Especially since I have one property on one district and one in another, and they are a whole block apart. There should be a more streamline way for managers to operate. Unless of course the City is hoping to have those that manage not have enough time to keep their property looking nice due to added time of just trying to navigate the parking situation.
- How do I prevent a tailer from being ticketed if I have to unhook it on street to make a supply run. Little rear view hangers don't hang so well on a trailer.
- Where is the equity of providing one permit per 2500 sq. ft. of lot size? Sure it works fine for those that are owner occupied and only have a couple living on a two permit available lot. The permits should be administered per bedroom. Often when we are dealing with professionals and students there is one occupant per bedroom and usually they each have their own car.
- How is the City addressing discrimination against those who are not able to get a permit, i.e. people that live in this town that are not non-owner occupiers, but yet are legal occupiers?
- How is the City addressing the devaluation of rental properties due to loss of having available parking?
- What is the rational behind why it is assumed that mass transit ridership will go up? It just sounds like those that don't have permits will just drive somewhere else in town to park for the day. It seems like this could be a net gain in people driving around to not get ticketed. Perhaps we should get out bus service actually on a reliable schedule, instead a schedule of convenience, as my experience and word of mouth indicate.

Please pass on my concerns as I need to be on the other side of the state for business on the day of the meeting, and I want to have my interests of where I live addressed to keep it a nice community.

Sincerely,

Will Bowerman

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From: Diane Henneberger
Sent: Friday, January 31, 2014 3:21 PM
To: Public Works
Subject: Residential Parking

Mary Steckel,

I would like to comment on the proposed RPD. While I am sympathetic to a need to expand the parking district boundaries, I HIGHLY object to the change from 2-hour parking to NO parking allowed without a permit. This is an extremely restrictive and intrusive rule, and I believe that it will create numerous problems and complaints if instituted.

The rule would mean that I could not visit one of these neighborhoods as a non-resident unless I was specifically visiting someone who would give me a guest pass. In the many years that I have lived in Corvallis, I have parked my car on residential streets to: visit a park; visit a small business; pass out campaign literature in the neighborhood; look at a house for sale or rent; attend a political meeting; attend the meeting of a religious group; lead a Cub Scout group; park in order to walk or run for exercise; etc. A guest pass will not work for any of these uses, and I will effectively be excluded from the neighborhood. I have never seen a system like this in another city, and I hate to see it come to Corvallis,

I also have serious concerns about the restrictions on contractors and service workers. The reality of having significant improvements and repairs done to a house is that there are many people who come and go, often over a period of many days. Many of the visits are short stops, in which a contractor or worker needs to give an estimate, check in on a job, return to fix a problem, help a co-worker with a task, etc. There is not always on-site parking for this. It is unrealistic to expect every crew worker who might possibly drop by to have buy an expensive permit, and it is also a burden for them to have to pick up a day-use permit for each stop. I had

substantial work done last summer to a house at 33rd and Harrison (in the proposed expansion area for Zone A), and it would have been a real burden to have not have the possibility of short-term street parking. I am also sure that the cost of expensive permits for contractors and workers would have been added into my bill.

Thank you for considering my input.

Diane Henneberger

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**From:** Lazaroff, Dennis M
**Sent:** Friday, January 31, 2014 2:04 PM
**To:** Public Works
**Subject:** RPD Plan

I would like to bring up a point for the committee to consider in regards to the RPD program.

I own a small house in the district that has 4 bedrooms and is rented out to a group of college students. According to the current plan my property will be issued 2 permits. There is off street parking for one car but two would be difficult.

Each student that lives there has a car that they use to get to work, etc. I do not think it is fair to have to tell one of them they cannot bring their car to school when they live in the house and do not park there for convenience. Will there be a way to appeal to the committee for additional permits if it can be shown that the number of qualified drivers living in a residence exceeds the allowed number of permits. If not then there should be.

I would appreciate hearing back from the committee.

Dennis Lazaroff

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**From:** Nancy Baumeister
**Sent:** Friday, January 31, 2014 10:42 AM
**To:** Public Works
**Cc:** jana_neighborhood@googlegroups.com
**Subject:** Fwd: Re: Notice about Residential Parking District Expansion

My comments below.

1- walking two more blocks will not dissuade anybody from parking for "free" in the neighborhoods around OSU.

So- Move the North parking boundary at least out to Buchanan.

2- there are other ways to address the problem of campus parking. Why should parking on the street be free for non-residents while residents pay. Reverse it and require non-residents to buy a permit at a market rate and use the resulting revenue *in the neighborhood.* This is called a **Parking Benefit District**. These permits are priced high enough that not all available spaces are sold. This allows the desired 75% vacancy rate.

This idea is outlined by parking guru Donald Shoup in this article:
http://econpapers.repec.org/RePEc:cdl:uctcwp:qt2zk4v5k3

Another presentation of the concept can be found as presented to Sonoma county in California (they have similar problems and
issues) RLINK"http://www.sonomatlc.org/Parking/Research.htm"here:

Parking Benefit Districts.Benefit Districts differ from conventional Permit Districts in two ways:
1. Nonresidents can park on the streets in a benefit district if they pay the fair-market price.
2. The city earmarks the resulting revenue to finance added public services in the district.The price for nonresident parking in a benefit district can be set high enough to ensure vacancies for both residents (who park free) and nonresidents (who pay to park). The new revenue can finance additional public services in the neighborhood, beyond those provided everywhere in the city.

And here is more on Shoup and his ideas:
http://www.salon.com/2013/06/09/down_with_free_parking_partner/

3-

and most importantly- both the city and the university **could do a LOT more** to support and promote bicycling as a way for students and faculty within 1 to 3 miles of campus. That distance is a 10 to 20 minute bike ride. That distance is up past Walnut and I would wager that many of those people cruising for parking come from within that distance. Not only that, I would wager that driving, parking in the neighborhood and then walking to the office takes more time than just

biking door to door. And, you will get wetter during the walking part of the trip than you would have if you biked door to door. And, you will be a healthier person for the mild exercise of biking in flatland Corvallis. And, while on a bike you might see a friend and stop to talk. It's really just all good news helping get people on bikes.

I noted that OSU says that 25% of trips to campus are already by bike. I was curious about how far the 39% of car commuters drive to get to campus but didn't see that information anywhere.

I am also curious what percent of drivers park on campus vs parking in the neighborhoods around campus.

Nancy

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**From:** Matt Gregory
**Sent:** Friday, January 31, 2014 10:24 AM
**To:** Public Works
**Subject:** parking district input

Dear Public Works,

I live in the JANA neighborhood between Polk and Taylor on 17th St. Recently, the map for the proposed parking district was released and the northern boundary in our neighborhood was set at Polk Street. I believe setting the boundary at Polk St. will just move the parking issues slightly north, whereas by setting the parking boundary at Buchanan St. might change actual parking patterns in the neighborhood. We are willing to pay the charges for on-street parking if that helps alleviate traffic and parking issues in our neighborhood.

Thanks,
Matt Gregory

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**From:** Karin and Tim
**Sent:** Friday, January 31, 2014 9:46 AM
**To:** Public Works
**Subject:** parking districts

Karin Krakauer

Submitting more testimony **against** parking district expansion

Lot of pedestrian/bike.car traffic already around area of Franklin park, due to Corvallis High Students, Franklin k-8 school. Several people testified in the fall that 2 hour parking districts did not eliminate student parking, did not free up streets for residents. Instead it just created this troublesome whir of traffic every two hours as students drove around looking for open spots. Not sure that scenario is very safe for this area with so many k-12 school aged children around.

Expanded parking districts do not solve the parking issue and just create new problems.

Karin Krakauer

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**From:** Karin and Tim
**Sent:** Thursday, January 30, 2014 3:02 PM
**To:** Public Works
**Subject:** parking districts testimony

I live at XXXXXXXXX st. I am strongly opposed to any expansion of parking districts. I attended several of the Corvallis Collaboration Parking committee meetings last fall, and heard from people loudly and clearly in the current districts that they **do not work,** including the City Council person who lives in the area just north of campus. So why add additional districts? I also heard Eric Adams, head of the Collaboration effort, that UO/Eugene found that unless the district boundaries were 2 miles from campus, students just parked further out, spreading the problem on to the next neighborhood. The proposed boundary is no where near 2 miles from campus. But expanding the boundary to Buchanan on the north will then run into Corvallis High Parking-will these students and staff have to buy permits?

And just to the east of us, on 10th and 11th, Benton Center students and staff, as well as Good Samaritan Office staff park. Will they be required to get permits?

Corvallis Code, allowing so many rentals to be built with so little parking included, has created this problem. Expanding parking districts is NOT going to solve it, only add more frustration and stress to the the residents of these neighborhoods. The residents of these rentals will continue to park on the streets since their landlords did not provide them with adequate parking.

**Don't add to the problem, don't add to the bureaucracy. Just say NO to expanded parking**

**districts.**

Karin Krakauer

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From: David A Hart
Sent: Thursday, January 30, 2014 1:48 PM
To: Public Works
Subject: unworkable parking proposal (RPD)

Hello. I am both a building owner and business owner in proposed parking zone J. My office is at 1300 NW Harrison at the corner of 13th and Harrison. The current parking proposal is unworkable and will catastrophic to many businesses in this zone.

The intention of the change is apparently to protect parking for residences. Zone J is mixed residential and commercial, however. Zone J has about 15 commercial buildings that are not on Monroe and probably at least 10 more that are on Monroe. Each of these buildings generally has multiple businesses within each building. I have spoken to a number of my commercial building neighbors in zones J and E about this parking proposal. Not all, but the majority, would be affected the same way.

We have 5 parking spots onsite. Our building currently has 5 mental health businesses. There are a total of 6 practitioners in those 5 business, and two of those practitioners have staff. That is a total of 8 workers in our building. We usually are not all there at the same time, but sometime we are. We currently park on the street to leave our lot open for patrons. Some of the time there is adequate parking for patrons in our lot, but often there is not. Those patrons then park on the street. Also, because the building is old (mine built in 1950s) parking spaces are often tight and small, so people with large vehicles like trucks cannot fit in the lot and need to park on the street.

We are not alone with this problem. In zones J and E Off Monroe there are about a dozen attorneys, a dozen mental health practitioners, several financial advisors, a dentist, an acupuncturist, a chiropractor, and many other small business. Nearly all rely on street parking to some degree to run their businesses. On Monroe there are several restaurants and coffee shops that rely on street parking for their patrons. I have not talked to these people directly about the parking, but personally I like to go to Nearly Normals at times with my family. We almost never get a metered spot when we eat there and generally have to drive into the zone J neighborhood to find parking. Without this parking, these restaurants would lose significant business and possibly could not function at all.

I do not know what the solution is. I also suspect if this proposal went into effect, students will just go park north of Polk and crowd those neighborhoods. It is possible that 2 hour parking in all of zone J (like currently exists 14th street to Kings on Harrison) could work. I cannot speak for all others on this however. It is also unfair that there is proposed 2 hour parking at the west end of zone J benefitting those business, but no 2 hour parking at the east end of zone J.

The current proposal as it stands is not merely an inconvenience for many businesses in zone J and E. It would make business impossible. That is why I used the world "catastrophic" above.

I intend to be at the meeting on Tuesday. I hope others who are adversely affected will also speak up. Corvallis has been my home for 20 years. I am all for improving our city. This is not the way to do it, however.

David Hart

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From: Michael Blouin

Sent: Thursday, January 30, 2014 1:36 PM

To: Public Works

Subject: parking district boundaries

Hi,

I understand that Polk st is being considered as the Northern boundary of the parking district on the N side of OSU up from Harrison. That seems way too close and will just create an immense problem for the blocks just North of there. I think Buchanan, at the very least, should be Northern boundary.

Sincerely,

Mike Blouin

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From: Kerry McFall
**Sent:** Thursday, January 30, 2014 8:58 AM
**To:** Public Works
**Subject:** Parking district near OSU

I live at 612 NW 16th, across from Franklin Square Park. Students park here on the streets, lift their bikes off their bike racks, and pedal to campus. This area is for all intents and purposes a parking lot already during the school day. As the condos and townhouses proliferate at the current alarming rate, it is becoming a 24-hour parking lot. My neighbor wasn't able to park in front of his house for the last two weeks. Our plumber had to circle the block twice on Tuesday to find a place to park when he came to work for us.

Any parking district set up surrounding campus should definitely extend to Buchanan at the north edge, maybe even Beca, and 9th on the east edge. Any smaller district will simply make it worse for us here on the edge of the "still close enough to walk to campus" zone.

While you're at it, I think that every street in this neighborhood should be restricted to parking on one side of the street only. If I drive on 16th and meet a school bus or a garbage truck or one of our local Monster College Boy Pickups, it's really tricky - we all have to stop and figure out who gets to go first.

Thanks for your attention.

Kerry McFall

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From: William Cohnstaedt

Sent: Wednesday, January 29, 2014 12:03 PM
To: Public Works
Subject: Proposed Parking Districts

Dear Ms. Steckel,

Thoughts on how to determine the number of residential permits in the proposed parking districts: One (1) residential permit for each bedroom in the various residential units in the district(s).

First, parking districts have taken much time and effort from this committee. Thank you.

The Corvallis City website FAQ's state the purpose of proposed parking districts as: " … make it easier for neighborhood residents to find parking spaces on the street and, at the same time, to encourage people to find alternative places to park or to use other transportation options (transit, bicycling, carpooling, etc.)." I am assuming: 1) that "neighborhood residents" means persons who live within the proposed boundaries of the Parking Districts; and 2) "People" means commuters to and from the Parking District.

"Residents" are best measured by bedrooms in the residences in the district, even though

"couples," married or partnered, may have two persons in one bedroom.

So, the fairest and simplest way to determine the number of resident permits required is the number of bedrooms in the various housing units in the district.

My observation is the following critical facts are unknown:

- Definition of neighborhood resident.
- Number of off-street parking places available in each district.
- The number of on-street parking spaces in each district.
- The number of bedrooms in each district.
- The number of residents in each district.

Fairness requires the number of neighborhood residential permits available, at a minimum, must equal the number of neighborhood residents who have to park on the district streets. They have no off-street parking available.

The above numbers appear to be undetermined. There is no clear definition of "neighborhood residents."

What about the merchants of furniture, appliances and pizza who have to park in the district?

What about the service sector, the carpenters, electricians, lumber, grass and landscape contractors, who have to park in the district?

What about friends, children, grandchildren, who visit their friends, parents and grandparents?

The commuters may be all vehicles except the above, but does anyone know how many neighborhood residents there are? How many off-street parking spaces?

The proposal seems to discriminate against tenants in multi-family housing, and other short-term residents. It does not appear to address their needs to park on neighborhood streets.

How is the shortage or rationing of residential permits compatible with Corvallis' various "affordable housing" "honor diversity" standards?

Is this proposed limitation on residential permits fair? Is the proposal consistent with Corvallis' standards?

Bill Cohnstaedt

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From: Jim Knutson

Sent: Wednesday, January 29, 2014 11:25 AM
To: Public Works
Subject: Re: parking around OSU

I plan to attend this City Club meeting, but I figure there's no stopping punishing folks who live in campus town for living there and being in the way of students. . . .

Elaine Cull's letter to the editor in today's GT (Wednesday, January 29) was perfect. Perfect.

C'mon, OSU, use some of your dough and space for a parking garage or two on campus. Really. This is isn't hard. Corvallis seems chicken to stand up to the university and press this.

Jim Knutson

one block north of Harrison

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From: Nick Houtman
Date: January 28, 2014 at 12:53:36 PM PST

To: corvallis-city-club@googlegroups.com
Subject: [city-club] Feb. 10 City Club meeting, parking around OSU

In a bid to ease parking congestion on residential streets near Oregon State University, the City of Corvallis is weighing a proposal to expand the number of parking districts around the campus. The City's Urban Services Committee is evaluating the idea, which stems from recommendations by the Collaboration Corvallis Parking and Traffic Work Group, a city-university initiative. While implementation is planned for September 2014, the proposal must receive city council approval before it can go into effect.

At the February 10 Corvallis City Club meeting, three speakers will address the residential parking proposal: Dan Brown, Courtney Cloyd and Steve Clark. Cloyd and Clark are members of the Collaboration Corvallis Parking and Traffic Work Group.

> Dan Brown serves on the City Council from Ward 4. The retired Oregon State University professor of business is also a member of the City's Urban Services Committee.
>
> .
>
> Courtney Cloyd is president of the Central Park Neighborhood Association and has been a resident of Corvallis since 1987.
>
> .
>
> Steve Clark is vice president of OSU's University Relations and Marketing division. He has more than 25 years of civic engagement in statewide and Portland metro issues.

City Club meets in the Les Schwab Gym at the Boys & Girls Club, 1112 NW Circle.
The meeting will begin at 12 noon, and doors will open at 11:30.
As always, attendance is free.
A buffet lunch will be catered by Laughing Planet. The cost is $10 for members, $12 for non-members.
To register, send e-mail toXXXXXXXXXXXXX with "City Club February 10" in the subject line by February 7.

IF YOU ARE HAVING LUNCH, please indicate a choice of:
1) Zappatista Salad
2) Bollywood Bowl
3) Spinach and Bean Burrito.

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From: Linda Fortune
Sent: Tuesday, January 28, 2014 8:07 PM

To: Steckel, Mary
Subject: feedback on parking restrictions

Hello,
I am a psychiatric nurse practitioner and I have an office at 1300 NW Harrison. I am very much opposed to the proposal for on-street parking restrictions in front of my office and in the neighborhoods surrounding the office. My clients will not have anywhere to park, and this will impose grave consequences upon them. Some of my clients are disabled and use wheelchairs and they will have no way to obtain the mental health care that they need if these parking restrictions are enforced.

Please contact me if further input is needed. I am opposed to the parking restrictions that have been proposed (Zone J restrictions).

Sincerely,

Linda Fortune RN Psychiatric Mental Health Nurse Practitioner

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From: Bergman, Kevin D
Sent: Tuesday, January 28, 2014 12:30 PM
To: Steckel, Mary;
Subject:

Hello,

there was no specific guide on who to email about questions and concerns,
so I just did research on the groups mentioned in the Barometer and
picked up whatever email I found. If this isn't relevant to you,
please do me the favour of forwarding this to the right party.

I'm showing concern with the parking plan that the Barometer outlined
this morning (Jan 28 2014). I don't believe this plan really helps anyone.

From the resident's perspective, we would have to go through the trouble
of giving a guest pass to each and every guest we have in our home.
This would surely prove to be an agonizing waste of time end energy.
Since the passes aren't transferable to other zones, I could see each
household needing 10-50 guest passes through their occupation.

From the OSU commuter's point of view, as if we don't already struggle
enough trying to find a place to park within reasonable distance
from campus, this new zone law would make it nearly impossible
to accurately plan a time frame for getting to school.

On a good day we might have to walk 7 blocks to get to campus.
On a bad day it could be greater than 14. This makes it hard
to judge time for leaving the home.

It's true there's a parking problem in Corvallis. But the plan
that's being proposed is not a solution. It's just another problem.

Kevin Bergman

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***Kevin Bergman***
***Teaching Assistant***
***Oregon State University***

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**From:** Dahlem, Judy
**Sent:** Tuesday, January 28, 2014 1:23 PM
**To:** Public Works
**Subject:** Residential Parking question

Hello,

I read the following in your FAQ section regarding the proposed residential parking program:

Q: Where will friends park when they want to visit me?
A: Ideally, visitors to your residence will park off-street, in a parking area on your property. If this is not possible, the RPD program will have guest permits available. As currently proposed, the guest permit will only be issued to a resident who has purchased a parking permit.

I also read in the FAQ section:

Q: Who will be able to purchase permits?
A: Any person who resides within a designated permit area may apply for a parking permit. Proof of residency and valid vehicle registration information must be provided before a permit will be issued.

I don't drive and don't own a car, so obviously I don't have vehicle registration information. Not having a vehicle appears to make me ineligible to purchase a parking permit. That's reasonable, but I do have visiting friends and relatives. Will there be an exception for residents who don't drive so that they may still purchase a guest permit?

I understand my block (Harding neighborhood) is not in phase 1 of the new parking district but it is in phase 2.

Thank you for considering my question and I would appreciate your thoughts on this situation.

Sincerely,
Judy Dahlem

To: Urban Services Committee February 4, 2014
From: Dan Brown, Ward 4

**Subject: RPD Boundary Issues**

For a number of reasons, I'm becoming anxious to complete the RPD plan. The calendar says USC will not meet again for another month. At that time we will have just three months until we start installing signs and deciding who is in and who is not in the RPD.

Council will have to approve a final map to staff for implementing the program. I believe USC must decide what the boundaries of the RPD are and what streets will be included. Our current map is ATTACHMENT 'A' (December 6, 2013, memo RE: Parking District Block Face Totals and On-Street Parking Capacity). This map is clearly labeled ***FOR DISCUSSION PURPOSES ONLY*** It comes from an advisory committee who may or may not have thought about the land-use or policy issues involved. The overlying question I'm asking is:

**How far should the City expand the boundaries of the RPD?**

The focus of this memo is on five exceptional properties. I think it is legitimate to consider whether or not the Residential Parking District should be expanded to include the parking spaces on the block face surrounding them. Since they are on the margins of the RPD, each one is a judgment call about who is in and who is out. The matter can be settled by Councilors by majority vote.

**Central Park –**

Central Park is zoned AG/OS (non-residential). It is owned by the City of Corvallis and is part of the civic core of downtown. It is not a legal residence and there are no residences bordering the park in proposed Zone F of which it would be a part. After consulting with the neighbors, just a few years ago, the Council decided to exclude it from current District 'C'. Most of the parking spaces surrounding the park are either non-residential 2-hour or not regulated.

The needs of patrons, who visit from all over Corvallis, should be considered; in the proposed RPD, they would need expensive non-resident parking permits unless some other provision is made for them. Making special provisions would make the streets around Central Park look more like downtown than like the RPD.

**Public Library –**

The library is owned by the City and is part of the civic core of downtown. It looks and acts more like a public building than a residence. No library residents will be benefitted. The library is surrounded by parking meters, which are common downtown but are unknown in most of the parking zones. Although permitted within the zoning, a library is not fundamental to medium or high density zones.

The library owned by the City and is responsible for accommodating the patrons who come from all over Benton County. Changing to expensive permit-only parking will burden most non-residents, while keeping meters will make the library look like a non-residential area.

**Chintimini Park –**

Unlike the two City-owned properties above, Chintimini Park will not be on the edge of the RPD after Phase 2. It is zoned AG/OS (non-residential), and there are no legal residents on this property who will be benefitted by the RPD. The park and the senior center serve citizens from all over Corvallis. This property is owned by the City, and of course, the City must do something must be done to provide for patrons' parking needs. Including the parking spaces surrounding the park in the RPD will require patrons to buy expensive, non-resident permits.

**The GEM -**

The property on which the GEM is located is zoned OSU Zone (LDC 3.36). Like other dormitories, it is the responsibility of OSU to attend to residents parking needs.

**Good Samaritan Church -**

Although a recognized and respected part of the neighborhood, Good Samaritan Church is exceptional in proposed Zone A. Nobody lives there, and it has a very large parking lot. This property is zoned RS-5, and currently RS-5 zoning does not list churches as a "primary use" or as a "permitted use" (Section 3.2.20). Religious assembly is a "conditional use. Including GS in Zone A wil unnecessarily extend the north side of Van Buren for two blocks west of the rest of the zone. This means that visitors to the church would have to buy expensive non-residents to park there.

I am ask ing the members of USC to consider each of these properties individually as candidates for inclusion in the Residential Parking District and to make decisions soon so they can be included in or excluded from the RPD plan, especially signage and permit sales. Today I am asking these questions because I do not understand the logic behind changing from *status quo* in these five cases.

# PROPOSED PARKING DISTRICTS

Thoughts on how to determine the number of residential permits in the proposed parking districts: One (1) residential permit for each bedroom in the various residential units in the district(s).

First, parking districts have taken much time and effort from City staff and Council's Urban Service committee. Thank you all.

The Corvallis City website FAQ's state the purpose of proposed parking districts as: " ... make it easier for neighborhood residents to find parking spaces on the street and, at the same time, to encourage people to find alternative places to park or to use other transportation options (transit, bicycling, car pooling, etc.)."

Because there are no definitions for "neighborhood residents" and "people," I am assuming: 1) that "neighborhood residents" are persons who live within the proposed boundaries of the Parking Districts; and 2) "People" are commuters to and from the Parking District.

"Residents" are best measured by bedrooms in the residences in the district, even though "couples," married or partnered, may have two persons in one bedroom, and some bedrooms may be unoccupied.

So, the fairest and simplest way to determine the number of resident permits required is the number of bedrooms in the various housing units in the district, assuming you want to make parking easier for all neighborhood residents.

My observation is the following critical facts are unknown:

1. Definition of neighborhood resident, and definition of other terms and words. Necessary for enforceable legislation.
2. Number of off-street parking places available in each district.
3. The number of on-street parking spaces in each district appears to be disputed.
4. The number of bedrooms in each district.
5. The number of neighborhood residents in each district.

Fairness requires the number of neighborhood residential permits available, at a minimum, must equal the number of neighborhood residents who have to park on the district streets.

The above numbers appear to be undetermined. There is no clear definition of "neighborhood residents." "People," "commuters," "workers," "employees in district employment," "customers of neighborhood business."

What about the merchants of furniture, appliances and pizza who have to park in the district?

What about the service sector, the carpenters, electricians, lumber, grass mowing and landscape contractors, who have to park in the district?

What about friends, children, grandchildren, who visit their friends, parents and grandparents?

Customers of district resident businesses?

The commuters may be all vehicles except the above, but does anyone know how many? How many neighborhood residents are there? How many off-street parking spaces?

The proposal to base residential permits on lot size seems to discriminate against tenants in multi-family housing, and other rentals. It does not appear to address their needs to park on neighborhood streets, nor does it address the need for low-income housing in these districts.

How is the shortage or rationing of residential permits compatible with Corvallis' various "affordable housing" "honor diversity" standards?

Is this proposed limitation on residential permits fair? Is the proposal consistent with Corvallis' standards?

Among other thoughts concerning the proposed parking districts to be in place by September 2014, how is this to be funded? If the numbers above are not known, how is the proposed funding reliable?

What are the real out-of-pocket costs to the City? Do these costs include PERS obligations and other hidden costs?

Assuming violations are the primary source of City funding: Are the violations enforceable? How much is each violation? Do the violations have definitions and standards sufficiently clear enough to be enforceable?

Does adding fees to pizza deliveries make Corvallis business friendly; affordable for modest incomes?

Bill Cohnstaedt

ATTACHMENT D

**Dan Brown**

**From:** John Wydronek [redacted]
**Sent:** Saturday, February 01, 2014 5:01 PM
**To:** [redacted]
**Subject:** Question about proposed Parking Districts

Hi Dan,

I've spent several hours reviewing the work that has been done on the proposed parking disctricts but can't find a final decision on whether enforcement will occur year round or just during the normal academic school year. I spoke to Mary Steckel about this and she said it will be enforced year round which contradicts the summary tables that you have in the latest meeting packet.

Thanks,

John Wydronek

ATTACHMENT E

Kim Patten
Kim.Patten@
Corvallis.K12.OR.US
541-757-5547

**Corvallis School District 509J**

*Honoring Diversity*

February 4, 2014 – 5:00 PM

# City of Corvallis Urban Services Committee Meeting
# Madison Avenue Meeting Room

Hello my name is Kim Patten, Maintenance and Transportation Supervisor, and I am here tonight representing the Corvallis School District. We have been watching the developments of the parking districts closely and I am here to share the projected impacts of the current plan on our students and staff at Harding School.

The Corvallis School District strongly urges the Urban Services Committee and City Council to consider adding language to support the needs of Harding School in Phase I of the recommended roll out for the Parking Districts. We were disappointed to learn that Harding School would be just outside the parking district, which would prevent the District from obtaining residential on-street parking permits for their students.

- Harding School currently houses:
  - ✓ College Hill High School, the District's only alternative high school program.
  - ✓ The WINGS Program, for 18-21 year old young adults with severe disabilities.
  - ✓ The Central Instructional Media Center (district-wide instructional materials available for use by all teachers).
- Recent polls of our students and staff indicate that approximately 50 people commute to the building on a daily basis.
  - ✓ 25 staff
  - ✓ 15 students
  - ✓ 10 volunteers
- We currently have 40 parking spots available on our campus, of which 5 are ADA-compliant permit parking.
- With resources ever-dwindling, approval of the parking district would require the school to use their limited staff time and funds to implement its own parking permit program to support the use of our limited on-campus parking.

The yearly cost difference between the City's proposed residential and non-residential permit rates is staggering ($20 vs. $300). While the District understands the reasoning behind the parking districts, we are disappointed that the needs of the schools impacted have not been specifically addressed in the plan. In addition, Corvallis High School and Franklin K-8 School would be negatively impacted by Phase 2.

The Corvallis School District strongly urges the Urban Services Committee and City Council to consider adding language to support the needs of Harding School in Phase I of the recommended roll out for the Parking Districts. We would welcome the opportunity to participate in any further discussions regarding the parking districts.

TO: Urban Services Committee
Mary Steckel
Public Works Director
FROM: Gary Angelo
College Hill NA President
RE: Parking District Expansion; Zone 'A' Space Count
Date: January 31, 2014

Given the criticality of having an accurate and verifiable parking space count for the proposed expansion of parking districts within Corvallis, Councilor Brown and I have made a complete measurement of the parking space block faces within the proposed new parking Zone 'A'. This was accomplished through the use of a measurement wheel borrowed from the City, and which excluded driveways, alleyways, and curb sections marked in yellow. The criticality of an accurate measurement and space count is evident due to the current proposal to limit the issuance of residential parking permits up to a maximum of 75% of the available space capacity.

I took the measurement data we collected and entered it into the table attached (Attachment CHNA-1). The space counts from the Phase 1 Capacity Map ["Attachment A" in USC Packet] provided to the Urban Services Committee by City Staff were entered into the table in Column 'J' for proposed Zone A. In columns 'G', 'H', and 'I', I recalculated the parking space counts from our measurements using three different methods:

**Column 'G':** Assumed a standard 20-foot parking space required for all spaces, with no rounding, i.e., a strict 20' Space count.

**Column 'H':** Assumed a standard 22-foot contiguous parking space for three or more spaces with the end spaces being 18 feet, and assumed an 18-foot standard for single spaces. This column also allowed rounding up for either a single space or one end space of contiguous spaces if it was at least 15 feet.

**Column 'I':** Assumed a standard 22-foot contiguous parking space for three or more spaces with the end spaces being 18 feet, and assumed an 18-foot standard for single spaces. This column did not allow rounding up, and required single and end spaces of contiguous spaces to be at least 18 feet.

**Results**

As can be seen from the results, there are quite a few variances between the methods, but in all three cases, the overall space count comes out considerably lower than what was indicated on the Phase 1 Capacity map. Several physical anomalies were noted between our measurements on the ground versus those counts provided by the map. Councilor Brown highlighted those areas in his memo to the U.S.C. For example, the west side of 31st St. south of Jackson St. has a space count on the map, whereas it is marked as "No Parking" with signs in actuality. Also, the west side of 33rd Street between Van Buren and Harrison Blvd. has a space count on the map, whereas it is also signed as "No Parking" in actuality.

**Boundaries**

When our Parking & Traffic Collaboration Workgroup was setting the boundaries for each of the proposed parking zones, we were looking at a high-level representational street map that including zoning but very little physical detail. The priority at the time was to set major boundaries that differentiated between zoning densities, as well as primary delineation lines, such as major streets, neighborhood association jurisdictions, etc. We did not use satellite imagery or dive too much into the details about all the various properties in each district. We knew this exercise would be carried out once the recommendations went to the City Staff and City Council for review.

For Zone 'A', we originally included properties and streets west of 33rd Street south of Harrison Blvd, including the Good Samaritan Church and Apartments. At the time, we had assumed that the two-hour free parking was going to be allowed on those streets. Also, we did not know that Good Sam Church has a huge parking lot on its site, obviating any need for on-street parking on weekdays. The Good Sam Apartments also have a lot of on-site parking, and would not likely be seeking to purchase any parking permits, so we excluded them. It was not an issue at the time to include those streets in Zone 'A'. Now, with the current proposal being for permit-only parking within Zone 'A', the inclusion of outlying streets away from our single-family residences becomes problematic for the entire zone. Including the streets west of 33rd to 35th would only serve to increase the capacity for Zone 'A' with little or no benefit to the residents. That section would allow more non-resident permits to be sold to arrive at the 75% threshold, which could then be used to park in the residential streets closer to campus, thus using up spaces for residents' visitors and contractors. College Hill thus would like to see the western boundary of Zone 'A' to be 33rd Street (excluding the west side of 33rd Street between Jackson and Johnson). We would also like to include the houses on the south side of Harrison Blvd between 33rd St. and 34th St., as they may need permits for visitors to their homes.

One other boundary modification is to exclude the southern half of the two sections from Orchard Ave. to Johnson Ave. on 33rd St. and 30th Street, as they are not fronted by residences within the expanded district. Including them within Zone 'A' would prevent the use of the approximate five spaces by residential properties outside of the proposed zone along Orchard Avenue. Keeping them in Zone 'A' provides very little benefit to Zone 'A' residences.

**Recommendations**

In addition to the above requested changes to the boundaries of Zone 'A', College Hill NA recommends that the official space count for the zone be **331**, which is documented in the table attached in column 'H'. This uses the rounded method as well as the documented 22' Contiguous/18' Single space measurements. This count is lower than the Phase 1 Capacity Map as well as Councilor Brown's estimate of 360 spaces (which used a percentage against the Capacity map count rather than the actual measurements). Using the 331 count is verifiable and justified by the documented measurements we recently completed. Using estimates and non-verifiable data for such a critical measure will only be cause for future unnecessary disputes and appeals.

Best regards and thank you for all of your time devoted to improving the livability of our neighborhoods.

Gary Angelo
CHNA President
(Attachment CHNA-1)

ATTACHMENT CHNA-1

## Parking District 'A' Parking Space Measurements - January 2014

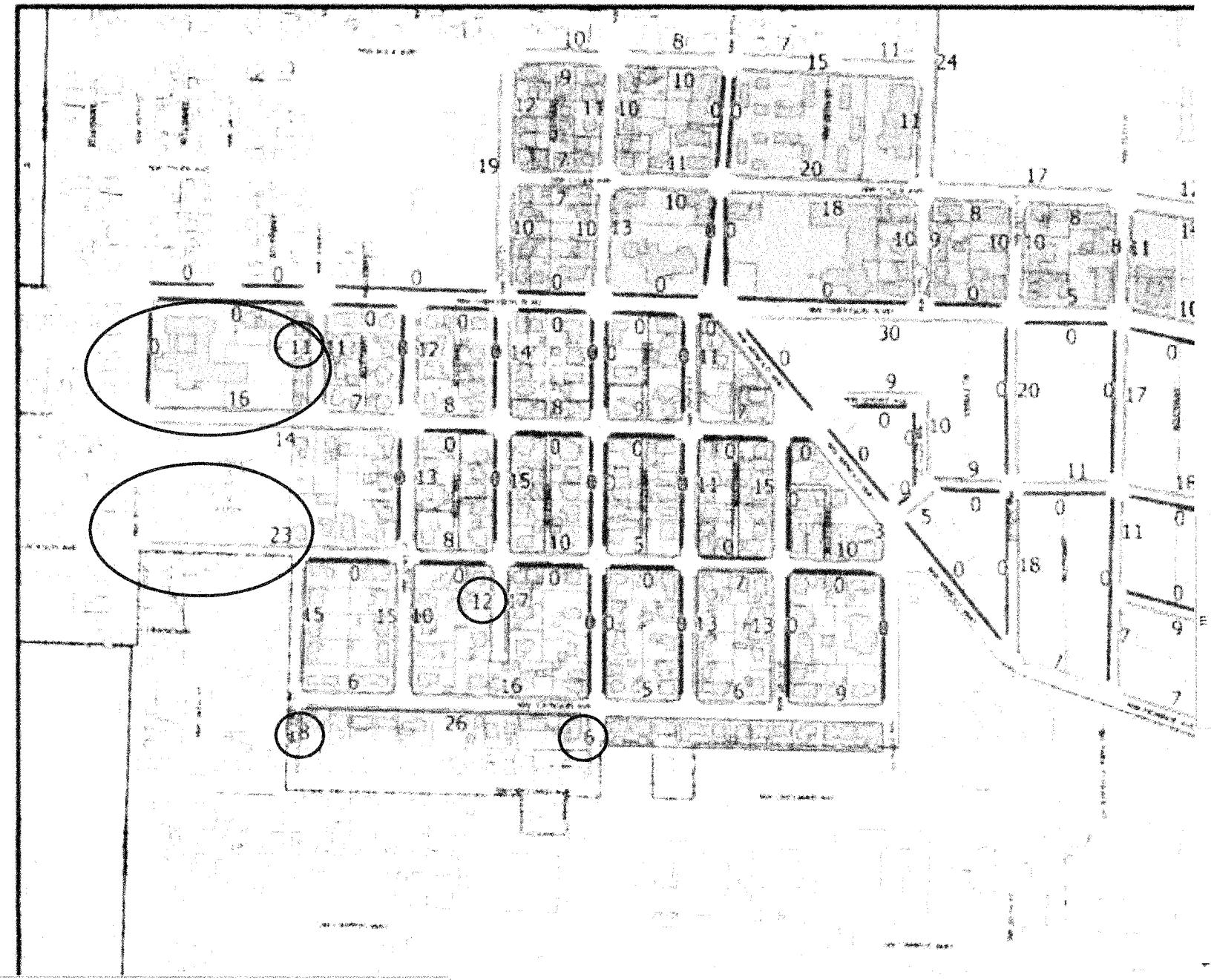
**(Recognizing Yellow Curb Markings)**

| Begin Street | Measured Street | End Street | Parking Side | Measurements (see Note 3) | Strict Calculated 20' Spaces | Best Count 22'C/18'S Spaces w/ Rounding (see Note 1) | Strict Calculated 22'C/18'S Spaces (see Note 2) | Phase 1 PD Map Space Count | Comments |
|---|---|---|---|---|---|---|---|---|---|
| Jackson | 28th St. | Johnson | W | 47' & 38' & 25' & 142' | 11 | 10 | 10 | 13 | |
| 27th St. | Johnson | 28th St. | N | 33' & 71' & 83' | 7 | 8 | 8 | 9 | |
| Jackson | 27th St. | Arnold Wy | W | 45' | 2 | 2 | 2 | 3 | |
| 27th St. | Jackson | 28th St. | N | 57' & 22' & 59' | 5 | 7 | 6 | 10 | |
| 28th St. | Jackson | 29th St. | S | 88' & 53' | 6 | 6 | 6 | 7 | |
| Jackson | 29th St. | Van Buren | E | 32' & 99' & 44' & 32' | 8 | 9 | 8 | 11 | |
| Jackson | 31st St. | dead end | E | 70' & 95' & 25' | 8 | 8 | 8 | 17 | |
| Jackson | 31st St. | dead end | W | 0 | 0 | 0 | 0 | 12 | West side shown on Phase 1 PD Capacity Map, but s/b none. |
| Van Buren | 28th St. | Jackson | W | 168' & 117' | 13 | 13 | 13 | 15 | |
| Van Buren | 28th St. | Arnold Wy | W | 41' | 2 | 2 | 2 | 0 | No Spaces shown on Phase 1 PD Capacity Map |
| 28th St. | Johnson | 29th St. | N | 37' & 16' & 58' | 3 | 6 | 4 | 6 | |
| 29th St. | Johnson | 30th St. | N | 64' & 44' | 5 | 5 | 5 | 5 | |
| Johnson | 29th St. | Jackson | E | 77' & 49' & 61' & 12' & 33' | 9 | 11 | 9 | 13 | |
| 29th St. | Jackson | 30th St. | N | 67' & 52' | 4 | 5 | 5 | 5 | |
| 30th St. | Jackson | 31st St. | N | 87' & 92' | 8 | 8 | 8 | 10 | |
| 31st St. | Jackson | 32nd St. | N | 82' & 74' | 7 | 7 | 7 | 8 | |
| 32nd St. | Jackson | 33rd St. | N | 76' & 56' & 45' & 37' | 8 | 11 | 8 | 23 | Phase 1 Map count includes 33rd to 34th St. |
| 33rd St. | Jackson | 35th St. | N | 47' & 160' & 82' | 14 | 13 | 13 | 0 | Should not be in district. |
| 35th St. | Van Buren | 33rd St. | N | 188' & 30' & 100' | 15 | 15 | 13 | 16 | GS Church has very large on-site parking lot. Should not be in district. |
| 33rd St. | Van Buren | 35th St. | S | 45' & 163' & 90' | 14 | 13 | 13 | 14 | GS Apartments have own on-site parking. Should not be in district. |
| 33rd St. | Van Buren | 32nd St. | N | 39' & 20' & 71' | 5 | 6 | 5 | 7 | |
| Van Buren | 33rd St. | Harrison Bl | E | 72' & 62' & 92' | 10 | 10 | 10 | 11 | |
| Van Buren | 33rd St. | Harrison Bl | W | 0 | 0 | 0 | 0 | 11 | West side shown on Phase 1 PD Capacity Map, but s/b none. |
| Van Buren | 32nd St. | Harrison Bl | E | 248' | 12 | 11 | 11 | 12 | |
| 32nd St. | Van Buren | 31st St. | N | 64' & 70' | 6 | 6 | 6 | 8 | |
| Harrison Bl | 31st St. | Van Buren | E | 77' & 165' | 11 | 12 | 10 | 14 | |
| 31st St. | Van Buren | 30th St. | N | 63' & 30' & 54' | 6 | 6 | 6 | 8 | |
| 30th St. | Van Buren | 29th St. | N | 59' & 63' | 5 | 6 | 6 | 9 | |
| 29th St. | Van Buren | 28th St. | N | 76' & 59' | 5 | 6 | 6 | 7 | |
| Van Buren | 29th St. | Harrison Bl | E | 91' & 73' & 63' | 10 | 10 | 10 | 11 | |
| 30th St. | Johnson N | 32nd St. | N | 25' & 28' & 73' & 47' & 47' & 49' & 46' | 13 | 13 | 13 | 16 | |
| 33rd St. | Johnson N | 32nd St. | N | 34' & 43' & 66' & 15' | 6 | 8 | 6 | 6 | |
| 33rd St. | Johnson S | 30th St. | S | 53' & 54' & 92' & 19' & 144' & 67' & 123' & 54' | 26 | 27 | 25 | 26 | |
| Johnson | 33rd St. | Jackson | E | 124' & 55' & 66' & 82' | 15 | 16 | 15 | 15 | |
| Orchard | 33rd St. | Johnson | E | 95' & (59') | 6 | 7 | 7 | 8 | |
| Johnson | 32nd St. | Jackson | E | 118' & 62' & 64' & 54' | 13 | 13 | 13 | 10 | |
| Johnson | 32nd St. | Jackson | W | 63' & 57' & 58' & 54' & 25' | 10 | 12 | 11 | 15 | |
| Jackson | 32nd St. | Van Buren | E | 98' & 31' & 65' & 55' | 10 | 11 | 10 | 13 | |
| Jackson | 31st St. | Van Buren | E | 321' | 16 | 15 | 14 | 15 | |
| Johnson | 30th St. | Jackson | W | 150' & 56' & 67' | 12 | 13 | 12 | 0 | |
| Orchard | 30th St. | Johnson | W | 15' & 48' & (49') | 4 | 5 | 4 | 6 | |
| | **Zone 'A'** | | | **Total of all faces west to 35th St.** | **350** | **372** | **348** | **425** | |
| | **Proposed Zone 'A'** | | | **Total Excluding West of 33rd St** | **307** | **331** | **309** | **395** | |

***Note 1:*** For contiguous spaces, 22' was used for both spaces if only two vehicles would fit. For contiguous spaces allowing three or more cars, the end spaces were set at 18' and the interior spaces were set at 22'. For single spaces, 15' was used, which assumes there is no blockage on either the front or rear of the vehicle. ***For the rounding, if there was at least 15' for one of the end spaces, that counted as one spoce instead of the required 18'.***

***Note 2:*** For contiguous spaces, 22' was used for both spaces if only two vehicles would fit. For contiguous spaces allowing three or more cars, the end spaces were set at 18' and the interior spaces were set at 22'. For single spaces, 18' was used, which assumes there is no blockage on either the front or rear of the vehicle. ***There was no rounding up of less thon the required space lengths.***

***Note 3:*** There are two sections from Orchard to Johnson on 33rd St. and 30th Street, of which the southern half of those blocks are not fronted by residences within the expanded district and which should be excluded. This amounts to about 5 spaces that should be removed from the count total, but which are currently included above.



OSU Oregon State UNIVERSITY

CORVALLIS ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

TO: Mary Steckel, Public Works Director, City of Corvallis

CC: Ken Gibb, Community Development Director, City of Corvallis

FROM: Eric Adams, Project Manager

DATE: February 4, 2014

SUBJECT: Collaboration Corvallis – Revised Block Face Totals and On-street Parking Capacity for Proposed Parking Districts

Recent field observations conducted by Councilor Dan Brown have identified errors and omissions in the on-street parking capacity data collected by Group Mackenzie as part of the Collaboration Corvallis project. Table 1, below, which was presented in a memo dated December 6, 2013, has been revised to correct these inconsistencies. The corresponding map of the proposed parking districts has also been updated to reflect these revisions.

**Table 1: Parking District Block Face Count and Parking Capacity**

| District | Total Block Faces | Total Block Faces Allowing Parking | District On-Street Parking Capacity |
|---|---|---|---|
| A | 73 | 39 | 428 |
| C | 63 | 49 | 591 (548)*** |
| D | 59 | 25 | 297* |
| E | 109 | 83 | 626** |
| F | 66 | 50 | 517 |
| G | 27 | 18 | 140 |
| J | 139 | 92 | 716* |
| **TOTAL** | **536** | **357** | -- |

NOTES:
* Does not include metered spaces or spaces dedicated for motorcycles.
** Capacity of blocks east of NW 9th Street not available.
*** Totals within parentheses reflect capacity of partial blocks within each respective zone.

The block face total for each proposed zone reflects all block faces associated with each district that are within the 'Phase 1 Boundary' shown on Attachment 'A'.

All block faces designated on Attachment 'A' as 'Free', 'Metered', or 'Motorcycle' were included to determine the total number of block faces allowing parking in each proposed district. For some of the proposed districts, this total includes block faces not assigned any parking allowance designation on Attachment 'A', but were verified as allowing parking through use of Google Street View.

The on-street parking capacity of each proposed district was determined by totaling the capacity of each block associated with a given zone, as reflected on Attachment 'A'. The capacity of those blocks was determined by Group Mackenzie during field observations conducted in April 2012, as part of the Neighborhood Parking Utilization Study completed for Collaboration Corvallis, and subsequent field observations conducted by Councilor Dan Brown. It should be noted that the capacity of some blocks in District 'E' is not shown on Attachment 'A' because those blocks were not surveyed by Group Mackenzie.

# Memorandum

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

DATE: January 21, 2014

SUBJECT: Airport Lease - Dapp Corporate Hangar - 5555 SW Plumley Place

**ISSUE**

Eric Dapp has requested a land lease with the City of Corvallis to build a private corporate hangar at the Corvallis Municipal Airport.

**BACKGROUND**

This will be the second corporate hangar built by Mr. Dapp at the airport. The first one was built in 2004 and is 300 feet west of this proposed hangar.

**DISCUSSION**

The proposed hangar would be the first hangar built on the northeast side of the hangar complex in an area designated for corporate box hangars in the new Airport Master Plan. It will be located on the north side of the existing taxi lane and Mr. Dapp will complete the full-width taxi lane to the eastern edge of his hangar and lease.

Mr. Dapp proposes to sub-lease the new hangar to large aircraft that do not fit into standard T-hangars. He presented his proposal to the Airport Design Review Committee (ADRC) on January 6, 2014. The Committee determined the proposed hangar meets the required criteria of the Airport Master Plan and the Design and Building Standards for the Airport.

The Airport Commission reviewed the findings of the ADRC and unanimously recommended approval of the accompanying land lease at their January 7, 2014 meeting.

This proposed lease (attached) will create new revenue to the Airport Fund in the amount of $1,927.68 per year.

**REQUESTED ACTION**

Staff requests that the Urban Services Committee recommend that the City Council approve the lease and authorize the City Manager to sign the lease agreement.

Review and Concur:

James A. Patterson, City Manager

Attachments: Dapp Land Lease Agreement - 5555 SW Plumley Place
Exhibits A and B

FOR COUNTY RECORDING ONLY:

AFTER RECORDING RETURN TO CITY OF CORVALLIS
ENGINEERING DIVISION, CITY HALL, EXT 5058

# LAND LEASE AGREEMENT
# CORVALLIS AIRPORT

THIS LEASE, made this ___ day of _____, 20__, is by and between the City of Corvallis, an Oregon municipal corporation, hereinafter referred to as the City, and **Eric Dapp**, an individual, hereinafter referred to as the Lessee.

## 1. PREMISES

The Corvallis Municipal Airport is owned and managed by the City of Corvallis and is operated as an Enterprise Fund, in that all fees, land leases and rent revenues are retained by the City for the exclusive operation of the Airport. The City, in consideration of the terms, covenants, and agreements contained herein, does hereby lease to the Lessee the following property located at the Corvallis Municipal Airport:

See Attached Exhibit "A" legal description and Exhibit “B” map.

## 2. TERM

The Lessee shall have the right to the possession, use, and enjoyment of the leased property for a period of Twenty (20) years, beginning on **March 1**, **2014** and ending **February 28, 2034**. The term of this lease may be extended for up to two additional ten-year periods provided Lessee notifies the City in writing at least sixty (60) days prior to the termination date of this lease. At the end of the second ten (10) year extension period, City and Lessee may negotiate a new lease agreement.

## 3. RENT

A. Rental Rate. Lessee shall pay in advance, an annual rent payment by the first day of the month beginning **March 1, 2014**, and continue payments annually by the first day of that month thereafter during the term of this lease. The rate for the above-described land shall be determined as follows: **$0.251** per square foot per year = **$1,927.68** as an annual base rent. Rental payments are made payable to the City of Corvallis and are to be delivered in person or mailed to the City at the address given in Section 21 of this lease.

B. Late Charges. It is hereby agreed that if rent is unpaid after fifteen (15) days following the due date, the Lessee shall pay a late charge of $1.00 per day computed to include the first

day due and continuing until both rent and late charges are fully paid. Payments will be applied first to the late charges, then to outstanding rent.

C. Annual Adjustment. The rental rate shall be adjusted annually utilizing the January through December U.S. City Average Consumer Price Index, with adjustments made July 1 following the publication of the annual index, commencing July 2014. The City shall give written notice to Lessee at least thirty (30) days in advance of the annual adjustment date.

D. Land Rental Rate Adjustment. Not withstanding 3C above, each 5 year anniversary date commencing 2020, the land lease rate will be adjusted per the most current version of City Council Policy 97-7.13 Municipal Airport and Industrial Park Leases.

E. Extended Term. If this lease is extended as provided in Section 2 of this lease, the rental rate shall continue to be adjusted annually on the basis described in Section 3-C and 3-D above.

**4. USE OF THE PROPERTY**

A. Scope of Operation. Lessee shall construct an aircraft hangar on the leased premises for private use by the Lessee in accordance with City of Corvallis Council Policy 7.13, as revised. Lessee shall comply with the conditions of the airport rules and regulations, as identified in the Corvallis Airport Handbook - Rules, Regulations, Pilot Information and Building Standards (Airport Handbook), and by this reference incorporated into and made a part of this lease. The Airport Handbook may be revised from time to time by the City.

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

C. Nuisance. Lessee shall not use or permit the use or occupancy of the property for any illegal purposes, or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance, or that interferes with the safe operation of aircraft using the Corvallis Municipal Airport.

D. Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law and the City's Sewer Regulations, Municipal Code Chapter 4.03 as amended, except upon prior written notification to the City and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this lease. Any violation of this section may, at the City's option, cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

E. Roads. Lessee shall be entitled to reasonable use for its purposes of the roads and taxiways now existing and serving the leased property. The City may locate and relocate roads as desirable to improve the Corvallis Municipal Airport so long as reasonable and adjacent access is provided to Lessee.

## 5. WATER, WASTEWATER, AND STORM WATER SYSTEMS

A. Water, Drainage, and Domestic Waste. The City agrees to provide the use and benefits of the public water, wastewater, and storm water systems as they now exist or may be later modified. Conditions for the use of these systems shall be the same as the conditions and regulations applying within the corporate limits of the City of Corvallis, including any assessments or charges for any expansion or intensification of Lessee's use of the property.

B. Utility Bills. Water, wastewater, and storm water charges shall be paid by the Lessee in addition to the basic monthly land lease and at the same rates applicable within the corporate limits of the City of Corvallis. The Lessee shall promptly pay all water, wastewater, and storm water charges, and all other utility charges, for the premises as they come due.

C. Prohibited Discharges. Discharge of industrial waste, as that term is defined in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations (as presently constituted or as amended hereafter), into the sanitary sewer system, drainage system, surface ponds or ditches, or elsewhere is specifically prohibited, except as permitted by a valid Industrial Wastewater Discharge Permit in strict accordance with the Sewer Use Ordinance and applicable state and federal laws. Violation of any provision contained in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations (as presently constituted or as amended hereafter), may cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

D. Discharge Response Procedures. In the event of any discharge or spill of noxious or hazardous material into the environment, wastewater system, or storm water system, Lessee shall immediately notify the Oregon Department of Environmental Quality and the City. The City and any appropriate state or federal agency shall have the right to inspect the premises immediately to determine if the discharge or spill constitutes a violation of any local, state, or federal laws, rules, or regulations. If a violation exists, the City shall notify the Lessee of the specific violations and Lessee shall immediately cease all activities and use of the property until the violations are remedied, all at the Lessee's sole cost and expense and without expense whatsoever to the City.

E. South Corvallis Drainage Master Plan. Lessee hereby agrees to comply with the requirements of the "South Corvallis Drainage Master Plan," approved by the City Council in December 1998, or as amended. Future improvements within the Corvallis Municipal Airport, in compliance with the approved drainage plan, may include parcel assessments or charges. Conditions and regulations for any assessment or charges shall be similar to those conditions or regulations applying within the corporate limits of the City of Corvallis.

## 6. DEVELOPMENT STANDARDS

This agreement is made subject to the terms and conditions as referenced in Chapter X Development and Building Standards of the Airport Handbook. In addition, compliance with all Corvallis development regulations is required relative to the City's Land Development Code (LDC). Where not otherwise specified by the Airport Handbook, the County's zoning provisions shall apply. Enforcement of development provisions is the responsibility of the City's Development Services Division.

## 7. ALTERATIONS, IMPROVEMENTS AND GENERAL MAINTENANCE

A. Right to Construct. The Lessee, at its own expense, may construct structural improvements on the leased property, subject to Lessee's compliance with all applicable city, county, and state laws and regulations and issuance of necessary building permits.

B. Ownership of Improvements. Any buildings constructed on the leased property during the term of this lease shall belong to the Lessee and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the thirty-day period following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after thirty days after termination of the lease, any of said property remains on the premises, the City may retain the property, or, at its option, remove the property at the Lessee's expense.

C. Construction of Taxi-Lane. The Lessee agrees to construct a taxi-lane improvement along the entire frontage of leased property as per the Airport Handbook, Chapter X. Section B.2. The taxi-lane shall be asphalt-concrete (AC) built to City and FAA standards and shall include a designed storm drain system. The Airport will maintain the taxi-lane in good and serviceable condition for the duration of the lease.

D. Sale of Improvements. City shall have the first right of refusal to purchase Lessee's improvements, if Lessee decides to sell the improvements.

E. General Maintenance. During the entire term of this lease, and for any additional time that Lessee shall hold the leased premises, Lessee shall keep the premises, including improvements, in neat, sanitary, well-maintained condition.

No machinery, equipment, or property of any kind shall be stored or kept outside of the building; and any wrecked, permanently disabled, or otherwise unsightly aircraft shall not be kept unless housed within the hangar space.

Lessee shall permit no aircraft at any time to be left standing unattended or parked, even temporarily, upon any roadway/taxiway or access road within said airport, and the City shall have the right and privilege, at the expense of the Lessee, to remove from any public road or access road which approaches the airport or within the airport any such aircraft that Lessee or any of its tenants may leave standing or parked upon any such road or roadway/taxiway.

Lessee or any guest shall not park any vehicle outside the boundary of the leased premises herein described other than designated public parking areas. Any vehicle parked in violation of this section shall be moved at Lessee's expense by City.

## 8. ENTRY ON PROPERTY

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

B. Access. The City retains the right to enter the leased premises at any reasonable time or times to repair or modify City utilities located upon the property or to conduct repairs or other work on the property.

## 9. ASSIGNMENT AND SUBLETTING

The Lessee shall not assign or sublease this land lease without the prior written consent of the City; provided, however, that the City shall not unreasonably withhold such consent subject to the following conditions:

1) No sublease shall relieve Lessee from primary liability for any of its obligations under this lease, and Lessee shall continue to remain primarily liable for payment of rent and for performance and observance of its other obligations and agreements under this lease.

2) Every sublease shall require the sublessee to comply with and observe all obligations of the Lessee under this lease, with the exception of the obligation to pay rent to the City.

## 10. LIENS

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

## 11. TAXES

The Lessee shall promptly pay all real and personal property taxes levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien for other than the current year's taxes to be placed on the leased property.

## 12. INSURANCE

A. Coverage Requirements. The Lessee shall purchase and maintain General Liability insurance that provides at least premises and operations coverage. The limit of liability shall be no less than $500,000.00 per occurrence with not less than a $1,000,000.00 general aggregate. The policy shall name the City of Corvallis, its officers, agents, and employees as an additional insured - Lessor.

B. Certificate of Insurance. At the time that this lease is signed, the Lessee shall provide to the City a certificate of insurance complying with the requirements of this section and indicating that insurer will provide the City with 30 days notice prior to cancellation. A current certificate shall be maintained at all times during the term of this lease.

## 13. HOLD HARMLESS

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

B. Environmental Protection. The Lessee shall be liable for, and shall hold the City harmless from, all costs, fines, assessments, and other liabilities arising from Lessee's use of the premises resulting in the need for environmental cleanup under state or federal

environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, as presently constituted or hereafter amended.

**14. NONDISCRIMINATION**

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

**15. CONDITIONS ON PROPERTY BY THE UNITED STATES OF AMERICA**

This agreement is made subject to the terms and conditions and restrictions of transfer recorded in Book 121, Page 40 and Book 125, Page 239, deed records of Benton County, Oregon, as modified by the Instrument of Release recorded in Book 182, Page 238 of said deed records.

**16. WAIVER OF BREACH**

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

**17. DEFAULT**

A. Declaration of Default. Except as otherwise provided in this lease, the City shall have the right to declare this lease terminated and to enter the property and take possession upon either of the following events:

1) Rent and Other Payments. If the annual / monthly rent or any other payment obligation, including but not limited to property taxes and utility bills, remains unpaid for a period of 30 days after it is due; or

2) Other Obligations. If any other default is made in this lease and is not corrected after 30 days written notice to the Lessee. Where the default is of such nature that it cannot reasonably be remedied within the 60-day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

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

## 18. TERMINATION

A. Immediate Termination. Where a specific violation of this lease gives the City the option to terminate this lease immediately, this lease shall be terminated upon written notification to the Lessee.

B. Termination Upon 30 Days Default. In the event of any other default under Section 17 of this lease, the lease may be terminated at the option of the City upon written notification to the Lessee.

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

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

E. Holding Over. No holding over upon expiration of this lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this lease or any extension thereof shall be as a tenant from month to month only and not otherwise.

## 19. RECORDING FEES

The lease will be recorded with the Benton County Assessor’s Office and the Lessee shall be responsible for paying all associated fees.

## 20. ATTORNEY FEES

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

## 21. NOTICE

When any notice or anything in writing is required or permitted to be given under this lease, the notice shall be deemed given when actually delivered or 96 hours after deposited in United States mail, with proper postage affixed, directed to the following address:

City: City of Corvallis
Public Works Department
Attention: Airport Manager
P.O. Box 1083
Corvallis, Oregon 97339-1083

Lessee: Eric Dapp
4160 NW Crescent Valley Drive
Corvallis, OR 97330

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

DATED this _____day of _____, 20__.

_____
ERIC DAPP

STATE OF OREGON )
) ss.
COUNTY OF BENTON )

Personally appeared the above-named ERIC DAPP, who acknowledged he is an individual and he accepted the foregoing instrument. Before me this _____day of _____, 20____.

_____
NOTARY PUBLIC FOR OREGON

My Commission Expires _____

ACCEPTED BY:
CITY OF CORVALLIS, OREGON

STATE OF OREGON )
) ss.
County of Benton )

By:_____
JAMES A. PATTERSON
CITY MANAGER

Personally appeared the above-named JAMES A. PATTERSON, who acknowledged he is the City Manager of CORVALLIS and he accepted the foregoing instrument on behalf of the City of CORVALLIS by authority of its City Council. Before me this _____day of _____, 20____.

_____
NOTARY PUBLIC FOR OREGON

My Commission Expires_____

Approved as to form:

_____
City Attorney Date

# Exhibit "A"
# Also known as, 5555 S.W. Plumley Place, Corvallis, Oregon

A tract of land, situate in the North East 1/4 of Section 27, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon. More particularly described as follows.

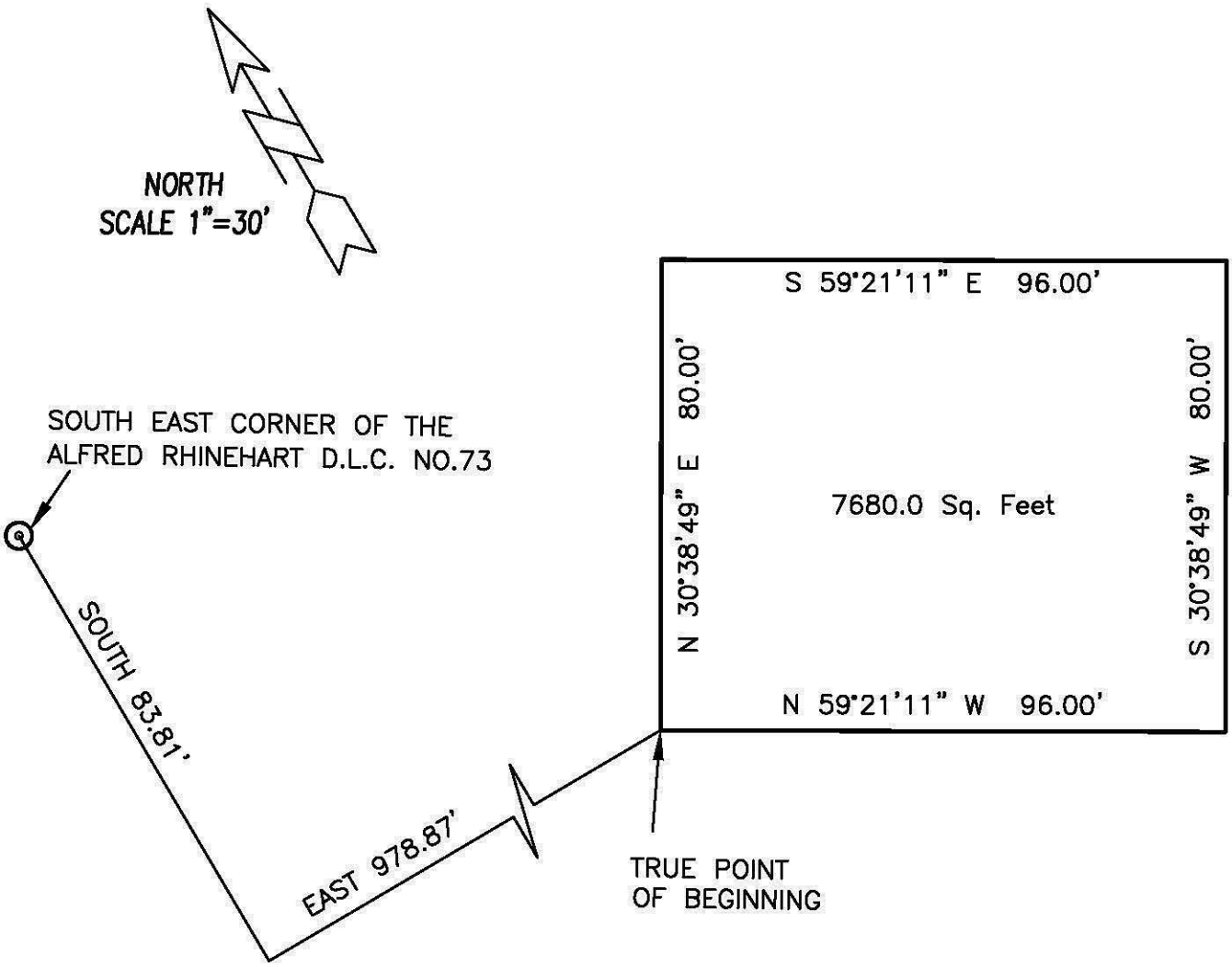
Commencing from the southeast corner of the Alfred Rhinehart D.L.C. No. 73, thence South, 83.81 feet and East, 978.87 feet to the **TRUE POINT OF BEGINNING**; thence North 30°38'49" East 80.00 feet to a point; thence South 59°21'11" East 96.00 feet to a point; thence South 30°38'49" West 80.00 feet to a point; thence North 59°21'11" West 96.00 feet to the **TRUE POINT OF BEGINNING**.

Basis of bearings being NAD 27 State Plane grid South from the South East Corner of the Alfred Rhinehart D.L.C. No. 73, situate in the North East 1/4 of Section 27, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon.

Said tract containing 7680 square feet more or less.

# EXHIBIT "B"

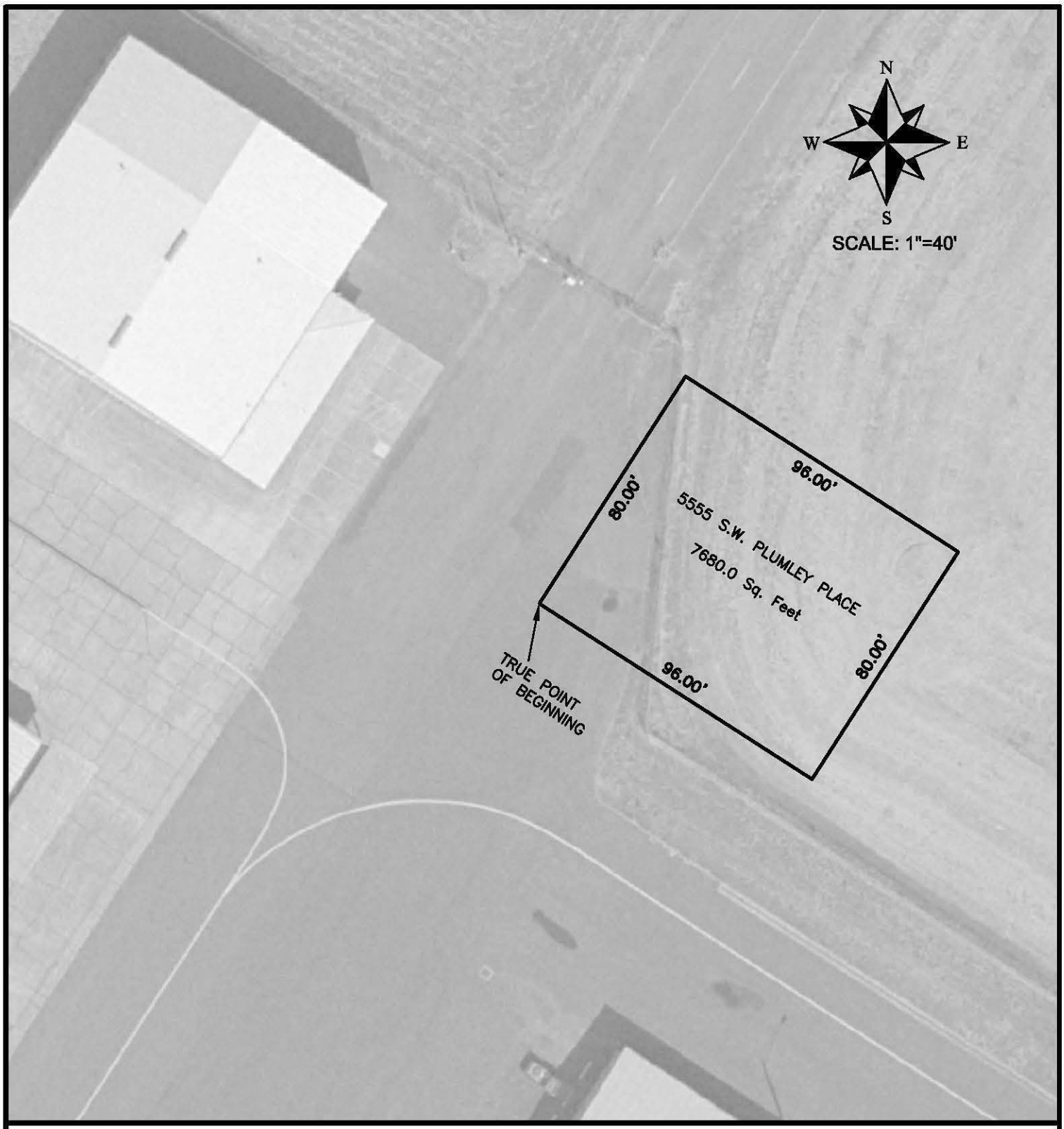
## N.E. QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON




| | |
|---|---|
| DESIGNED | |
| DRAWN CRB | |
| CHECKED | |
| DATE JAN, 2014 | |
| SCALE: N.T.S. | |

EXHIBIT "B"
5555 S.W. PLUMLEY PLACE
CITY OF CORVALLIS AIRPORT
BENTON COUNTY, OREGON

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
Survey Office




# LEASE SITE MAP

## 5555 S.W. PLUMLEY PLACE

| | | |
|---|---|---|
| DESIGNED | City of Corvallis Airport | |
| DRAWN: CRB | | |
| CHECKED | 80' X 96' HANGAR AREA | |
| DATE: JANUARY, 2014 | | |
| SCALE: AS SHOWN | | |

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
Survey Office

# MEMORANDUM

January 27, 2014

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

SUBJECT: Collaboration Recommendation to Expand Residential Parking Districts—Follow-up on Member Questions; Guest Permits; Employee Permits; Contractor/Service Provider Permits; Feedback from Public Outreach Postcard

## ISSUE

The Urban Services Committee (USC) requested staff input on suggestions for the Residential Parking District (RPD) program made at the previous meeting and continued progress on program element design.

## BACKGROUND

In a memorandum dated March 13, 2013, the Collaboration Corvallis Parking and Traffic Work Group (Work Group) recommended a RPD program design, which included retaining the ability for anyone to park free on the street within a district for up to 2 hours. Staff suggested an alternative program design that would require anyone desiring to park on the street within a district to first obtain a parking permit.

At the August 6, 2013 meeting, USC formulated a recommendation to the full City Council to expand RPDs, to not pursue a pilot district, and to not employ a petition process when making decisions about RPD expansion. At the August 19 meeting, the City Council approved those recommendations.

At the August 20, 2013 meeting, USC reviewed expenditure and revenue assumptions for the 2-hour free and permit-only program designs. They established that USC would take public input on this topic, that the goal of the RPD program should be neighborhood livability, that a phased approach was preferred, and that multiple districts should be created. USC agreed that the RPD program elements would be shared with the full Council via committee report, and that the Council vote would occur after USC developed a fully-formed proposal. On September 3, the Council approved the goal of neighborhood livability and concurred with USC's direction on the other items.

At the September 17, 2013 meeting, USC addressed parking options for various groups in the permit-only scenario and the feasibility of completing the RPD expansion by January 2014. They also deliberated on the desired level of enforcement. They came to a consensus to move forward with a permit-only program design, to target a September 2014 implementation date, and to aim for two parking enforcement trips through each of the RPDs in an eight-hour period. On October 7, the City Council heard this information and did not provide any different direction to USC.

At the October 8, 2013 meeting, USC discussed areas in the proposed RPDs that might require special consideration due to past high parking usage (hot spots) or because of parking pressures from civic facilities in the neighborhood.

At the November 5, 2013 meeting, USC agreed to assign "resident only" parking to a two-block area immediately adjacent to the Oregon State University (OSU) campus; to address the parking situation in the proposed District C (Chintimini Park) in a separate effort with a proposed strategy to be implemented concurrent with the main expansion effort; to not offer free permits for residents; and to target a 75% parking utilization as the desired level to achieve neighborhood livability. On November 18, the City Council received a report from USC and did not offer direction different from USC's proposed approach.

At the December 3, 2013 meeting, USC came to consensus that street frontage is not the preferred permit allocation methodology; that the strategy developed for new District C (Chintimini Park) will be implemented with the rest of the Phase I expansion; and that postcards will be sent out to affected properties in January.

At the December 17, 2013 meeting, USC reviewed data on the number of parking spaces per block face in the Phase I RPD area and the milestone dates for key decisions in order to implement the expanded program in September 2014. The members agreed that annual resident permits would cost $20 and that annual non-resident permits would cost 115% of the OSU faculty annual permit price. They preferred the square-footage methodology for allocating resident permits and discussed using a different methodology for business, religious, and civic entities in an RPD. One option they considered is the allocation scheme used in the current District C for business properties, which is one permit per 400 square feet of office space.

At the January 7, 2014 meeting, USC approved the public outreach postcard text sent to affected properties in the expanded RPDs and discussed in detail the proposed guest permit program element. The topics included how 'guest' would be defined, how these permits would be allocated (per property, per address, or per resident permit) and the consequences of a transferable guest permit. USC requested staff bring back information on the parameters of a separate permit for employees of businesses located in the planned RPDs.

## DISCUSSION

The USC desired to further the discussion on the guest permit program element, the creation of an employee permit program element, and the Work Group's suggestion for a contractor/service provider permit. Each of these items is discussed in more detail below, along with follow-up information on inquiries made by USC at the last meeting and the feedback received from the public outreach postcard as of the date of this staff report.

### *Follow-up to USC Inquires*

A question was asked whether the City of Eugene enforces their residential parking district during the summer months and over the winter school break. Staff contacted Eugene and verified that they enforce their parking districts 12 months a year.

There was a concern that certain residential properties would be eligible for a large number of parking permits if the square-footage methodology was used. This prompted a question about having a limit on the total number of permits for which any one residential property would be eligible. The current RPD Municipal Code language caps the number of permits available to cooperatives,

fraternities and sororities at 20. The cap was created in response to complaints from these types of facilities because under the per-kitchen methodology they would only be issued one permit as the building had only one kitchen. In searching for a middle ground, the decision was made to allocate more permits but to set an upper limit. In comparison, under the proposed square footage methodology, most of these cooperative living facilities would be eligible for closer to 10 permits. There is no overall cap on apartment buildings in the current program; each kitchen is eligible for up to three permits. In the proposed square-footage methodology, the allocation of permits to multi-family properties is significantly reduced over the per-kitchen methodology. In fact, using the proposed allocation method, there would be only 15 residential properties that would be eligible for permits in excess of 10; of those only five would be eligible for more than 20 permits and only 2 would be eligible for more than 30. No residential property would be allocated more than 40 permits. Changing the allocation methodology essentially addresses the concern raised and treats all residential properties under the same formula. In addition, long-standing City policies call for higher density in many areas near OSU and a cap would penalize those properties that developed in compliance with these policies. Staff does not recommend a cap in the expanded RPD program.

A question was asked about reducing the permit allocation by the number of on-site parking spaces that exist. In this situation, the City would be put in the position of making judgments about how a property owner should use their property. For instance, a single-family property with a garage and a driveway would not be eligible for any parking permits, even though they chose to use their garage as a shed and to store their boat in the driveway. For multi-family properties, as with the question above, the City Council approved policies and Comprehensive Plan language that encourages density and a property should not be penalized for trying to implement the Council's vision. Staff does not recommend reducing the number of permits allocated to a property by that property's on-site parking capacity.

At the previous meeting, staff discussed the difficulty in estimating the number of permits to be allocated to business, civic, and religious (BCR) properties using the methodology of one permit for every 400 square feet of office space. The only information available to staff at the time was the number of the BCR properties in each district. Since then, a way to refine the tax lot data was discovered and the number of each type of BCR property in an RPD is now known. However, the square footage of office space is still not available. While going back through the tax lot information, staff discovered properties that were missed previously. The updated counts are shown in the table below, resulting in a higher total number of BCR properties in proposed districts F and J. Staff's recommendation for BCR permits is captured in the Employee Permit section below.

| District | Number of Business Properties | Number of Civic Properties | Number of Religious Properties | Total Number of BCR Properties |
|---|---|---|---|---|
| A | | | 4 | 4 |
| C | | 1 | 6 | 7 |
| D | 13 | | 5 | 18 |
| E | 4 | | 1 | 5 |
| F | 24 | 17 | 5 | 46 |
| G | 11 | 2 | | 13 |
| J | 30 | 6 | 18 | 54 |

A request was made to track questions and comments received from the public and to include a list of unanswered questions in the meeting packet. Staff used the testimony at USC meetings, the Mayor and City Council email log, and the response to the postcard as sources (Attachment A). This should not be considered an exhaustive list, however it is a representative list. Staff will be more intentional in this data gathering moving forward.

USC is interested in trying to balance the somewhat conflicting desires for parking in the proposed District F (downtown fringe). Residents desire more available parking near their property; businesses seek parking for customers and employees; and civic amenities, such as Central Park and the Public Library, want to maintain available parking for patrons. A question was asked about the implications of removing the Central Park (proposed District F) and Public Library (proposed District J) blocks from the expansion and managing these blocks the same as downtown parking (i.e., three-hour-free parking). If USC is interested in pursuing this question, staff notes that the two blocks are not contiguous with the Downtown Free Parking Zone, which would present a communications and enforcement issue. Both blocks currently contain a mix of metered and free parking spaces. Rather than placing these two blocks into the Downtown Parking Zone, staff would recommend adding parking meters for all spaces on both blocks so that they will be managed consistently.

### *Guest Permits*

After the discussion at the last meeting, three decisions remain for the guest permit program element. These are: (1) how should guest permits be allocated—per property or per resident permit, (2) should the City charge for a guest permit or should it be free with the purchase of a resident permit, and (3) should it be possible to obtain a guest permit without purchasing a resident permit.

Staff recommends that one guest permit be allocated to each address. This is based on the assumption that each address houses a separate set of one or more people (for the purposes of this document, called a "family") and that each "family" has the same right to guests as any other "family". If only one guest permit was assigned to each property, there would be no way to equitably share that pass among the different "families" in a multi-family building. On the other hand, if one guest permit was allocated to each resident permit, there could be a doubling of the number of vehicles searching for a parking place at any one time. Using a "per address" allocation is a fair compromise between the other two alternatives.

Staff recommends that there be a charge for the guest permit that is comparable to the resident permit fee. As stated in previous reports, because the guest permit is transferable in the new program, the value of the permit is greater and should be reflected in the price. In addition, it will cost more to produce the guest permit with materials and a design that is not easily reproducible. Finally, a fee for the guest permit may limit the number obtained, which will relieve some of the enforcement burden.

Staff reviewed the question of whether a guest permit should only be available to those who purchase a resident permit. A concern was raised at the USC meeting that this could force some residents to purchase a resident permit that they didn't really need, which would take up capacity in the 75% threshold. An opposing concern is the risk of abuse from people using the transferable guest pass not for temporary visits, as it is intended, but as a more flexible substitute for a resident permit. This puts an additional burden on Parking Enforcement staff in tracking guest permit usage. One potential

way to mitigate that burden is to charge more for a guest permit that doesn't have a corresponding resident permit, for instance, $30. The extra cost may possibly dissuade some people from choosing the guest permit over the resident permit (at $20), but would not be so burdensome for those people who only need a guest permit. However, staff does not have confidence that the extra $10 fee is enough to dissuade someone who is determined to abuse the system. In general, staff believes there would be less abuse if a guest permit was only available to those who also purchase a resident permit, and makes a recommendation to maintain that in the final program design.

### *Employee Permits*

In the current RPD program, there is no distinct 'employee' permit. Rather businesses that reside within the current District C are allocated one resident permit for every 400 square feet of office space. These permits differ from the regular resident permit in that they are not tied to a specific vehicle or person, they may be purchased by the employer to distribute among employees and they can be transferred from one employee vehicle to another. Recognizing that the expanded districts will encompass more commercial properties and the need for an employee parking solution will increase, USC asked staff to propose a design for an employee permit program element.

Staff proposes to allocate two permits to each business, civic, and religious (BCR) property in the expanded RPDs. Properties desiring more permits would have to demonstrate they have more than 800 square feet of office space. The additional permit allocation would be on the "one for every 400 square foot of office space" methodology. This approach acknowledges the significant amount of retail commercial space in some of the RPD districts that wouldn't be captured under the "office space" calculation, and provides for a minimum of two permits even if there is no office space at a particular BCR location.

Like resident permits, the employee permits would only be valid for the RPD that the BCR property is in. Unlike the resident permits, these permits would be transferrable between vehicles and designed to hang from a vehicle's rear-view mirror. The employer would be able to purchase permits after documenting that the BCR property is located in one of the RPDs and after providing all the vehicle license numbers of employee vehicles that might use the permit. The employer would be responsible for ensuring the permits were used properly (i.e., only by employees who are on their work shift) and any violation of the regulations would result in that property no longer being eligible for parking permits.

Staff recommends a price of $100 for the annual permit. This captures the added value of these permits due to the transferability and compensates for some of the additional burden the City takes on with enforcement, based on the difficulties experienced to date in the current District C. As a cost comparison, a permit for the downtown Yellow Lot, used primarily by employees, is $75 per quarter or $300 per year.

### *Contractor/Service Provider Permits*

In the current RPD program, there is no permit for contractors or service providers. If a contractor needs to do work at a property in a current RPD, s/he has three options. S/he can use the off-street parking at the property, s/he can use one of the resident's one-day guest permits, or s/he can travel to Public Works to obtain a temporary permit, limited to the duration of the work to be performed. The Work Group recommended that contractors and other service providers be eligible to purchase one

non-transferable annual parking permit for $100 that would allow the vehicle to park in any of the RPDs. Staff concurs with this recommendation. As an additional consideration, some communities offer a one-day permit for service providers for a nominal fee (amount varies, but all are under $5).

### *Feedback from Public Outreach Postcard*

Approximately 3,300 postcards were mailed to properties in the proposed RPDs on January 15, 2014. Notice also was sent to the Neighborhood Associations, the Barometer, and the ASOSU president. As of the date of this report, staff received 23 emails with feedback on the proposed program (Attachment B), which appear to be primarily from residents. Any direct questions posed in these emails about program elements already decided on by USC were responded to by staff. The Public Works Department also received 19 phone calls, primarily from individuals who own rental property in the districts with concerns about sufficient parking for their tenants. Based on the conversations, staff anticipates there will be a number of citizens wishing to provide input in person at the USC meeting on February 4.

REQUESTED ACTION

That the USC review this information, ask questions, and provide direction on data required to further the RPD program design discussion.

Reviewed and concur:

James A. Patterson, City Manager

Attachment A - Summary of Questions and Comments on the Proposed Program Design
Attachment B - Email Feedback from Public Outreach Postcard
Attachment C - Proposed Parking District Maps
Attachment D - Estimated Parking Capacity and Resident Parking Permit per District

Attachment A

# Summary of Questions and Comments on the Proposed Program Design
# As of January 27, 2014

| Questions | Number of Unique Inquires |
|---|---|
| How to accommodate residences with no on-site parking | 1 |
| How to accommodate businesses with no on-site parking for employees | 3 |
| How to accommodate businesses with some on-site parking, but not enough for customers and employees | 1 |
| How to accommodate parking for tenants | 3 |
| How to accommodate facilities with patrons (i.e., churches, non-profits) | 2 |
| How to allocate permits to cooperative living facilities (i.e., fraternities) | 2 |
| Where will guests park | 1 |
| How to accommodate multiple guests | 1 |

| Comments | Number of Unique Remarks |
|---|---|
| Don’t change the parking regulations at all | 5 |
| Expand the districts with the permit-only design | 6 |
| Expand the districts but keep the 2-hour free parking | 6 |
| Let residents park for free | 8 |
| Charge non-residents the same or higher as OSU parking permits | 2 |
| Don’t offer non-resident permits | 3 |
| Expansion should target 75% utilization | 3 |
| OSU should be dealing with the parking problem, not the City | 5 |
| Permit-only close to campus; 2-hour free farther away | 1 |
| Permit-only discourages visitors | 3 |
| One guest permit is adequate | 2 |
| Don’t want to obtain a permit for guests | 1 |
| Businesses need 2-hour parking for customers | 3 |
| Not all parking is OSU-related | 3 |
| Apartments don’t provide adequate parking or charge for parking | 2 |
| Square-footage allocation doesn’t provide enough tenant parking | 2 |
| The expansion pushes the problem farther out | 5 |
| Set aside permits for Senior Center patrons | 1 |
| Moving parking to campus will increase traffic on other streets | 1 |
| More parking opportunities should be provided (parking structures) | 1 |

# RESIDENTIAL PARKING DISTRICTS

## EMAIL RESPONSE TO PUBLIC OUTREACH POSTCARD AS OF JANUARY 27

**From:** Charlyn Ellis
**Sent:** Monday, January 27, 2014 7:51 PM
**To:** Public Works
**Subject:** Parking Districts

I have some grave concerns about the parking district plan as it has evolved through the Urban Services Committee. There were aspects of the original plan that raised some red flags, but the program has grown even more convoluted in the past few months. If the two goals of parking districts are to allow residents to park more easily near their homes and to lean on OSU to provide parking on site for students, faculty and staff, rather allowing the problem to be outsourced to the neighborhoods, this plan is far more complicated than it needs to be, while falling short on some major issues as well.

We need ONE parking district that rings campus for at least three quarters of a mile in all directions. I understand that College Hill wants to preserve their streets from overflow from Chintimini development, but this is a bad plan. First, it adds to complexity of signage and compliance—am I in my parking district on this block or someone else's? It makes the parking officer's job more complicated, as well, constantly checking maps, signs, and permits. Second, it means that a person from one district visiting a friend in another district on a Tuesday afternoon would have to acquire a parking permit, just to have a cup of coffee and a chat. What a pain! It pits neighborhoods against one another, dividing and conquering rather than uniting in a common cause.

We need two-hour visitor parking. Residents who have meetings and potlucks, book clubs and piano lessons, in their homes do not need to be trekking down to City Hall every month or so to acquire more visitor parking permits. If a repairman comes by to give an estimate, or a friend needs to drop something off, they can run in and out quickly, but they will always have one eye to the street, watching for the parking officers. Really, do we need this additional stress in our lives? I do not want the city tracking how many visitors I have in a month or a year; it feels a little like Big Brother to me. Students and faculty will not run out to the neighborhood every two hours to move their cars; if class is two hours long, they do not have time!

The parking district needs to go at least three quarters of a mile, if not a mile, from campus. Studies show how far people will walk for free parking and it is usually about three quarters of a mile. In order to force some cars onto campus and other commuters into busses and onto bikes, the district needs to take these studies into account. Half a mile will only move the cars a block down the street from my house, which is meaningless. A substantive, wide band of a district,

surrounding the entire university, will have a positive impact on neighborhood parking. This one will only create grumpy residents a few blocks further out. Why postpone the inevitable?

Parking permits need to reflect the reality of housing on the ground. Permits should take into account the number of bedrooms per unit as well as the amount of one-site parking provided to create realistic parking requirements. The house next door has three bedrooms, and thus needs three parking places. The driveway provides two, so they receive one permit. If they want more than one, they pay university parking rates. Much of this information is already on-line, using tax documents and Google Earth. Allow the managers of larger complexes to sort out who receives permits and who does not.

Finally, the permit should be a moveable hanger, so that one household can share the permit. My neighbors move their cars in and out of the driveway daily, depending on who is going where when. They should be able to share a permit in order to do so. My house, with two bedrooms (thus two parking spaces) and one on-site spot, would buy a permit so that we could give it to friends who are visiting for the weekend, allowing them to park easily near-by.

The existing plan has become too cumbersome and too far removed from the realities of the neighborhoods, especially those who have seen exponential growth from both university and housing in the past five years. Please, revisit your American Literature classes and take a lesson from Thoreau—"Simplify, Simplify."

---

**From:** Jonathan Schultz
**Sent:** Monday, January 27, 2014 4:10 PM
**To:** Public Works
**Subject:** Parking Restrictions

To Whom It May Concern,
It was suggested to me that I write this letter to the Urban Services Committee because I am unable to attend the meeting scheduled for February 4th. I have a previously sched-uled meeting with my parent community at that same time.
You may or may not be aware but Zion Lutheran School is in one of the newly proposed parking districts. We may be the only school within such a district and so I have several questions about permits. We have an enrollment of close to 100 students in grades K-8 and another 54 children enrolled in our Early Learning Center. We have no bus service specifically for our school so parents drop off and pick up their children every day. We have a parking lot and we have systems in place for parents to pick up and drop off with-out leaving their vehicles but a number of our parents park on Tyler temporarily in addi-tion to filling our parking lot during drop off and pick up times. Will there be a permit option for them other than what is being proposed for commuter students, etc.?
Also, some of my faculty park on Tyler so that there is more room in our parking lot for parents. Will we be allotted permits for faculty members? How would that be deter-mined? We have 12 full time faculty members and about 10 part time employees at this time. We would have more if

our enrollment grows.
My other concern has to do with our church and how it works with our school. Occasion-ally, our church has a large event during the week while we are having school. An exam-ple would be if there were a large funeral service for one of our church members. In those cases, we do not have enough parking on our lots so we have spilled out into the streets in the area. What can be done for those situation that may only happen once in a while? If service goers can't park in the street for large events like this, we would have to potential-ly close school for the day, which would obviously impact our students' educational expe-rience.

***"Educational Excellence in a Christ-Centered Family"***
In His Service,

Jonathan Schultz

---

**From:** Karin and Tim
**Sent:** Saturday, January 25, 2014 3:40 PM
**To:** jana_neighborhood@googlegroups.com
**Cc:** jana_neighborhood@googlegroups.com; Public Works
**Subject:** Re: Notice about Residential Parking District Expansion

Thanks for the perspective John. I'd love to see Corvallis expand available parking space by allowing parking on both sides of some streets where it is now restricted. Definitely a great way to slow people down or cause them to re-route.

Tim Stewart

Sent from my iPad

On Jan 25, 2014, at 5:02 PM, "wrote:

Jerry and Rodger (and all)

Remember, one of the wonderful things about our part of town is its traditional pedestrian friendly design based around people rather than just cars like most of the post WWII suburban design in the US. Our narrow streets with wide landscape strips and cars parked along both sides slows down traffic, provides a buffer from moving vehicles and makes things safer and more pleasant for the neighborhood.

Places with difficult parking are the most vibrant and interesting parts of any city. I'll take having to drive slowly and carefully through my hood and give up easy parking any day over living in the sterile burbs where I'm forced to drive to get anyplace interesting.

John

On Jan 24, 2014, at 8:13 AM, roger weaver wrote:

I agree with Jerry and Tim. What hope can we expect from a city council who overturned an expansion proposal that the public had turned down at least 7 times? That overturn was by the narrowest of margins.
Roger Weaver

On Friday, January 24, 2014 8:04 AM, Gerald Rooney wrote:

I've always been alarmed that our streets have become parking lots for OSU. Some of these streets are so narrow, due to parking on both sides, that it is impossible for vehicles coming from opposite directions to navigate safely. One must yield to the other. And we do, all the time. So much so that we take it as routine.
We, property owners, pay extraordinary taxes to maintain these streets and their borders, yet the university has hundreds of acres of
open land which could provide parking and housing.
OSU is gobbling up our city.
Jerry

On Jan 23, 2014, at 10:09 PM, Karin and Tim wrote:

>> It seems like no matter where they decide to put the boundaries for the districts, those just outside the boundaries are going to inherit the problems. Maybe the districts should be expanded to include a much larger 'circle' around the campus. Sounds crazy at first, but it would certainly spread out the cost of the program. Also, most OSU commuters would be forced to either share the communities cost burden or buy an OSU permit. Yes, the increase in area would increase overall program cost, but many folks are tired of seeing problems created by OSU's rapid growth dumped into our neighborhoods. Just once, let's come up with a solution that forces OSU to take responsibility for their actions.
>
> Tim Stewart
>
> Sent from my iPad
>
>> On Jan 23, 2014, at 10:28 PM, "Pat Malone" wrote:
>>
>> My house is also on Polk and faces Franklin Square. I'm concerned about the
>> availability of parking for people who want to use the park.
>>
>> -----Original Message-----
>> From: **jana_neighborhood@googlegroups.com**
>> [mailto:**jana_neighborhood@googlegroups.com**] On Behalf Of Semenek, Susie M

>> Sent: Thursday, January 23, 2014 4:54 PM
>> To: **jana_neighborhood@googlegroups.com**
>> Subject: RE: FW: Notice about Residential Parking District Expansion
>>
>> You read my thoughts. We're on Polk, the dividing line, so we'll get hit.
>>
>> -----Original Message-----
>> From: **jana_neighborhood@googlegroups.com**
>> [mailto:**jana_neighborhood@googlegroups.com**] On Behalf Of Michael Blouin
>> Sent: Thursday, January 23, 2014 4:17 PM
>> To: **jana_neighborhood@googlegroups.com**
>> Subject: Re: FW: Notice about Residential Parking District Expansion
>>
>> Hi,
>> Well I certainly hope we're included. If we're the neighborhood
>> just outside a parking district, then we really will have problems.
>> All those kids will just park a little farther out. I certainly don't mind
>> paying a few bucks each year to prevent that.
>> Mike
>>
>>
>> Quoting Lyn.Larson:
>>
>>> FYI-looks to me like most, if not all, of JANA is outside of any
>>> proposed parking district.

---

**From:** Goodmonson Jr,Paul N
**Sent:** Friday, January 24, 2014 1:24 PM
**To:** Public Works
**Subject:** Residential Parking District

Mary Steckel,

I own an office building at 8th and Harrison so fit into one of your proposed parking districts. We have offstreet parking that pretty well satisfies our needs for now.

We notice that the cars parking on the street outside of our offices are taken up, not by students but by employees of local businesses - primarily Heresco Chiropractic and Good Samaritan Hospital.

For our use, having a parking district that allows a 2 hour parking time and then enforcement would work for clients coming in for appointments. This solution would not address parking needs for local business employees but would make sense for clients using those businesses.

Thanks for listening,

Paul Goodmonson

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**From:** Semenek, Susie M
**Sent:** Friday, January 24, 2014 10:09 AM
**To:** Public Works
**Subject:** Parking district E

HI,

I'm concerned about how small the parking districts are. I am on Polk street, which is a boundary. That means the blocks (12th & 13th) on either side of my house will become absolutely PACKED as people move their parking up there to avoid the district.

If the district were farther north, perhaps to Buchanan, that would be far enough away for students to consider using the OSU parking lots on 11th and on Brooktree.

Please consider moving the northern boundary farther north!!

Thanks,

Susie Semenek

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From: Karin and Tim
Sent: Friday, January 24, 2014 11:42 AM
To: Public Works
Subject: parking district boundary changes

No matter where they decide to put the boundaries for the districts, those just outside the boundaries are going to inherit the problems. Maybe the districts should be expanded to include a much larger 'circle' around the campus. Sounds crazy at first, but it would certainly spread out the cost of the program. Also, most OSU commuters would be forced to either share the communities cost burden or buy an OSU permit. Yes, the increase in area would increase overall program cost, but many folks are tired of seeing problems created by OSU's rapid growth dumped into our neighborhoods. Just once, let's come up with a solution that forces OSU to take responsibility for their actions.

Tim Stewart

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**From:** Lisa Mykrantz Brown
**Sent:** Thursday, January 23, 2014 7:21 PM
**To:** Public Works
**Subject:** Please don't!

Dear Mary Steckel,

Please don’t disallow free parking in our neighborhood!! It’s already very hard and very expensive, with the existing parking restrictions, to live in this neighborhood. I realize the parking district is nominally for the benefit of those who live here but there are many unintended negative consequences for residents.

My friends have paid over $200 in fines in the past year. Good for the city budget but bad for my friends and for me. They were helping me when I was incapacitated for a couple months and either lost track of time, didn’t notice the parking restriction or forgot to get a guest pass. Without any free parking, as I understand the proposal, we would still be limited to 10 guest passes per year. That means no more than 10 visits from friends—of even a few minutes—for the whole year or one meeting in a year with 10 attendees! It means friends can’t even stop by to carpool to an event or to drop something off. I know contractors can get a whole day pass at the Public Works office if they have contracted for a job. But, the proposed change would mean it would be impractical for contactors to stop by quickly to give estimates.

Keep in mind the likely consequences. Residents may have to pave their yards to provide even minimal parking for visitors. The side yard of this house was paved when we bought it 20 years ago. We remade it as a yard but I now see why it may have been paved by previous owners. The proposed parking change may accelerate the transition of this neighborhood into a student slum.

Thank you for considering my input in the decision making process. Please don’t eliminate free parking on this street!!

Sincerely,

Lisa Mykrantz Brown

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**From:** Thomas
**Sent:** Thursday, January 23, 2014 10:20 PM
**To:** Public Works
**Subject:** parking districts

I see City Councilor Brown feels that a survey of off street parking will be complicated and difficult, so a survey will not be conducted. Wouldn't it give a better idea of available parking,

and parking need if we did surveys of off street parking and number of bedrooms in the parking district? Wouldn't it help to have that information? Please respond, explain.

With the majority of districts showing a greater resident need for parking than spaces available, how can one consider selling permits to commuters? Will I be guaranteed a parking space in my district, or am I buying a lottery ticket/hunting license? How does lot square footage, or number of kitchens accurately represent the number of parking permits needed? Please respond, explain.

I am unable to attend the Feb. 4 UC meeting. Please forward this to the UC. Thanks for your energies and efforts. tj

---

From: Paula Hastings
Sent: Wednesday, January 22, 2014 1:54 PM
To: Notification Services
Subject: Feedback for City of Corvallis, OR

You have received this feedback from Paula Hastings for the following page:

**http://www.corvallisoregon.gov/index.aspx?page=1567**

I have a five bedroom rental house with usually four cars. How do I provide permits for my tenants and one for me when I do maintenance? There is not a parking issue at this time. The house is on NW 12th between Tyler and Polk. Your map will not load for me.

Thanks, Paula

Paula Hastings

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**From:** Suzy Conway
**Sent:** Tuesday, January 21, 2014 11:23 AM
**To:** Public Works
**Subject:** Parking

Hello,

My name is Suzy Conway, and I live at 824 SW 10th Street.
Unlike most of the houses on my street, I do not have a driveway to park my car. I have one car. The house next door to me is a student house, all lovely young citizens with whom I enjoy a supportive neighborly relationship. Sometimes, they have 5 cars of theirs parked on the street, however, and I can hardly find a space for mine. If they have company, or if there is a game, it's over for me! ;)

So, I find myself in favor of your new plan, and yet somewhat concerned as well that there is a fee for parking in front of my home when I have
no other recourse. I realize the situation is becoming dire as more students enroll at OSU, and housing is going vertical to accommodate their living needs, but private single residents who live small, and economically pay a price. I am not above paying that price, but perhaps consideration can be given to situations like mine and I'm sure many others when driveways are not available to park off street.

Many thanks for your consideration, and may I ask how much the fee is to park my car in front of my home come September, and how one gets permission to have a guest park their car when they come for dinner!

Good luck on this, I'm sure it's stormy!
All best,
Suzy Conway

---

**From:** Coy & Kathy
**Sent:** Tuesday, January 21, 2014 12:09 PM
**To:** Public Works
**Cc:** Ward 7;
**Subject:** Proposal for Residential Parking District.

Mary Steckel,

I am writing this email in response to the notice I received in the mail announcing the establishment of a parking district in my neighborhood in September 2014.

The notice stated that my property at 3407 NW Harrison Blvd was include in the area where "free parking will no longer be allowed on your street after September". When I reviewed that maps on the referenced web site, it showed 34th street north of Harrison Blvd was not included in any parking district. Which is correct?

For the record, I strongly opposed any parking distinct in my neighborhood. I am willing to share my street with my fellow citizens of Corvallis and even those "notorious" OSU students. They all pay for the maintenance and up keep on the streets I live on and should have equal access to the parking near my home. Last I heard 34th street was still a "public" street and not the private domain of the residents living on it.

Coy Scroggins

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**From:** Kathy Howell
**Sent:** Tuesday, January 21, 2014 9:40 AM
**To:** Public Works
**Subject:** RPD Comment

My name is Kathy Howell and I live at 822 SW 10th St., proposed RPD G.
My property is a half lot with 824 SW 10th St., as the other half of the lot.
Neither property has a driveway or any option of off-street parking.

For residents such as myself who have no option for off-street parking, I would suggest that one guest parking permit should be included in the cost of the permit(s) for our primary resident vehicle(s).

Kathy Howell

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**From:** Blevans, Jeannette
**Sent:** Tuesday, January 21, 2014 10:24 AM
**To:** Public Works
**Subject:** Parking district question

Hello,

I am the Business Manager for St. Mary's Catholic Church at 501 NW 25th St. in Corvallis. We received a notice that our location will fall into one of the new parking districts and that parking would no longer be free on our street beginning in September.

While we are all for improved parking around our church, we are concerned that the new rules will mean parishioners cannot park on the streets around the Church for services on the weekends and for funerals during the week. Many of our parishioners park on the local streets during Saturday/Sunday services. Most are there for only a hour or so but some stay much longer as they are part of multiple services during the day. It would unfair and frankly prohibitive to expect our parishioners to purchase parking permits. What are the plans for businesses like us that fall in the parking districts?

Can you please explain how this will work for us?

Thank you,

Jeannette Blevans
Business Manager
St. Mary's Catholic Church

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**From:** James Feldmann
**Sent:** Monday, January 20, 2014 9:47 PM
**To:** Public Works
**Cc:** James Feldmann
**Subject:** RPD expansion

Comment:

I'm concerned about the **impact of the expanded districts on streets just outside the new A district--specifically Orchard Street, east side of 35th, and west side of 33rd St**). Though on-street parking, this area acts like an unregulated linear OSU parking lot given its proximity to campus. As far as I know this area isn't included in parking calculations for OSU lots but should be. Expansion will increase pressure on such streets.

Is there any way to address traffic and safety (e.g., no sidewalk on south side of Orchard) concerns on streets like these?

We and those in the Orchard Court family housing are surrounded by high traffic 'parking lots' that are adversely affected (rather than served) by the expansion. **I'd therefore like to see some method to address increased parking pressure in this area.**

**Suggestions to consider** for these areas (but I'd welcome others):

.

Parking limits (one, two, or four hours?) but without resident permits. Enforcement issues and increased traffic may not warrant this.

.

Traffic calming: bulb-outs, speed humps, etc. Expensive but helpful. At cross-walks, bulb-outs would improve safety/visibility.

.

Sidewalk/cross-walks: on south side of Orchard and some kind of improved crossing to OSU for Orchard Court residents. Safety.

Thanks,
James Feldmann

---

From: Paul Cauthorn
Sent: Monday, January 20, 2014 3:53 PM
To: Notification Services
Subject: Feedback for City of Corvallis, OR

You have received this feedback from Paul Cauthorn for the following page:

http://www.corvallisoregon.gov/index.aspx?page=1528

http://www.corvallisoregon.gov/index.aspx?page=1528

The "2 hour parking" photo on this website is misleading and should be changed to reflect the city's current extreme parking proposal. Maybe, you could change the photo to a sign that says, "expensive permit parking only", or "no visitors with vehicles allowed anywhere near campus neighborhood homes".

This parking permit proposal stinks and would make Corvallis less livable. I would like my friends to be able to visit me without me having to rush out to get a permit attached to their car and then remembering to get it back. This proposal is unfriendly and would do harm to our community.

Please change the photo or, better yet, round file this short sighted proposal.

Thanks,
Paul

Paul Cauthorn

---

**From:** Ribeiro, Michele
**Sent:** Sunday, January 19, 2014 2:42 PM
**To:** Public Works
**Subject:** paying for on street parking

Dear Mary Steckel,
I am deeply troubled by the blue post card I received from the City of Corvallis. I do not want to pay to park in front of my house on the streets in the neighborhood I live in. I moved from a large city to a smaller town, hoping to have a more convenient life not a more expensive and busier one. There are likely only 30% of families living in the downtown area, my family being one of them. I want to keep our streets free for parking and would appreciate you adding my name to the list who disagrees with this proposal.

I am also concerned how the city has decided to allow the Miller Beer Co to advertise on public buses. This may not be your area, but please forward my concerns with whomever made the decision to paint a large beer bottle on the community bus, which mostly provides transport to the lower SES in our community who may also be the most vulnerable for alcohol abuse. This decision was poorly thought out in terms of messaging on a community bus and the city should be ashamed to put money over values. This beer bottle that is painted on half the bus supports drinking as a public community message! What is going on in this community which used to

seem to have higher values of community. As you can see I am disappointed in how our community is changing but hope to salvage some sense of empowerment through my voice.
Thank you for your attention.
Kind Regards,
Michele Ribeiro

---

From: Barry Lawler
Sent: Sunday, January 19, 2014 1:30 PM
To: Public Works
Subject: Residential Parking

Re: Proposed Residential Parking Fees

Dear Public Works Representative:

Given the obligations that home owners (to be distinguished from lessees and tenants) within the fee-liable areas already (and
legitimately) incur, I believe that at least one fee exemption per household is justified.

On NW Johnson Avenue, where I live (2810), on-street parking is already limited to a single side due to narrowness of the street.
Additionally, within my Historical District, most of the homes, built between 1925 and 1940, have only single-car garages and short, narrow driveways to accommodate additional vehicles. Thus, while the proposed fee requirement will likely reduce the number of commuters competing for parking space in the area, it doesn't seem fair that home owners should be treated as "visitors" to their own front doors.

Right, a $20 annual fee is not excessive; virtually all of us can afford it. Considering, however, that we are also responsible for keeping our sidewalks clear, maintaining vegetation and lawns on our median strips, and keeping the adjacent street gutters and drains free from debris . . . considering these obligations we accept, the City could--as a matter of principal--reciprocate with at least some small measure of preferential treatment. Even with an exemption, after all, we will still have to compete for limited parking spaces.

Thanks,

Barry Lawler

---

**From:** Susan Brown
**Sent:** Sunday, January 19, 2014 7:44 AM
**To:** Public Works

**Subject:** guest parking permits

To Corvallis City Council Urban Planning Services Committee:

We have lived in our home in the in the college hill area west of OSU for 38 years now, so we are familiar with the parking changes through the years.

I am writing to express my concerns regarding guest parking, as the new parking regulations are decided. I am hopeful there will continue to be a system, where my children or guests may drop by for a couple hours during the week, and be able to park in my neighborhood. Either the paper "guest pass" system of recent years, or several plastic ones, which would be our personal ones which we could reuse, would be most appreciated. Perhaps we could have two of the reusable plastic ones, and obtain additional paper ones for a rare occasion where we might have a meeting or luncheon at our home.

Thank you for your consideration.

Susan Brown

---

**From:** Bruce & Megan Reid
**Sent:** Saturday, January 18, 2014 8:34 PM
**To:** Public Works
**Subject:** Residential Parking

Dear Mary Steckel,

I am a resident in the area of the city you have designated as “F”.

I am completely and totally opposed to more government bureaucracy and fines, fees, rules, regulations, and hassle concerning parking on the street in front of my house. I do not want to play all the games that will be required to comply with all of the rules that are being proposed. While its no doubt that parking is troublesome in my neighborhood, I would rather deal with the competition of trying to find a parking spot and not worry about a bunch of rules, rather than deal with a bit less competition and have to worry about compliance with all of the rules.

The bottom line is that all of the proposed changes will not fix or eliminate the parking shortage, it will just increase the hassle factor because under the new proposal I will not only have to find a parking spot, I will also have a bunch of rules to deal with. The proposed rules are a huge negative impact on my quality of life. In particular, I do not like the idea that my friends will not be able to park anywhere near my house if there is a need for more than two. How would you feel if you were limited to two friends for every back yard barbeque?

I also know how fee structures progress with time. Initially, the fees are modest, such as $20/yr, but once the revenue stream gets established the fees soon start outpacing the cost of inflation and become outrageous in short order. In my opinion, these proposed parking regulations are just an excuse to generate a revenue stream.

Please just leave the existing parking arrangements as they are. There is nothing about these proposed rules that I support.

Thank you,

Bruce Reid

---

**From:** Westminster House
**Sent:** Friday, January 17, 2014 9:38 AM
**To:** Public Works
**Subject:** parking feedback

Hello, I'm responding to the postcard regarding the proposal that free parking will no longer be allowed on our street (23rd) after September. Just wanted to share some feedback - I personally think it's a great plan and hope that it would motivate more people in the area to take the bus or otherwise not have a car around.
--
Rae Sidlauskas
Administrative Assistant
United Campus Ministry at OSU
Westminster House

---

**From:** Elizabeth Orner
**Sent:** Friday, January 17, 2014 4:21 PM
**To:** Public Works
**Subject:** Parking permit

Re:Parking permits are you telling me I am going to have to pay to park in front of my own house which has in the family since it was built in 1925 ? There is something very wrong with that picture!!!!!E.S Orner

---

**From:** Seema Bharwani
**Sent:** Friday, January 17, 2014 8:33 PM
**To:** Public Works
**Subject:** parking restrictions

Hello,

I recently received the blue postcard outlining the city's new plan for parking in my neighborhood. I live at 10th and Polk.

Both on the card and on the website, it indicates that there will be no free parking available. Does this mean that there will be meters installed in front of my house?

Thank you for the clarification,
Seema Bharwani

---

**From:** Nate Miller
**Sent:** Thursday, January 16, 2014 4:44 PM
**To:** Public Works
**Subject:** Parking changes

I'm just writing to express my strong support for the expansion RPD. There have been times where I had to park a half mile from my house.
Thank you,
Nate Miller

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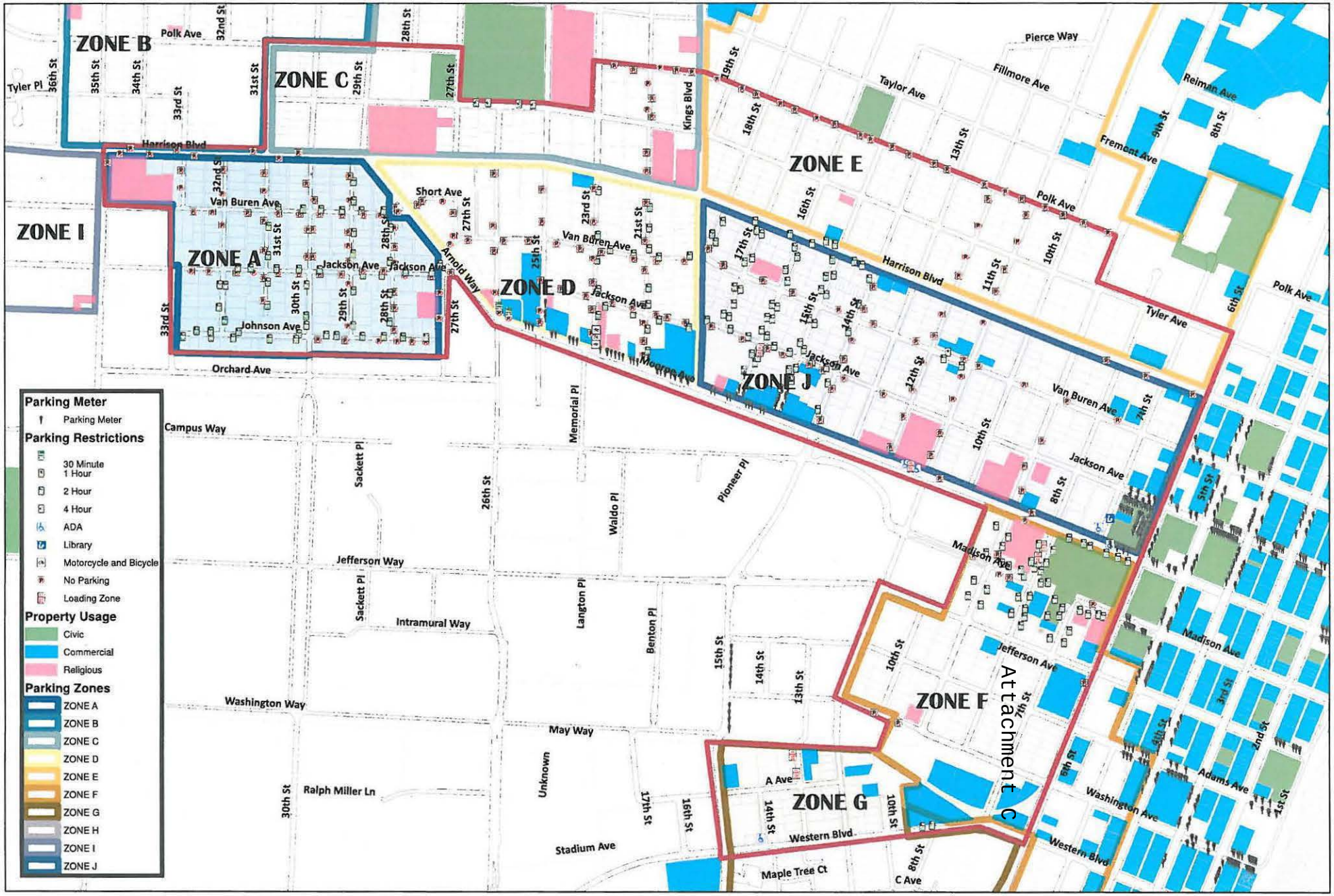
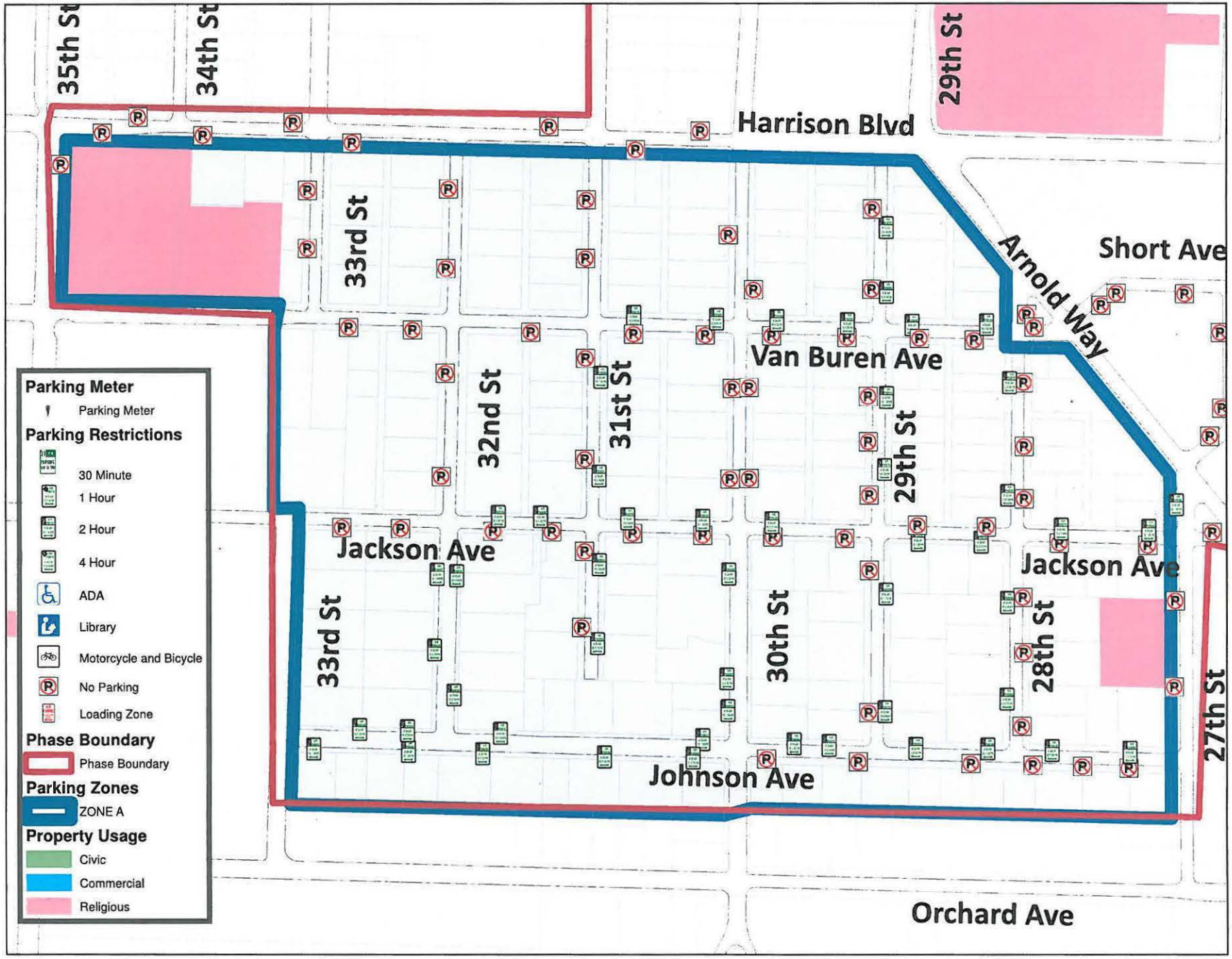


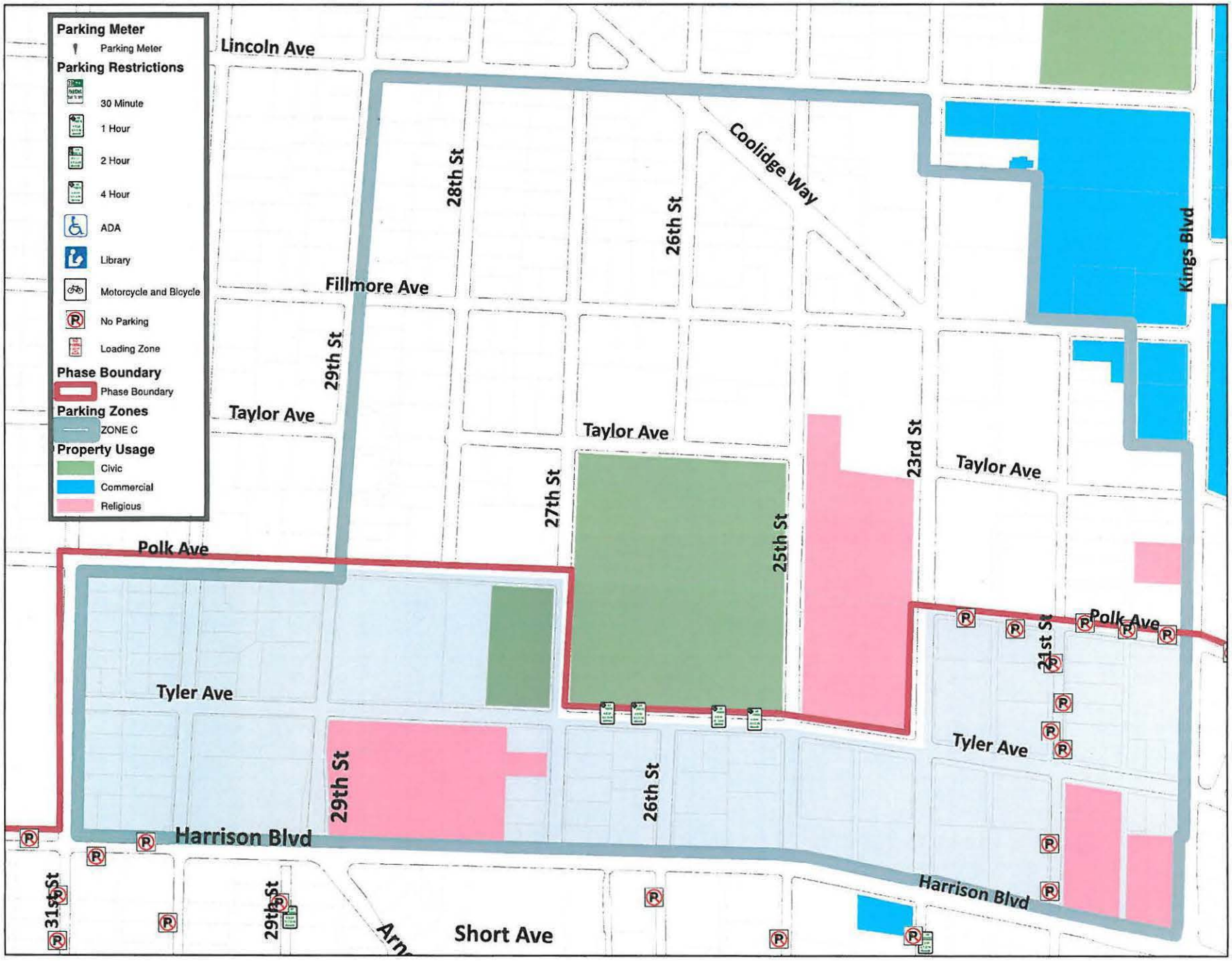

# Proposed Parking Districts - Existing Restrictions

NORTH



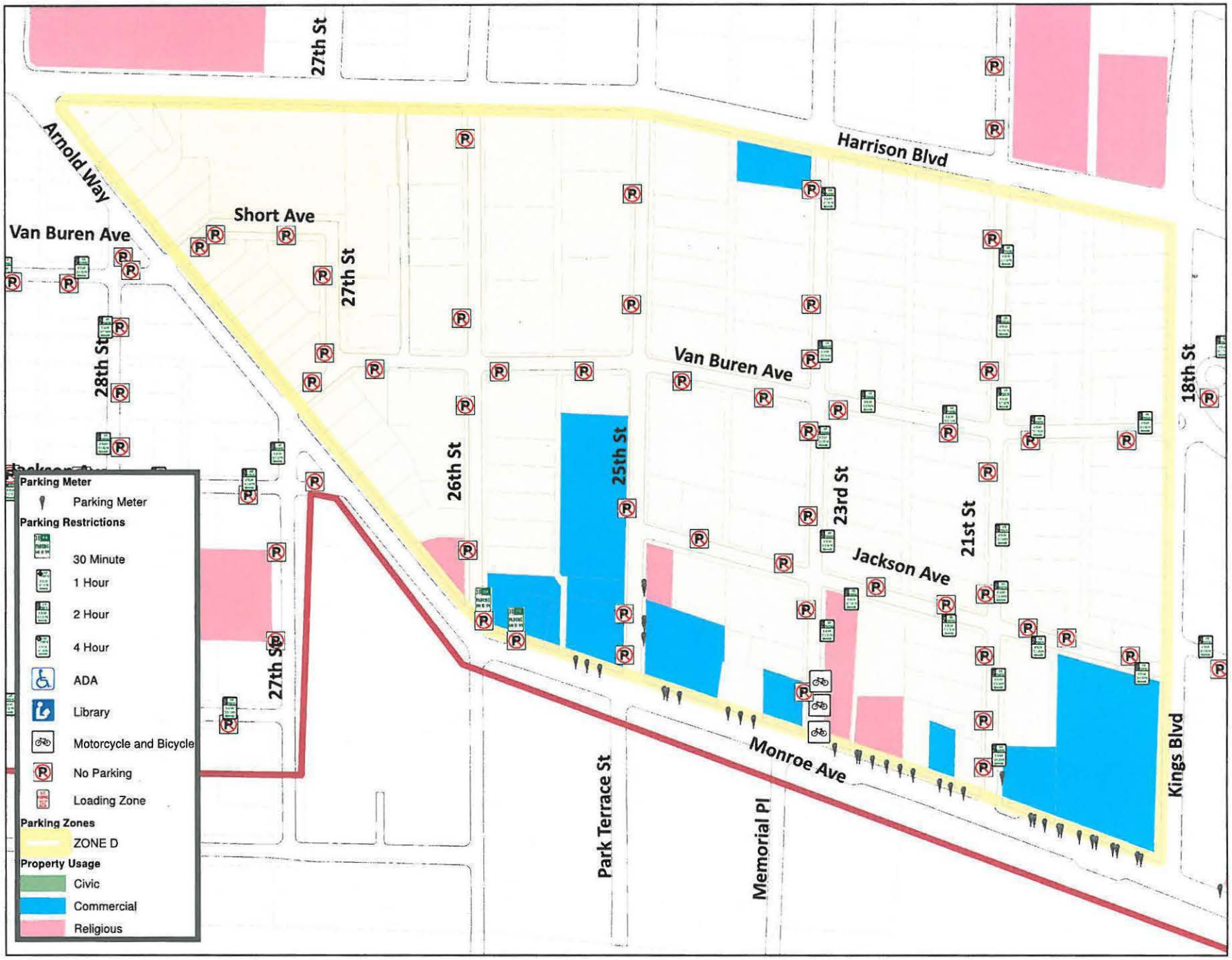

# Proposed Parking Districts - ZONE A Restrictions

NORTH



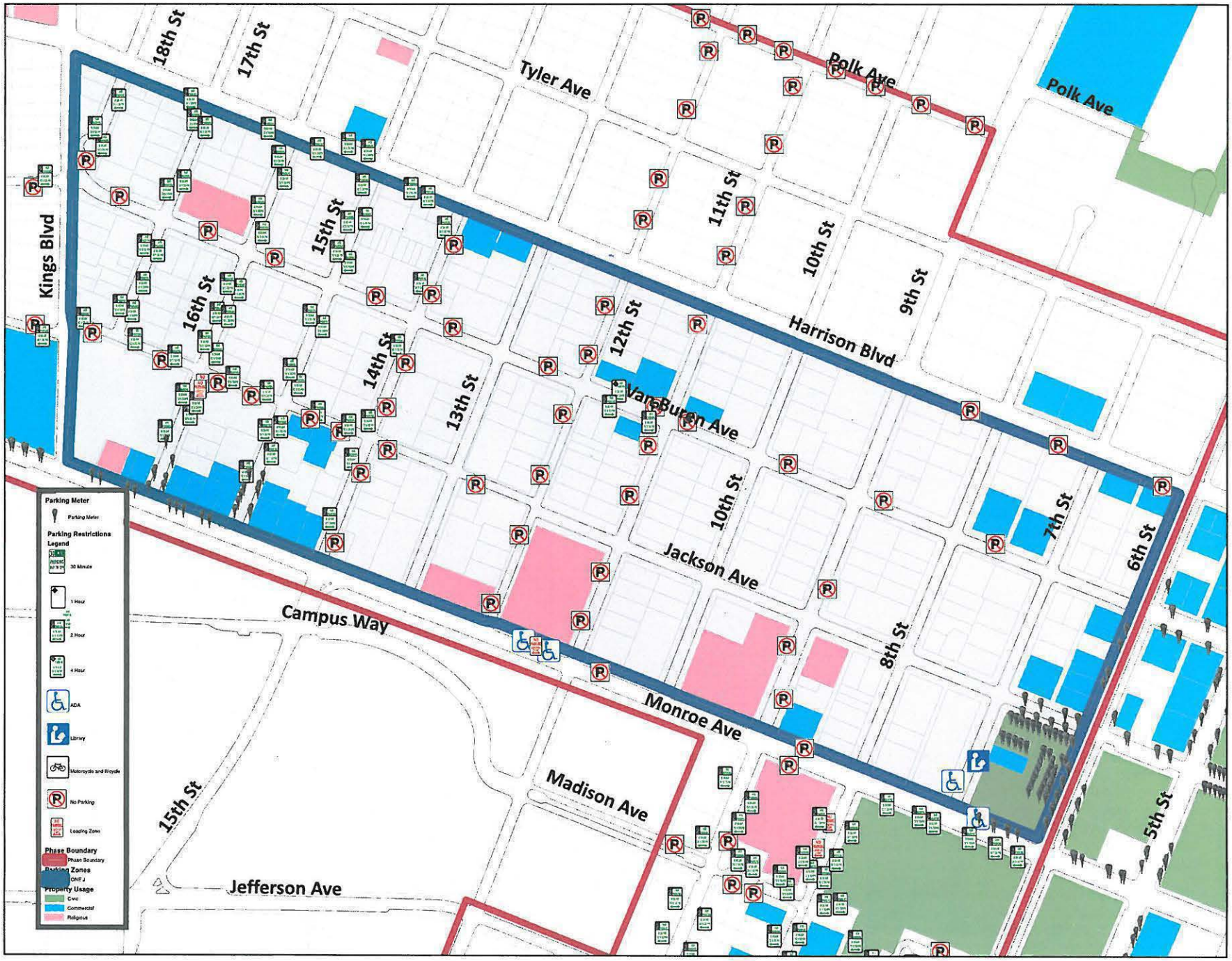

# Proposed Parking Districts - ZONE C Restrictions

NORTH



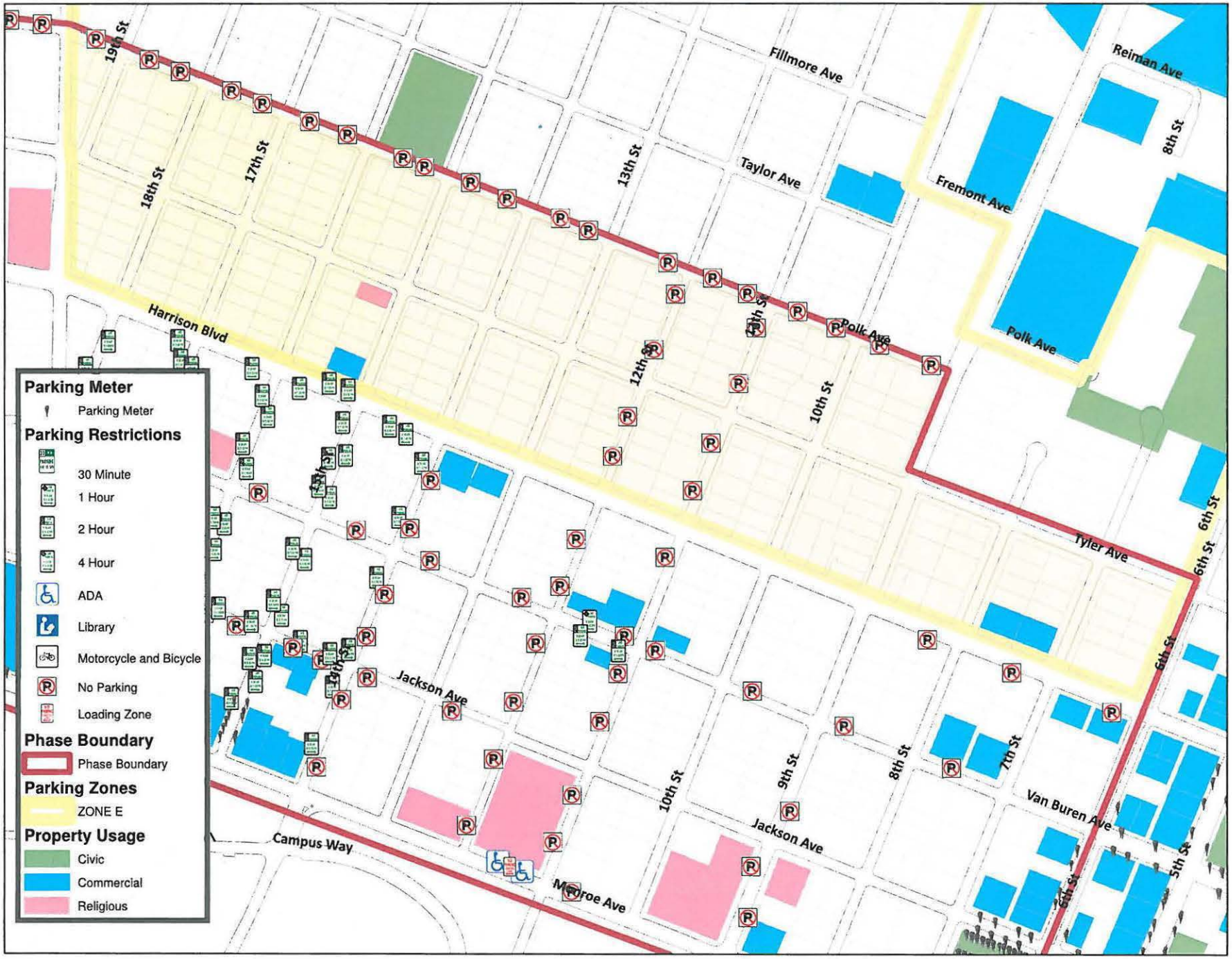

# Proposed Parking Districts - ZONE D Restrictions

NORTH



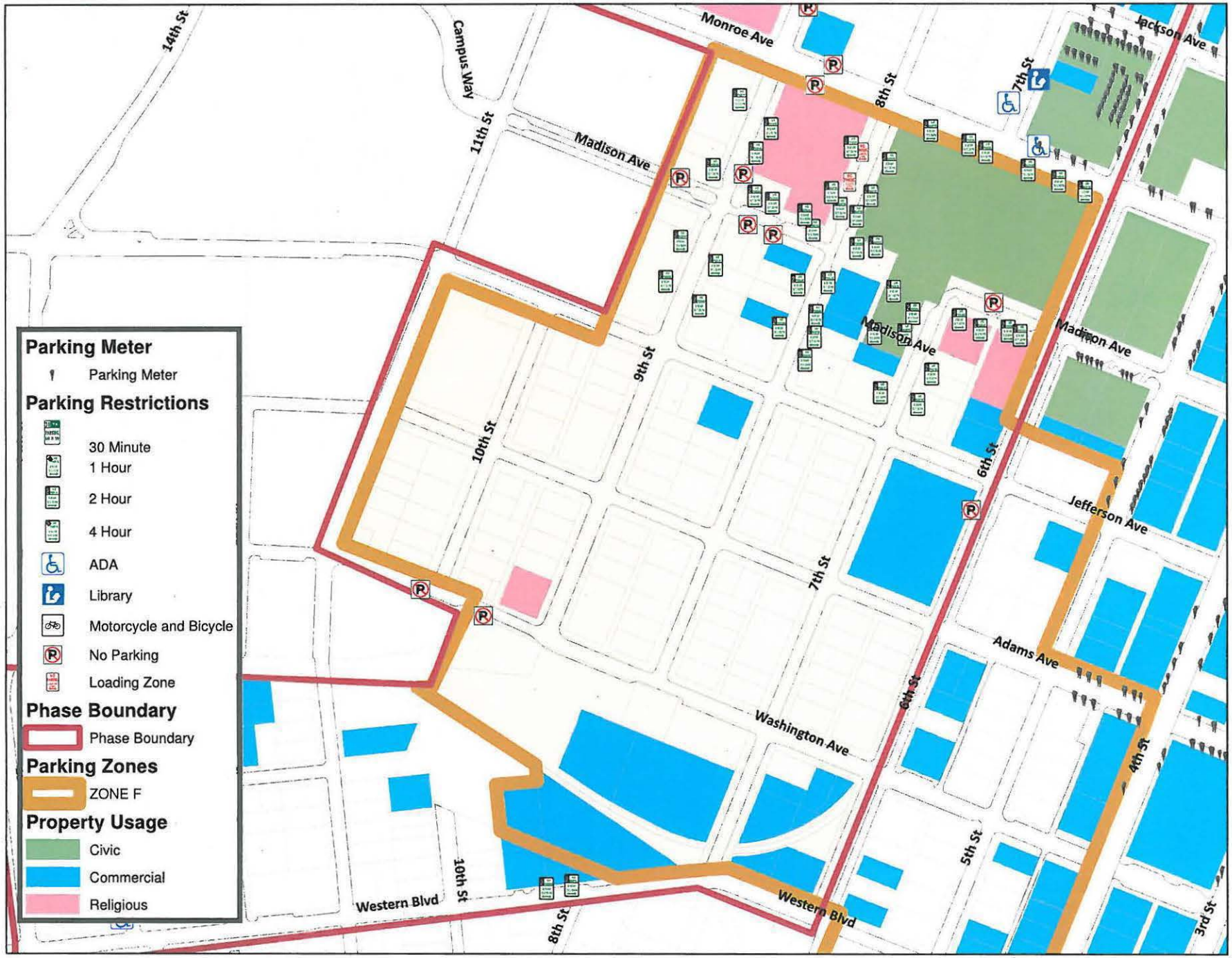

# Proposed Parking Districts - ZONE J Restrictions

NORTH



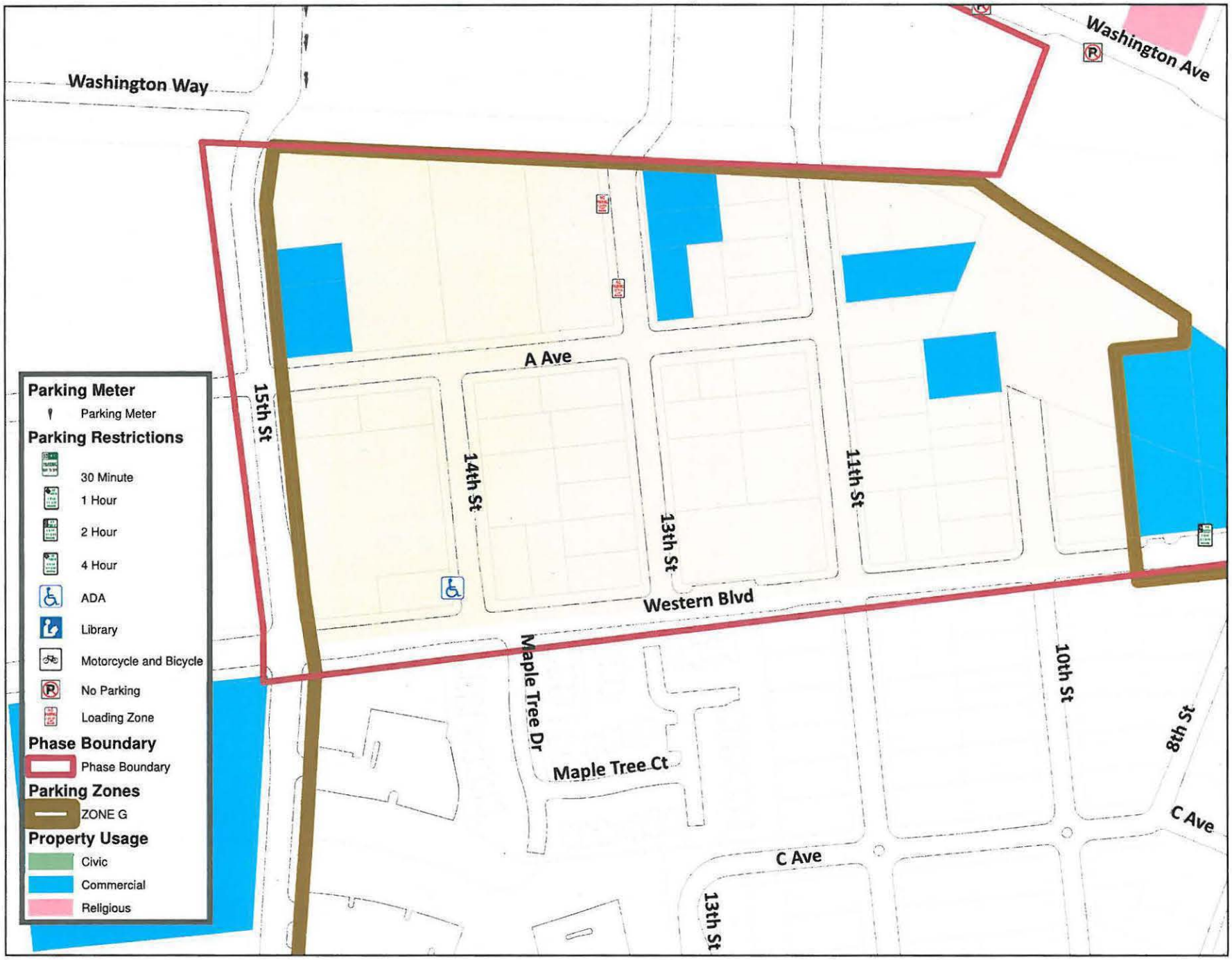

# Proposed Parking Districts - ZONE E Restrictions

NORTH




# Proposed Parking Districts - ZONE F Restrictions

NORTH




# Proposed Parking Districts - ZONE G Restrictions

NORTH

# Estimated Parking Capacity and Resident Parking Permits per District
January 2014

| District | Estimated On-Street Parking Capacity | 75% of the Estimated On-Street Parking Capacity | Total Resident Permits Available Using Square Footage Method | 50% of Available Resident Permits Purchased | Estimated On-Street Parking Capacity Remaining |
|---|---|---|---|---|---|
| A | 455 | **341** | 522 | **261** | **80** |
| C | 591 | **443** | 347 | **174** | **269** |
| D | 304 | **228** | 437 | **219** | **9** |
| E | 626 | **469** | 556 | **278** | **191** |
| F | 389 | **292** | 282 | **141** | **151** |
| G | 140 | **105** | 163 | **82** | **23** |
| J | 716 | **537** | 733 | **367** | **170** |

Residential Parking Permit Districts

Public Testimony E-Mails to Mayor and Councilors

Received from August 19, 2013 through January 27, 2014

# MAYOR & COUNCIL EMAIL

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## Re: Parking Permit Districts

- *To*: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxx, ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Re: Parking Permit Districts
- *From*: Paul Cauthorn <paulcauthorn@xxxxxxxxx>
- *Date*: Wed, 22 Jan 2014 11:40:49 -0800
- *Cc*: Jeff Hess <jeffhess100@xxxxxxxxx>, Paul Cauthorn <paulcauthorn@xxxxxxxxx>

My apologies if you receive this email twice. I did not see it show up in your email log when I sent it on Monday.

On Mon, Jan 20, 2014 at 2:41 PM, Paul Cauthorn <paulcauthorn@xxxxxxxxx> wrote:

> Hello Mayor and City Council,
>
> I received a postcard notifying me to the parking permit issue. I am new to Corvallis. I grew in Eugene and have seen the mistakes Eugene has made over the years dealing with growth, specifically around the University.
>
> I chose to leave Eugene and move to Corvallis for many reasons including the politics in Eugene, the small town "Mayberry" feel of Corvallis, and my family history being deeply rooted in this community.
>
> I urge you to not pursue the parking permit scheme. I have read through the documents online and can understand what initiated the issue being brought up. I don't think this is what people want and many people are unaware of the extreme nature of this current proposal.
>
> You can not simply make parking unavailable to the general public in one huge area and expect the problem to just go away. People will find the nearest allowable spot and commute from there. In Eugene, South University Neighborhood lobbied for a parking district and the city put in 2

hour/permit parking. Then the next neighborhood, which was a mile away from campus, had their streets plugged with vehicles. People park all day and ride their bikes or bus the extra distance. The problem was not solved it was just foisted on another neighborhood.

In the districts that Corvallis city staff wish to create, there are businesses. I have spoken with a few business owners who believe they will be allowed to keep two hour parking in front of their businesses. If so, those spots will be full all the time by people visiting friends or making a quick stop to the university. This parking scheme will hurt Corvallis businesses.

Currently, Corvallis has mixed neighborhoods around the University. When government starts limiting the neighborhood feel by installing ugly no-parking signs, creating stress to homeowners, adding to the tax burden (permits), making it less possible or more difficult for friends to visit, making it difficult for contractors, and many yet unknown ramifications of a permit situation, these neighborhood would become less home owner friendly. In Eugene, the West University neighborhood was a mix of homeowners and tenants. It is now 97% tenant occupied. The crime rate in this neighborhood, when I last looked, was 50%. It is an unspoken disaster.

I urge you to give careful consideration to my comments. I believe this parking permit scheme should be round filed and other more creative solutions should be explored.

I would be happy to speak with any of you. I have seen what has happened to Eugene, and I do not want Corvallis ruined by well-intentioned short-sighted thinking.

Thank you for your time.

Sincerely,
Paul Cauthorn
543 SW 6th Street
Corvallis, OR 97333

541-513-8151

# MAYOR & COUNCIL EMAIL

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

## Parking Districts and Decision on Campus Crest

- *To*: <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking Districts and Decision on Campus Crest
- *From*: "Bret and Diana Godfrey" <kokanee100@xxxxxxxxxxx>
- *Date*: Tue, 14 Jan 2014 07:28:40 -0800

Dear Bruce,

First – thank you for voting no in regards to the Campus Crest development decision.

I could have contacted you personally, but would like my information to have a more public forum, thus this email through the City.

I am so frustrated with the decisions and recommendations being made simply to suit the needs of Oregon State University. While I understand there needs to be a balance, it feels as though that balance has been tipping in the favor of OSU for some time.

I find it very interesting that the City Councilors that support the Campus Crest development are all councilors that will not be affected by this decision. While they have to represent the interests of their particular Ward, it would seem that since it doesn't directly affect their Ward they would consider the greater good for other residents of the City. I have heard from some individuals involved in property development in Corvallis that we have reached a point where there is an excess of available housing for students. Did the City Council or other committees conduct a more recent study to see where the City is in regards to current availability of student housing and future housing?

The building of Campus Crest will have a direct impact on this neighborhood and I've heard potentially increasing traffic by 40%. We already experience a lot more traffic since 35th St. was closed at Harrison

with students in particular finding shortcuts through the neighborhood to get from Harrison to 36th St. In fact, when Sheriff I would occasionally use my position to send letters to registered owners of cars speeding through the neighborhood (and yes, they were usually the ages of students) to give them warnings about slowing down.

In regards to the additional Parking Districts, once again OSU is driving decisions about our neighborhoods. Because they continue to build on campus, losing more available parking, students are forced to park off campus in the neighborhoods. The committee comprised of several city councilors have apparently recommended that additional parking districts be added and residents charged to park in their neighborhoods. If the City Council accepts the recommendation and there is the same system as currently in place, longtime residents of this neighborhood will be required to pay to park on their street. I find this ridiculous and another form of taxation imposed upon only some city residents. If in fact, if the parking districts are expanded, why not impose it on all residents of the City so that it is an equal and fair (?) tax (think of the revenue the City could make). Or, why not grandfather in residents and impose the permit fee on those residents who buy in the parking district after the program is expanded. For example, neighbors on our street (many who have lived in their homes 25 plus years) would not be required to purchase parking permits and would receive 3 annual permits each year, but if we sold our home, the new residents would be required to purchase the parking permits.

Some of the concerns I have regarding parking permits may be addressed somewhere if I dig far enough on the city website to find it, but you as well as many in this neighborhood have family come visit for several days at a time. Will we have to purchase a parking permit for each of them? According to the current rules we can only purchase three and that may not be enough to cover everyone in a family. What happens if we don't have a permit on one of our vehicles because we often park in the driveway, but forget and leave the vehicle on the street. And what about those residents who do not have driveways? They are now forced to purchase permits to satisfy the City.

Bret and I thank you for your work on the City Council. It is a thankless and tiring job and all of us in the neighborhood truly appreciate that you have been willing to take it on.

Thank you,

Diana Simpson Godfrey

# MAYOR & COUNCIL EMAIL

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

## Parking Districts

- *To*: Penny York <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, Dan Brown <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxx>, Richard Hervey <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxx>, Roen Hogg <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking Districts
- *From*: Marilyn Koenitzer <marwilko@xxxxxxxxxxx>
- *Date*: Tue, 7 Jan 2014 22:25:50 +0000 (UTC)

*Dear Penny and other councilors,*

*Please find the attached letter, above, intended for Tuesday, Jan 7, 2014 Urban Services Committee.*

*Marilyn Koenitzer*

*4240 SW Fairhaven Drive*
*Corvallis, OR 97333*
*541-754-0656*

*"When a tree falls in the forest, a star falls from the sky." Chan K'in, Maya Elder*
**Attachment:** `parking district letter 2.doc`
*Description:* MS-Word document

- Prev by Date:**Celebrate Corvallis - plan to attend?**
- Next by Date:**RE: Celebrate Corvallis - plan to attend?**
- Previous by thread: **RE: Celebrate Corvallis - plan to attend?**
- Next by thread:**[SuperUpdate] Update Regarding Oregon Minority Educator Pipeline Models Grant and Oregon Minority Educator Retention Grant**

Marilyn Koenitzer
4240 SW Fairhaven Drive
Corvallis, OR 97333

7 January 2014

Councilor Penny York
City of Corvallis

Dear Ms. York,

I am writing to express my concerns about the Parking District Proposals. Urban Services Committee will take up the matter again today at 5:30.

Council's decision to opt out of some (or all) short-term parking within districts seems short-sighted to me. Once Council has voted, the decision is hard to undo. With examples given below, I ask you to reconsider the parking proposal. The current proposal, the two permit system, would seem to have consequences that will not make Corvallis more livable. It seems to leave everyone except residents, their guests, and those willing to pay $300.+ without a place to park.

Two-hour parking currently works well in some areas:
The district around Central Park currently has two-hour parking, and it seems to work well, according to people who live there. It is full during events at the park, like the Fall Festival, but is still available for parking for any reason at other times. Current system should be kept here.

Consequences/questions about other areas:

Will there be hassle-free hourly or daily parking allotments within the proposed system?

Will short-term metered parking be added?

Will handicap parking be available within the districts?

Where will tourists and out-of district-Corvallis residents (who are not visitors) park without short-term parking?

Will our public institutions such as Library, Arts Center, Senior Center, churches, have enough parking?

For businesses adjacent to campus, will the 1 permit for 400 sq. ft of office space be more than now? Because metered parking is inadequate now.

What's going to happen for essential parking in the St. Mary's, Senior Center area?

Will we be able to tour historic districts and walk the streets without imposing upon a resident for a permit?

What will happen when visiting invalids? Variable situations will occur, which will complicate residential parking.

Are we dealing with consequences of parking in neighborhoods much further out from campus and riding the bus or biking in?

I don't want Corvallis to be a place where we feel that we have lost our ability to enjoy our city freely, without always thinking, "Well, I cant go there because of the lack of parking." And bus and bicycle are not options for some of us.

I hope I am wrong in my assumptions, and that these problems have been worked out, but not articulated to the public. If not, remember, the goal is to enhance neighborhood livability, and thereby whole Corvallis livability, not make parking an impossibility for some and a huge inconvenience for all.

Sincerely,

Marilyn Tate Koenitzer

# MAYOR & COUNCIL EMAIL

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## RE: Thanks

- *To*: Ward3 <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: RE: Thanks
- *From*: Thomas <tomjensen37@xxxxxxxxxxx>
- *Date*: Thu, 5 Dec 2013 00:11:50 -0800

Ms Steckel's memo is the first item after the agenda in the USC Aug. 20 packet. The previous numbers used were also from this document, but referred to full implementation of the 2-hour free parking design. On page 4, "ticket revenue for all permit program design" estimates full implementation ticket revenue to be over $665,000. On page 2, full implementation costs are initially $675,000, with ongoing costs of$300,000.

This would mean a $10,000 deficit the first year, but over $350,000 clear the second year. Again, I should be getting a refund instead of having to purchase a permit. And I'm with you on wanting some accurate court costs. The amount "?", in the "Municipal Court" segment of the table left me with questions. Sorry for the pun.

I, too, would like to have a map of the number of parking spaces available. I'm sure it would help ideas gel for all of us. Asking again, could you please tell me what the goal "Neighborhood livability" is? I would like to know what "Neighborhood livability" is intended to do, and how the USC intends to accomplish it. Stay warm, tj

From: ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
To: tomjensen37@xxxxxxxxxxx
Subject: RE: Thanks
Date: Wed, 4 Dec 2013 15:25:06 -0800

Tom,

You are correct on the numbers for enforcement. I don't recognize the ticketing revenue numbers you cite. I have asked for more accurate court costs numbers. In general the City attempts to match tickets / sanction fees with the costs of enforcement including court and collection costs. I would be amazed if the numbers you cite were anything other than a misunderstanding.

I agree that getting hard numbers for numbers of parking spaces and residential units. The numbers I have been working with are available in the USC packets, starting in about August.

Richard

40 A

**From:** Thomas [mailto:tomjensen37@xxxxxxxxxxx]
**Sent:** Wednesday, December 04, 2013 12:26 PM
**To:** Ward3
**Subject:** RE: Thanks

First and foremost, thanks again for all you do. Whether we're on the same page or not is irrelevant to the energies you expend for the city.

Savings...I think creating one district instead of several, and allowing all day parking for those with permits reduces the amount of scrutiny and manpower(remembering time and district) necessary to track vehicles, and reduces the number of cars moving around.

I take it the figure you provide($165,000) is from the August 15, 2013 memorandum from Mary Steckel. I have previously used numbers from this memorandum in testimony, and have been told those numbers were in no way accurate(D. Brown).

If they are accurate, and they show $1.3million in ticketing revenue against an initial cost of $920,000($475,000continuing), I should be getting a refund instead of being charged for a permit.

As there was no count or survey of block by block parking spaces used when that memo was made, the accuracy of any numbers in the memo are suspect. Ms. Steckel informed me a survey has been completed since then, and I look forward to seeing it. Again, no accurate estimates can be made until those numbers are available.

For a more accurate estimate of resident permits needed, a survey of available off-street spaces as well as bedrooms is needed. The apartment complexes that charge for off street parking increase the burden on street parking. Some emphasis needs to be placed on filling those off street spaces.

Finally, the USC needs a goal. "Neighborhood livability" isn't a goal. I already have "Neighborhood livability". To create a goal, one needs to state what is intended to happen, and how it will happen. What is the goal? tj

From: ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
To: tomjensen37@xxxxxxxxxxx
Subject: RE: Thanks
Date: Wed, 4 Dec 2013 10:10:58 -0800

Tom,

We've discussed your plan previously. Maybe I misunderstood the financial arrangements and thus have not been as open to your ideas as you would like. Before I meet with you again, I would like to see your analysis of how the finances work. You indicate that it lowers enforcement costs. I'd want to see the logic behind that statement and a measure of the reduction. For now I'm using the estimate for the current phase one implementation of $165,000. I'd also want to see what contribution or loss you include for tickets. And probably most important I'd want to see your assumptions about the total number of free resident permits and purchased non-resident permits in your plan.

Richard

---

**From:** Thomas [mailto:tomjensen37@xxxxxxxxxxx]
**Sent:** Tuesday, December 03, 2013 10:16 PM
**To:** ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
**Subject:** Thanks

I appreciate the hard work and extensive time you all are dedicating to this project. I do worry the planning moves forward piecemeal, and I understand the idea of keeping the City Council informed or abreast of developments.

As for City Council approval, text from the city website regarding Aug. 6 recommendations by USC to Council says, "The City Council approved these recommendations at the August 19 Council meeting.". For an Aug. 20 meeting, "...the Council concurred with the direction on the items and approved the program goal of neighborhood livability.". Hopefully this demonstrates why I thought USC was receiving City approval.

If ever you would like, I can show/explain the "one district" plan I have created. It would achieve goals originally created by city staff, require fewer parking enforcement officers, and could be done without charging residents for a permit, while maintaining uniform standards. As the USC moves

forward, they must maintain equal standards in all districts.

As I said at the USC meeting, this issue is causing frustration to lots of folks, and pits areas against one another. "Resident Only" parking can't just be in one area. Phase one will just push cars into the Phase 2 area, so implementation needs to be all or none. The logic and reasoning to not include District C could just as easily be applied to the district around Franklin School, Corvallis High School, and Fred Meyer. Also, the USC really needs to think about accommodating residents who don't have access to off-street parking.

Lastly, USC needs to have a goal. Neighborhood livability isn't a goal. Goals are measurable and observable. I already have neighborhood livability. The parking district goal needs to state what will happen, and how it will happen. Could you please explain the goal of the parking districts. Thanks for your feedback, tj

- **References**:
  - **Thanks**
    - *From:* Thomas
  - **RE: Thanks**
    - *From:* Ward3
  - **RE: Thanks**
    - *From:* Thomas
  - **RE: Thanks**
    - *From:* Ward3


- Prev by Date:**FW: Top News: Report Shows Local Food Boosts Regional Economy**
- Next by Date: **Teacher Quality, Political Labels, the new Progressive Agenda & More**
- Previous by thread: **RE: Thanks**
- Next by thread:**Chewable plant and terrorism in Texas | Avoiding EMP attacks | France's role in Africa**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## Parking District C, now F

- *To*: Dan Brown <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, Church@xxxxxxxxxxx, Julie Manning <jmanning597@xxxxxxxxx>
- *Subject*: Parking District C, now F
- *From*: Tony Van Vliet <tlvanv@xxxxxxxx>
- *Date*: Mon, 27 Jan 2014 09:36:10 -0800
- *Cc*: Tony Van Vliet <tlvanv@xxxxxxxxxxx>, Charlie & Cindy Bruce <ccbruce@xxxxxxxx>

Dear Dan,

In a few days you will receive an official response and comments about any new parking rules that may affect the area around First Presbyterian Church across from central park.

I thought I would write as to the history which may affect any decisions about parking in that area. Over two years ago, Dr.Stan Nuddleman and myself pounded our shoe leather around a small area to get signatures for small, compact parking district to satisfly his business tenants and meet the users of first Presbyterian Church. Steve Rogers of City was a tremendous help getting us through the process. Students and City employees were occupying the unmarked areas and causing some concern. Stan's business tenants were threatening to leave and parents dropping off small children at Church had great difficulty getting a place to stop. Our new two hour limit and issuing "extended Permits" to area home owners, business tenants and church staff (17) still has worked very well and changing hours, fees or permits would work a hardship. This is especially true for our church staff and Day Care staff which carefully use the permits we were allocated.

We would appreciate the old Area "C" being "grandfathered" in the new "F" area with our current rules and permits.
These points were considered when we formed-4 hour permits would not work in our area because students would use them.
Permits were the only solution for working staff, tenants and homeowners that allowed an extended time for staff, vendors, and homeowner guest to have a fighting chance for a spot.

Maintaining our loading zone on 8th street has helped parents dropping children off.
There has to be the realization that there are those who can always game the system, but keeping that to a minimun is a goal for the city and university. It should be noted that daycare has university parents as users.

Dan, Stan and I can be available if there are further questions

- **Follow-Ups**:
  - **Fwd: Parking District C, now F**
    - *From:* Tony Van Vliet

- Prev by Date:**[SuperUpdate] Eastern Promise Replication Program Grant**
- Next by Date:**Fwd: Parking District C, now F**
- Previous by thread:**[SuperUpdate] Eastern Promise Replication Program Grant**
- Next by thread: **Fwd: Parking District C, now F**
- Index(es):
  - **Date**
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# MAYOR & COUNCIL EMAIL

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## Parking

- *To*: <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking
- *From*: "Dr. Frank Heresco" <frank@xxxxxxxxxxx>
- *Date*: Mon, 27 Jan 2014 15:29:14 -0800

Roen Hogg

My name is Doctor Frank Heresco. A chiropractor on the corner of 7th and Harrison Boulevard. As with many businesses and Corvallis area parking is always an issue. When we bought this building set up practice we did so because there were street parking. I certainly don't mind paying a permit for myself and my employees to park in the area but I don't know how were going to handle that with our patients. Many of our patients Park on the street because there's not enough room in our parking lot. What you have in mind for situations like ours?. Can I buy a pass that can be used for a year for safe 5 vehicles for street parking? That would allow at least 5 our patients to park on the street during working hours. Please let me know what you have in mind for our situation.

Blessings;

Dr. H

Frank Heresco, DC

Heresco Chiropractic and Associates

408 NW 7th Street

Corvallis, Oregon 97330

Tel 541-757-9933

Fax 541-757-7713

frank@xxxxxxxxxxx

www.HerescoChiropractic.com

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- Prev by Date:**Reed Awards Seminar Agenda is Here!**
- Previous by thread:**Reed Awards Seminar Agenda is Here!**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## lack of two-hour parking

- *To*: ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: lack of two-hour parking
- *From*: richard daniels <rdaniels@xxxxxxxx>
- *Date*: Sun, 26 Jan 2014 21:54:31 -0800

Dear Roen, My wife and I are very disappointed that there will not be two-hour free parking in our parking district; this will be very inconvenient for our daughter and friends who will want to visit off and on, especially since my wife, Kristina, is partially disabled and needs such visits. Not having two hour visits permitted as a matter of course in our district is, to us, an objectionable change to the ordinary nature of such districts, and we deeply hope the rules will allow such two-hour free parking, as exists in every other parking district i know of, around the university in Eugene as well as in Corvallis. We petition your help in this matter. Sincerely, Richard Daniels


- **Follow-Ups**:
  - **Re: lack of two-hour parking**
    - *From:* ward2

- Prev by Date:**LOC Bulletin - January 24 edition**
- Next by Date:**Ecological Risk Assessments - Early-Bird Deadline**
- Previous by thread:**LOC Bulletin - January 24 edition**
- Next by thread:**Re: lack of two-hour parking**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## Comment on Parking Districts to the Urban Services Comm.

- *To*: "ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Comment on Parking Districts to the Urban Services Comm.
- *From*: "Rohrmann, George" <rohrmanng@xxxxxxxxxxxxxxx>
- *Date*: Sat, 21 Dec 2013 21:32:17 +0000

The proposal to allocate parking based on the square footage of a lot does not appear to take into account a number of historic anomalies in which more than one unit was built on a lot of less than 5000 sf. These include the following near where I live:

760 and 762 SW Adams a duplex (4 bedrooms total) on a 3750 sf lot
752 SW Adams, a duplex, on a 3750 sf lot
417 and 419 SW 8th (3 bedrooms total), a house and cottage on a 3500 sf lot
421 and 423 SW 8th (4 bedrooms total), A duplex on a 4000 sf lot.

Similar situations are present on the westerly corners of SW 10 and SW 11 Streets and SW Adams.
Some of these lots have parking, whereas others do not.

George Rohrmann

- **Follow-Ups**:
  - **Re: Comment on Parking Districts to the Urban Services Comm.**
    - *From:* ward2


- Prev by Date:**Campus Crest Final Written Argument**
- Next by Date:**Fwd: Comment on Parking Districts to the Urban Services Comm.**
- Previous by thread:**Campus Crest Final Written Argument**
- Next by thread:**Re: Comment on Parking Districts to the Urban Services Comm.**
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# MAYOR & COUNCIL EMAIL

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## Allocating parking permits by lot size, business concerns, and specifics about Central Park

- *To*: <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <mary.steckel@xxxxxxxxxxxxxxxxxxx>
- *Subject*: Allocating parking permits by lot size, business concerns, and specifics about Central Park
- *From*: "Stanely Nudelman" <nudelm@xxxxxxxxxxx>
- *Date*: Sat, 7 Dec 2013 21:32:52 -0800

**Attachment:`UrbanServicesCommittee.docx`**
*Description:* MS-Word 2007 document


- Prev by Date:**Chamber Forum -Hewlett-Packard 2013-12-13**
- Next by Date:**Re: da vinci board meeting - reminder**
- Previous by thread: **PRESS RELEASE: City of Corvallis closing at 1 pm today**
- Next by thread:**Webinar Tuesday: Alternative financing of public utility upgrades**
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12/6/2013

**To:** Urban Services Committee (USC) Members

**From:** Stanley Nudelman, citizen and member of the Parking and Traffic Work Group (PTWG)

**Re:** Allocating parking permits by lot size, business concerns, and specifics about Central Park.

I apologize in advance if my facts are not accurate (I was not at your last meeting) but according to the paper the USC is considering allocating parking permits based on lot size as opposed to number of kitchens. I'm not sure if USC discussed the effect this would have on business. In addition I understand from the paper that USC is considering selling permits to non-residents.

1) I can see the positives of basing permits on lot size in that it keeps multiunit housing and large apartments from dominating the used permits. However the people occupying these types of housing and apartments are in fact residents and should be allowed access to permits. That was the basis of allocating permits based on a limited number of permits per kitchen. It might be more reasonable to allocate based on a still smaller number per kitchen or multiplying permits allocated to lot size by the number of floors in the building or buildings occupying that lot.
2) **Businesses** should continue to be allocated permits based on one permit per 400 sf of rentable space (the PTWG considered allocating one permit per 300sf of rentable space and felt that would be too many permits and if based on 500 sf would be too little.) If based on lot size and if the newspaper was correct in saying that the USC is considering allocating 2 permits per a lot size of 5000 sf this could destroy the ability of some businesses to rent their spaces. Clearly a viable business community is a priority of the City of Corvallis. As an example, consider the building I own at 760 SW Madison (parking district "C") on the south side of Central Park. It has 8000 sf of rentable space and I presently get 20 permits based on one per 400 sf. My average rentable space is about 285sf so based on this (8000 divided by 285 = 28) I should get 28 permits. But 20 has been barely sufficient because not all my tenants have purchased permits. Under the lot size scenario of 2 per 5000 sf of lot size I'd get about 4 permits, clearly an insufficient amount to allow this historic Corvallis property to survive as a business.
    a. I also understand the ease of enforcement if we stick to the rule "no permit, no parking." However around businesses where do the clients park? Perhaps exceptions should be made to allow two hour parking for non-permit holders around businesses. This would also help people wanting to enjoy Central Park in parking district "C."
3) My other concern is selling permits to non-residents based on going rates charged at Oregon State (OS.) I suspect this is based on efforts at being a cost effective program and I appreciate the concern. But if these permits which are based only on money are in fact utilized this would defeat the whole purpose of parking districts which is neighborhood

livability. If such a system is put in place I would suggest awaiting data showing that parking spaces in the various districts are not being utilized. Another way of raising more money is to charge more than $20 for residential and business permits and more for parking violations.

Thank you for your consideration of the above.

Sincerely,

Stanley Nudelman

# MAYOR & COUNCIL EMAIL

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## Urban Services Committee: Residential Parking Districts

- *To*: <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Urban Services Committee: Residential Parking Districts
- *From*: "mindyp" <min.perez@xxxxxxxxxxx>
- *Date*: Mon, 19 Aug 2013 14:14:40 -0700
- *Cc*: "'Randy Chakerian'" <raven@xxxxxxxx>, "'mindyp'" <min.perez@xxxxxxxxxxx>

Dear Urban Services Committee,

I am unable to attend your next review of the OSU/City Collaboration Parking and Traffic Workgroup's recommendations for residential parking districts so want to make some comments regarding your recommendations, and on the financial analysis that you received from Mary Steckel dated August 15, 2013.

First, I am not sure of the specifics of Ms. Steckel's "all-permit" proposal. It must either mean that

(1) If someone comes over to visit for an hour during the day that they must have a permit, or it means (2) that those visitors can still park for less than 2 hours, but the City would also sell long-term permits to anyone, regardless of where they live. If it is (2), then the City should charge materially MORE than OSU does for ANY parking permit to encourage OSU students and staff to park on campus. The pricing structure used in the analysis was $5 per year higher than a student permit, and $67 per year less than a staff permit.

Any recommendation needs to adhere to whatever goals the City has for parking, neighborhoods, and livability. Is the goal is to keep neighborhoods as places where people meet and interact, as well as park their cars, or is the goal to have neighborhoods become long-term parking lots? What is in the City's current 2020 Vision? The "all-permit" proposal seems to turn our neighborhoods into parking lots.

Second, the financial analysis is missing projected fine revenues and related expenses. Fines are the largest source of revenues for the Parking Fund, averaging 67% of the Parking Fund's total revenues over the past four years. Fines are 2.8 times greater than Finance costs (for processing tickets) in the Parking Fund. Leaving this out is a huge gap and distorts the financial analysis.

Thank you for your consideration of my input. Feel free to contact me with any questions.

Mindy Perez

- **Follow-Ups**:
  - **RE: Urban Services Committee: Residential Parking Districts**
    - *From:* Ward3
- Prev by Date: **Reminder: DCA Membership Meeting 21 August 2013 @ Cloud & Kelly's**
- Next by Date: **RE: Urban Services Committee: Residential Parking Districts**
- Previous by thread: **Reminder: DCA Membership Meeting 21 August 2013 @ Cloud & Kelly's**
- Next by thread: **RE: Urban Services Committee: Residential Parking Districts**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## parking district

- *To*: ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: parking district
- *From*: PETER BURKE <burkmace@xxxxxxxx>
- *Date*: Fri, 17 Jan 2014 12:11:08 -0800
- *Cc*: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Renn,

Give me one good reason why I should not be irate that the blocks of 7th St. between Tyler and Polk and 8th St. between Tyler and Polk have been gerrymandered out of the Parking District E? These two blocks are heavily impacted not only by OSU students who live in the neighborhood, but by LBCC and Avery Square parking. This is still a residential neighborhood, and it looks quite suspicious to see these two streets excluded from the parking district. Why would you on the committee even remotely think this is reasonable? I'd like an explanation, ( Not that the explanation is likely to assuage my sense of outrage the next time I can't park in front of, or even within a block of, my own house which has NO off-street parking.) Your actions are going to make parking in these two blocks even more difficult. I'm not getting any younger when it comes to toting bags of groceries in the rain from a parking place that, since,I don't live in that block, will cost me non-resident fees. You have not served me or my neighbors well.

Mariana Mace
510 NW 7th St.


- Prev by Date:**What does the new budget deal mean for drug policy?**
- Next by Date:**LOC Bulletin - January 17 edition**
- Previous by thread: **What does the new budget deal mean for drug policy?**
- Next by thread:**LOC Bulletin - January 17 edition**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## downtown parking districts

- *To*: <mayorandcitycouncil@xxxxxxxxxxxxxxxxxxx>
- *Subject*: downtown parking districts
- *From*: Lisa C Haag <lchaag@xxxxxxxxxxx>
- *Date*: Wed, 1 Jan 2014 22:10:59 -0800

Dear Mayor Manning and City Councilors,

When making the decision on the proposed downtown parking districts and the cost of permits, please keep in mind that many employees work only part time. A $300 permit fee is quite an expense for someone working half time for the city, or perhaps even fewer hours for a downtown business.

Please also consider how the growth of OSU continues to adversely effect all of the citizens of Corvallis, not just those who live close to the university. This proposed parking district and permit plan is another example of the negative effects of that growth.

Thank you for your consideration.

Sincerely,
Lisa Haag


- Prev by Date:**Top News: Food Hubs Bring Local Food In Reach**
- Next by Date:**Adobe eLearning Seminar for the State of Oregon - Register Now**
- Previous by thread:**Top News: Food Hubs Bring Local Food In Reach**
- Next by thread:**Adobe eLearning Seminar for the State of Oregon - Register Now**
- Index(es):
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# MAYOR & COUNCIL EMAIL

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## Parking District Fees

- *To*: Ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Parking District Fees
- *From*: Jay Gile <jaygile@xxxxxxxxx>
- *Date*: Fri, 27 Dec 2013 07:09:15 -0800

I just finished reading the article in today's GT about parking districts. I agree with the concept of parking districts surrounding the campus. I do not believe that it is appropriate to automatically assess residents who for whatever reason need to park on the street. I would suggest that a more appropriate approach would be to give residents in the parking districts one free permit and then if they want additional permits they would pay whatever fee the city establishes.

The current fee of $15 and the proposed fee of $20 for residents seem like just another example of the city trying to get money out of Corvallis residents any way they can.

Please explain who the council can justify the current and proposed fees for residents.

Thanks

--

Jay Gile

- **Follow-Ups**:
  - **Re: Parking District Fees**
    - *From:* ward1

- Prev by Date:**Chamber Forum -Economic Forecast 2013-01-08**

# MAYOR & COUNCIL EMAIL

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## Council Work Session

- *To*: ward1 <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Council Work Session
- *From*: Rollie & Paulette Baxter <pr_baxter@xxxxxxxxxxx>
- *Date*: Mon, 16 Dec 2013 00:19:15 +0000 (UTC)

Ms York,
It seems to me that the Council is spending a lot of time, effort and money on the Residential Parking Districts and the general issue of parking near the university. But what I see is a lot of effort to control who gets access to parking. How to limit or control access to parking. Putting a band aide on a deep wound without cleaning the wound and setting the broken bones.

I do not see much effort at solving the base or underlying problem. The base problem is that there isn't enough parking in the locations that people would like to park. It seems this takes two basic forms: 1) Not enough parking for the people who live in the neighborhoods and 2) no parking for commuters who wish to park and access university facilities. In other words, there is not enough parking in proximity to the land uses generating the parking demand. You can not solve the problem by restricting access to parking; you need to generate more parking opportunities. The university has and continues to grow in terms of faculty and students, but the parking opportunities have decreased and continue to decrease both on public rights of way and on campus. The RPDs will not solve this problem.

I understand that the Council may have increased parking standards for the 4 and 5 bedroom student housing being built. This may help a bit. But I do not see much being discussed about increasing parking for commuters in proximity to university generators of parking demand.

And I see the university is now constructing buildings in existing parking lots, thus reducing the parking available in proximity to locations they are generating parking demand. And I understand that the City approved the university plan that permits them to do this.

I also see that the university is updating their campus plan, including transportation and parking, I presume.

But I do not see the Council talking about how the University is going to help the City out by providing parking in proximity to the university properties that generate this demand for parking. The argument apparently is that all or most university students, faculty and staff will park at remote parking lots and walk a considerable distance to classrooms and offices. Obviously, this isn't working and isn't supported by any check of reality.

What I do not understand is why the City is not insisting that OSU provide parking in proximity to each and every property that they construct. I don't understand why they are not required, for instance, to provide parking on the north side of campus. Or the east side. I do not understand why residents (in these RPDs) should have to pay a significant fee to park on their streets when the University is not required to provide any (reasonably located) parking.

The university's land use plan is obviously NOT working for the community and particularly not for the nearby neighborhoods. I don't understand why the Council is deferential to the university while placing all the burden for parking on innocent neighborhoods. I appreciate that the "collaboration" group has come forward with some recommendations, but they all require the City to step up with little or no obligation on the part of the University. Doesn't seem right.

So I see the Council is going to have a work session. And you are going to discuss "vision". I would like to hear what the vision of the City is regarding parking and the university. And how that vision actually "sustains livability" in the near-university neighborhoods and maintains them as "healthy" neighborhoods. I like the discussion paper by Councilor Dan Brown and I hope the Council takes up his suggestions.

Much has changed since the last university planning effort. And the university plan needs some significant improvements before it is again approved. It is well and good to collaborate, but the Council can not neglect its obligation to represent citizens. Maybe the Council needs to fund their own, independent analysis of university parking issues.

I look forward to reading further about Council discussions regarding parking in near-university neighborhoods.
Thank you for serving on the City Council. It is not an easy job.

Rolland Baxter

- **Follow-Ups:**
  - **Re: Council Work Session**

# MAYOR & COUNCIL EMAIL

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## residential parking districts

- *To*: ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: residential parking districts
- *From*: Rollie & Paulette Baxter <pr_baxter@xxxxxxxxxxx>
- *Date*: Wed, 18 Sep 2013 23:32:46 +0000 (UTC)

Ms. York,

I have been watching the neighborhood / OSU parking issues and the recommendations of the collaboration group. And I see that Council will likely be moving forward with parking districts on a "permit only" basis. I know this is a very complex issue with many varying needs and preferences. And I do not pretend to have the level of information that you and other Councilors have. But I do have a couple of thoughts or opinions.

1) There are actually two parking issues in these neighborhoods: A) Parking for the people who live, work, or visit in the neighborhoods and B) parking for students and faculty who want to access OSU campus but don't want to park at Reaser Stadium. These are different issues and, in my opinion, require different strategies.

2) The issue of parking for owners, tenants, visitors and the like is one created by the City. Created on purpose. The City increased densities and decreased parking standards. The City did this at the urging of people who believed that higher densities were ***THE*** right way to approach land use planning in Corvallis. They further believed that fewer people were going to have cars and a high proportion of residents would walk, use bikes or transit. Many people do use transit, bikes or walk. But there is no evidence that people have given up their cars. If anything, automotive transportation has become cheaper and more available. In any case, the Council agreed and the comp plan and codes were changed to permit higher densities, fewer parking spaces and bigger footprints. As a result, many neighborhoods do not have sufficient parking even for those living in the neighborhood. Council has somewhat modified the parking standards, but the damage has already been done. The permit system is likely a rational tool to help with this problem. It is unfortunate, but perhaps necessary. If people don't

like this approach, they should not purchase homes or rent homes in one of these districts.

3) The issue of OSU parking is another issue created by the City. The City has permitted the university to continue to build without providing any parking in proximity to the uses they are creating. The City doesn't do this for other businesses and shouldn't do it for OSU. Clearly, parking is needed on the north side of campus. And the City should not have to provide it. The Council should terminate, cancel or otherwise reject the OSU land use plan and direct that they provide parking in close proximity to all campus uses. Until this is done, there will continue to be parking issues associated with OSU students and faculty. OSU will object and throw up roadblocks. But the truth is that they could provide the parking if they were willing. They are not willing. The "collaboration" is a sham. The University has millions and millions for buildings. They have bonding capacity. They do not lack the money. They lack honesty and a willingness to solve the problems that they have created (with the cooperation of the City). Time to tell the university that they have to change. The residential parking districts are not going to solve this problem and people in the neighborhoods shouldn't have to put up with faculty and student parking simply because the university won't provide parking.

Thanks for listening. I suspect these parking problems will persist for many years to come.

Rolland Baxter

- **Follow-Ups**:
  - **Re: residential parking districts**
    - *From:* ward1

- Prev by Date: **Invitation to the Benton County Road & Parks Tour**
- Next by Date: **I'm saving you a copy of a new Center for Digital Government white paper**
- Previous by thread: **Invitation to the Benton County Road & Parks Tour**
- Next by thread: **Re: residential parking districts**
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## Steckel, Mary

**From:** Rick Hangartner [hangarr09@gmail.com]
**Sent:** Tuesday, January 07, 2014 3:45 PM
**To:** Steckel, Mary
**Subject:** Followup to phone call, sorry we got disconnected.

Hi Mary,

Sorry we got cut off, honestly I didn't hang up. I'm not sure what happened to the phone system on this end. It was my understanding you had another obligation, so I didn't call back once the phone was working again.

Let me summarize my question, and then provide some comments about the problem. Of course, none of the criticism here is directed at you or staff. As I've noted frequently, I understand that staff is limited to responding to Council's directives and decisions, and this criticism is directed at the Mayor's and Council's directives and decisions in this case.

My question is this:

Has there been a serious study of the full, and I maintain substantial, economic and civic consequences of this parking district plan? If so, can I get a copy of that study?

As far as my comments, the problem with the plan articulated this far is a representative example of what results from dysfunctional civic processes in Corvallis, of which the Collaboration is a prominent example.

1) The Collaboration itself was improperly predicated and implemented. OSU's only obligation was to represent its selfish interests as a single public corporate citizen and no one can fault them for that. For their part, however, our elected City leaders did not properly establish the City's primacy in the Collaboration and how it was a chance for OSU would adapt its own business plans to properly mitigate the impacts on the public, including students. Indeed, it really was irresponsible for Corvallis's elected leadership to even cast that effort as a "Collaboration" between equals, but that is a indication of some fundamental problems with Corvallis leadership, not OSU.

2) City elected officials were irresponsible in not appointing a properly diverse and knowledgeable selection of individuals to represent the City's side. Instead we largely saw the same cronies on the City's side, and they arguably were not faithful representatives of the City's interests for a number of reasons. The evidence over the course of the Collaboration argues these people largely saw this as an opportunity to advance their own views and agendas. rather than as representatives of all of the people of Corvallis, once again including students, some of whom disagree with the personal views and agendas of those appointed.

3) In particular, the Collaboration participants were irresponsible to the extent they cast students as the problem. It is fair to argue that to some extent City representatives viewed students as population they should work with OSU to control and even exploit (e.g. when it comes to parking costs, and of course making money off them through rents and retail sales), rather than a substantial portion of the citizens of Corvallis, and future taxpayers, whose interests they actually had responsibility to represent in counterpart to OSU legitimate goal of advancing its own selfish corporate interests. Parking, transportation, and housing are key areas in which City representatives with their own agendas failed to properly represent the full population of Corvallis, including students, they were in principle appointed to represent.

4) As noted, the parking district plan itself is an example of poor civic and social policy that results from such dysfunctional governance. The plan itself is poorly conceived for a number of reasons:

A) The objectives are too narrowly focused, simplistic, and self-serving rather than representing the broad interests of all citizens. That has led to an irresponsibly simplistic plan that is more the product of cliquish thinking than careful analysis and deliberation. Moreover, the haphazard patchwork of responses to the underlying fundamental conceptual deficiencies of the plan only make matters worse.

B) The study and analyses of the true economic and transportation costs of the plan, at least those that have been made publicly available through channels the public has a right to expect their elected representatives to use to communicate with them, are incomplete at best. (And I should note here I am talking about studies and analyses done at the direction of the Collaboration and the Council, since I recognize City staff has no authority to do studies and analyses beyond those it is directed to do.) Indeed, despite the enormous time wasted by the Collaboration and by Council, there seems to have been little responsible interest in assessing the full merits and costs of this plan.

C) The real problems and costs of this plan is traceable to the fact that these districts cover far too large an area of the City, especially in view of the other planning goals of the City (many in themselves poorly conceived over the years) and consequent layout of the City that has organically evolved over 100+ years as a result of those planning goals.

D) In particular, there is too diverse a mix of land use and resulting public use of transportation resources in such a large area for such a simplistic parking district plan to be a responsible policy decision. The goals of this selfishly conceived parking district plan have little to do with providing benefit to the City and all City residents.

E) To the contrary, the plan itself is an attempt to provide enormous inequitable differential benefit in the use of City streets to one group relative to all other residents of Corvallis and nonresidents, this differential benefit also is intended to serve OSU's and the City's desire to generate more revenues from those differentially disadvantaged.

F) The attempt to provide inequitable differential benefit is so transparent that those advancing this plan have in fact engaged to a rather blatantly hypocritical propaganda tactic: When challenged specifically on this selfish attempt to provide differential benefit, supporters aggressively throw out the argument that those who are differentially disadvantaged by this poorly conceived plan, itself the corrupt result of cronyism and excluding those who would be able to bring about a more civically responsible plan, are being outrageously unreasonable. That kind of simplistic "in-group - out-group" propaganda is intended to be divisive to encourage "in-group" bonding. At the bottom line, it is just is just intellectually dishonest because of course it is those who are trying to achieve selfish benefit for themselves at the expense of most of the rest of the people who are being outrageously irresponsible.

As I noted, I volunteered two-plus years ago to serve on the Collaboration and neither side chose to include me. I also do have a record of civic participation and it is from that participating that I've come to perceive the dysfunction I describe above, and the disrespect generally shown to members of the public who pose knowledgable challenges to the merits of specific decisions. Therefore, I don't see much value in simply testifying at either City Council meetings or Commission meetings. If you have any ideas how one might address the fundamental problems with the decision and the way Council irresponsibly paints itself into embarrassing corners like this, I'm quite willing to listen to those ideas.

In the meantime, I hope staff will consider what I've noted here and how it might inform any responses to requests and questions Council poses to staff.

Thanks.

Best Regards,
Rick

--

**"The map is not the territory"** - Korzybski 1931
**"The plural of anecdote IS data"** - Wolfinger 1969
**"The plural of anecdote is not data"** - "experts" today (Kotsonis 1996?)
**"The data is not the territory"** - me

**To: Urban Services Committee** **January 30, 2014**
**From: Dan Brown**

## Moving the Process Along

I am concerned about unresolved RPD issues, and I feel we are running out of time. Our next meeting is a month from now in March, just six months before we will begin enforcement. Prior to that we need to get Council approval, to plant RPD signs, and to start selling permits. I believe it is urgent that we complete our RPD plan very soon.

I ask USC and staff to consider the following questions:

- What should the Council decide about employee parking on the RPD?
- What should the Council set as final planning parameters for Zone A and the others?
- What should the Council do about customer parking in the RPD?
- Why should the Council include the Library and central park included in the proposed RPD?

## Employee Permits

At the last USC meeting, I volunteered to investigate the demand for employee parking permits. I obtained a list of all non-residential properties from staff. I sorted the list by type: vacant, church, civic, and "unassigned." First, I expect that vacant properties will not have employees; second, I surmised that many "unassigned" properties are part of larger operations and that the largest of these is Central Park. Third, I observed that many churches have the largest parcels, often with multiple properties and large parking lots, but they do not have much office space in proportion to their overall size. My conclusion is that the list collapses so that the list of commercial properties is not as long as one might expect.

Next, I sorted by size of property (not sq. ft of office space). I visited the sites, looked at historical permit purchase data for Districts 'A', 'B', and 'C.' I assumed that employees would buy their own permits, that the an employee permit would be ≈$120 per year, and that existing 2-hour signs and parking meters would remain.

I ordered the following table by density of non-residential properties (the third column) so that the most non-residential zones are at the top and the most residential are on the bottom. Finally, I guessed -- to come up with estimated demand numbers in the second column. For more information about the top zones see APPENDIX 1.

**EMPLOYEES AND EMPLOYERS IN THE RPD**

| **ZONE** | **Estimated Demand for Employee Permits** | Density: Average # Non-Resident per Block | District Total | Vacant | Church | Un-assigned | Civic Facilities | Unique Features |
|---|---|---|---|---|---|---|---|---|
| **F** | **20** | 39/21 = 1.9 | 39 | 5 | 2 | 14 | Central Park, Art Center | 2-hour parking |
| **J** | **6** w/o library | 54/35 = 1.5 | 54* | 6 | 4 | 14 | Library | Parking Meters |
| **D** | **12** | 18/15 = 1.2 | 18 | | 4 | | | Retail, Parking Meters |
| **G** | **3** | 13/8 = 1.6 | 13 | | 2 | 1 | | |
| **C** | **40** | 7/15 = .4 | 7 | 1 | 2 | 1 | Chintimini Pk., Senior Center, BCHD, Next to Harding Center | |
| **E** | **5** | 5/23 = .2 | 5 | 1 | 1 | | Next to Franklin Park, Schools (Phase 2) | |
| **A** | **0** | 1/18 = .1 | 2/1 | 1 | 2/1 | | | |
| **B** | **0** | | 2 | | 1 | | Harding Center | |
| **H** | **0** | | 1 | | 1 | | | |
| **I** | **0** | | 0 | | | | | |

*This is substantially different from estimate on p.3 of the 12-31-2013 staff memo.

I predict that employee parking permits will not be a big issue in the majority of the zones. According to the staff report of 12-31-2014, p.2 for, Zone F and Zone J, my best guess is that these two zones should have the capacity to accommodate employees. **However**, because Zone D and Zone G have so few spaces available, even a few employee permits will create a problem. Further, we need to recognize tat capacity for non-resident permits in these two zones will remain very minimal.

**Zone A Planning Parameters**

I want closure about the proposed parking zone which affects my constituents. As a planning document for signage, capacity, and allocation, I do not have confidence in Attachment 'A' *(December 6, 2013, memo RE: Parking District Block Face Totals and on Street Parking Capacity*) for signage, capacity, or boundaries. To its credit, Attachment 'A' cautions that it is "*FOR DISCUSSION PURPOSES ONLY.*" I have expressed my concerns in a lengthy report to staff which I would also be willing to share with the USC. The problems include errors, omissions, unstated assumptions, as well as the controversy, which we have noted before, about standards for what constitutes a "parking space." See APPENDIX 2.

One of the most fundamental notions we can communicate to our constituents about the RPD Zones is a delineation of the boundaries. These determine who is in and who is out, and where signs should be placed. Boundaries also determine parking space capacity which is the basis for allocating permits for each zone.

As City Councilor for Ward 4 which includes all of Zone A, I am proposing a description to replace the current description in Municipal Code Section **6.15.030.1**, as well as an estimate for the number of parking spaces in that area. The black words represent the *status quo*; new language to describe the expansion of District 'A' to Zone A is written below in red.

**Described Area for Zone A**

*Zone "A" shall include all property abutting the following described streets: the south side of Harrison between Arnold Way and the east side of 34th Street; NW Johnson Avenue between NW 27th and 33rd Streets; The west side of NW 27th Street between NW Johnson Avenue and NW Arnold Way; the east side of 33rd Street between Johnson Avenue and Jackson Avenue and both sides of 33rd Street between Van Buren Avenue and Harrison Boulevard; NW 29th, 30th, and 32nd Streets between Johnson Avenue and Harrison Boulevard; NW 28th between NW Johnson and Arnold Way; NW 31st Street between its southerly end and NW Harrison Boulevard;; the south-westerly side of NW Arnold Way between NW 29th and 28th Streets; NW Van Buren Avenue between NW Arnold Way and NW 33rd Street; the south-westerly side of NW Arnold Way between NW 27th and 28th Streets; NW Jackson Avenue between NW 27th and 33rd Streets.*

**Zone A Parking Capacity**

The president of the College Hill Neighborhood Association will provide a report concerning the on-street parking capacity for Zone A. It is based on the boundaries for the area described above; it compares different methods for measuring parking spaces; and it corrects errors and omissions.

Based on the description above, I propose a parking space capacity figure of **360** instead of **455**. I will assume this is the accurate description for the capacity of Zone A until the City Council decides otherwise. I invite Staff or the USC to explain why this number is not suitable.

For the reason stated at the beginning of this section, I am concerned about the boundaries of the other zones as well. I have discussed the idea of clarifying a description of Zone F with the President of the Central Park Neighborhood Association, and I expect him to provide specific ideas to the Councilor of Ward 2 or to the USC.

**Customer Parking**

So far USC has discussed resident, non-resident, employee, guest, and contractor permits. We have not concluded our discussion about an important class of non-residents, "customers" (including patients, patrons, and clients). Some of the so-called Residential Parking Zones include many existing businesses and currently provide parking solutions for their benefit.

Zone J is unique for its parking meters along Monroe and on intersecting streets, such as 6th Street. Zone F, including District 'C' is unique for non-RPD, 2-hour parking signs. Some of these specify Mon. – Fri. (and others specify Mon. – Sat. because customer access to businesses Can be constrained by football fans on game day). In other zones, customer parking covers mishmash from 30 minutes to 3-hours.

The *status quo* is that the City Council has decided to allow customer parking in the RPD with parking meters and 2-hour, etc. areas. Why should we change? I believe we should continue to allow exceptions to permit-only parking where needed to provide access for customers of businesses, service providers, and civic use. It is my opinion, first, that the existing pattern of meters and of hourly parking should be continued, and second, that 2-hour parking should be expanded to meet the needs of retailers, particularly in Zone F (such as Beekman Place, Middleton, Denisons, Stover, et al., Ecofort, and so on).

**Central Park and the Library**

The *status quo* is that the Library is not in a RPD and that Central Park is not really in one either; only two sides of Central Park are in a RPD and those streets share the existing RPD with plain old 2-hour parking. In the big picture, what is the logic for including Central Park and the library in the Residential Parking Districts, with or without permit-only parking?

I think I have been mesmerized and distracted by focusing on the USC maps instead of the real world. When anyone stands at the intersection of Monroe Avenue and 6th Street, they will see a public library surrounded by parking meters on one corner, parking meters running up the block on in front of the Police facility on the next corner, a bus transfer station on the third corner with City Hall in the background, and a large City park on the fourth.

Since they are located in separate RPD zones on the USC maps we have seen, I have not thought of them as being adjacent to each other. Further, I have not thought of them as being adjacent to the complex of other City/civic properties outside the RPD. Taken together these properties comprise several blocks of non-residential land. Arguably, they constitute their own non-residential area which can be considered a separate zone or part of downtown.

# APPENDIX 1

## ZONE F

Proposed Zone F is different from the other zones in that it contains the largest proportion of non-residential properties in the RPD. It is also unique for its many 2-hour parking spaces, both Mon – Fri. and Mon –Sat. The proposed expansion will triple the size of the tiny existing District 'C'.

Non-residential uses include wholesale, large churches, substantial civic (Central Park and Arts Center), and commercial uses (retail establishments and office buildings). I expect that accounts for the high volume of input USC receives from owners in this area about the need for employee and customer parking.

Most of the commercial properties include less than 11,000 sq. ft of land, with an average of about 8,000 sq. ft. The largest property in Zone F is Central Park which has no employees. The *Gazette-Times* building which is the largest privately-owned, commercial property in the area will likely revert to residential.

The expansion area South of Washington not zoned residential; it is industrial and commercial (agriculture, appliances, auto repair, antiques, meeting rentals, etc.). It is not clear that it should be part of a Residential PD.

## ZONE J

Proposed Zone J is physically the largest Zone in the RPD, and the only one which includes parking meters. Most commercial properties are less than 11,000 sq. ft. of land with an average of about 7.500 sq. ft..

Despite its size, Zone J is pretty simple. It has two areas of intense non-residential uses. The first non-residential area is zoned commercial and adjacent to the OSU campus on the north of Monroe Street between 14th and Kings Blvd. Parking on Monroe is metered, and most of the businesses were located in the old District B and in an area identified as a "hot spot" in OSU parking studies. This means that the City has data on these businesses. The document *Attachment B – Residential Permit Distribution* shows that few buy permits now.

The second non-residential area is arguably part of downtown, lying adjacent to the downtown on 6th Street between Monroe and Harrison. The Library takes up the first block, and the other two blocks to the north include mostly commercial use. Parking is metered for two of the three blocks on both sides of 6th. The public library is the largest non-church/non-residential property. Parking for library employees remains of policy concern and requires special attention from the USC.

There are a few churches on Monroe which have their own large parking lots. The few, scattered commercial businesses on Harrison and Van Buren are exceptional; they have their own off-street parking lots and usually regulated on-street parking in front of their premises

In my opinion, the GEM at the intersection of Kings and Monroe should not be included in Zone J; the GEM is part of the OSU Zone (LDC 3.36) and should be treated like all other dormitories.

## ZONE D

Proposed Zone D includes an area adjacent to Monroe Avenue which is zoned commercial. Parking on Monroe is metered. During the day, small retail enterprises serve walk-up patrons from the OSU campus; examples include American Dream, Bombs Away, Superette, Beanery, etc. Compared to other zones, there are some large properties, most of which encompass a number of small businesses. OSUFCU and the Bookstore building on Monroe have their own off-street parking for employees and customers. There also are four small church facilities: Church of Corvallis, Newman Center, Westminster House, and an Episcopal facility.

Most of the businesses and churches were located in and adjusted to the old District 'B' and in an area identified as a "hot spot" by OSU parking studies. This means that we have plenty of data on them. The document *Attachment B – Residential Permit Distribution* shows that few none of these businesses buy permits now.

## ZONE C

Phase 1 of Zone C, as proposed, is mostly residential, and there is no identified commercial activity. There are two large churches, Grace Lutheran and Zion Lutheran (which also runs a school). Both have their own large parking lots. St. Mary's church will be included in Phase 2. Office space is minimal for these church uses.

Although Zone C probably has capacity to accommodate the Benton County Health Department, this is the biggest unknown. It attracts many patients which use the off-street parking lots. It also has many employees some of whom currently park for free in the neighborhood. Although the County Assessor's records say it includes 23,532sq. ft. of floor space, actual "office" space is not known. If Benton County finds an alternate plan for employee parking, such as at the fairground, County employees will not be a concern. Otherwisw, USC should provide a thoughtful policy-level solution.

# APPENDIX 2

The term "measurement" means assigning numerical values according to a rule, so that the size of the numbers reflects the magnitude of the thing being measured. In the RPD case, we are dealing with continuous measurement (linear feet and inches) and discrete measurement (# parking spaces). In the discrete case, one will usually need a rounding rule, e.g. round up or round down.

In the Corvallis RPD literature, there are at least 3 rules:

1. The City of Corvallis version of the Institute of Traffic Engineers parking standard is: isolated parking spaces and the ends of a chain of parking spaces are **18** feet long, and parking spaces sandwiched between other cars are **22** feet long.

1. One parking space is **20** feet long;

3. Unstated or judgmental rules, such as number of cars observed on an occasion.

The advantage of using standard rules is that the use of them is reproducible, e.g. all people can verify the number (# of parking spaces) if they apply the same rule. If there is a disagreement, one party made an error, and that can be corrected.

The problem of judgmental measurement is that the result depends on the opinion of the measurer. This kind of measurement is less reliable and more subject to bias.

**ADMINISTRATIVE SERVICES COMMITTEE**
**MINUTES**
**February 5, 2014**

Present
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Staff
Jim Patterson, City Manager
Ken Gibb, Community Development Director
Kent Weiss, Housing Division Manager
Dan Carlson, Development Services Manager
Chris Westfall, Code Enforcement Supervisor
Bob Loewen, Housing Program Specialist
Carrie Mullens, City Manager's Office

Visitors
Philip Gebhart
Kevin Dwyer
Richard Berger
John Wydronek
Samantha Alley
Sue Napier
Bill Stansell
Steve Omernik
Karen Keon
Deborah Weaver
Jim Moorefield
Kent Daniels
Larry Kampfer

**SUMMARY OF DISCUSSION**

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Neighborhood/Property Maintenance Code Program | | Yes | |
| II. | Other Business | Yes | | |

Chair Traber called the meeting to order at 3:30 pm.

**CONTENT OF DISCUSSION**

I. Neighborhood Outreach/Property Maintenance Code Program

Chair Traber announced that a forum to hear public testimony regarding the proposed Neighborhood Outreach/Property Maintenance Code (PMC) program is scheduled for February 25 at 5:00 pm in the Library Main Meeting Room. He said visitors can testify during this Committee meeting and/or during the February 25 meeting. Chair Traber confirmed that the Committee would not deliberate during this meeting.

Mr. Gibb clarified for Councilor Hirsch that the Planning Commission has not been included in these discussions since the proposed PMC program does not directly involve land use.

Mr. Gibb reviewed a portion of a PowerPoint presentation (Attachment 1) and explained that the program concept was developed by the OSU/City Collaboration Project Neighborhood Livability Work Group (NLWG) in 2012 and 2013. NLWG concluded that current codes were not sufficient to address

property maintenance, housing conditions, and livability concerns. NLWG developed a matrix of issues, existing codes, and gaps in existing codes (staff report Exhibit 1).

NLWG gathered information and conducted surveys of regional and national comparators. They focused on a rental housing licensing and inspection program as a potential solution and offered extensive public comment opportunities. NLWG identified three potential options:

1. PMC with rental licensing and proactive rental housing inspection program.
2. PMC complaint-based system.
3. Maintain existing City codes and staffing.

NLWG recommended a PMC for all properties to close current gaps and create an equitable funding structure for a complaint-based system, including needed staffing. NLWG also recommended development of appropriate education and outreach strategies for landlords, tenants, and community members; a progressive enforcement strategy with increasing penalties; and they acknowledged that additional collaborative efforts may be necessary after PMC implementation to determine if more actions are necessary.

The NLWG recommendation was based on their perception of health, safety, and neighborhood livability concerns. They determined that a PMC was a key first step to address these issues.

Mr. Gibb explained that the recommendation was forwarded to Council via the OSU/City Collaboration Project Steering Committee in May 2013. Council directed staff to initiate development of an expanded outreach/PMC program. An advisory group was formed with broad stakeholder representation to assist in outlining the program. The PMC Advisory Group (PMCAG) met August through December 2013 with public comment opportunities offered at each meeting. Consensus was reached on some items considered by PMCAG. When consensus was not reached, staff considered the various points of view in the development of current recommendations.

Throughout the process, the NLWG, PMCAG, and staff considered the International PMC, developed by the International Code Council (ICC) as the model code. ICC provides building, plumbing, and fire codes used by jurisdictions in Oregon and other states. Mr. Gibb reviewed the format of the model code:

- Scope and Administration
- Definitions
- General Requirements
- Light, Ventilation and Occupancy Limitations
- Plumbing Facilities and Fixture Requirements
- Mechanical and Electrical Requirements

- Fire Safety Requirements
- Referenced Standards

Mr. Weiss reviewed additional PowerPoint slides (Attachment 1), including a current Housing Division organization chart and proposed changes (Attachment 1, slides 17 and 18). He said the neighborhood and community outreach and education would be more proactive and expanded to include maintaining information and referral services for landlords/tenants, a point of contact for neighborhood associations, a PMC-based outreach and education program, and integrated City outreach with expanding OSU student-focused services.

Mr. Weiss reviewed proposed PMC operating protocols:

- Complaint-based approach to compliance. *The original inspection-based program recommended by NLWG evolved into complaint-based.*
- Anonymous complaints will not be accepted. *Staff will honor confidentiality if possible.*
- Interior/exterior conditions will be addressed in residential rental properties.
- Only exterior and dangerous building conditions will be addressed in owner-occupied residential and non-residential properties.
- Tenants will be encouraged, but not required, to communicate with landlords before filing a complaint.
- Response approach and time frame will be tied to compliance severity.
- Investigation of a single-issue complaint will not become the basis for a comprehensive property inspection. *Staff will not ignore obvious safety issues when addressing a single-issue complaint.*
- Municipal Court citation process will be utilized for compliance.
- The City's current Board of Appeals will hear PMC appeals.
- An annual review will be conducted by a Council Standing Committee.

The ICC PMC was used as the starting point for local PMC development. The PMCAG discussed <u>modifications</u> related to varying PMC applicability by property and occupancy type, expanding flexibility to treat older and historic properties similarly, treating situations not constituting a dangerous building or life safety violation as infractions, clarifying language related to rubbish and/or garbage containment and removal, and aligning the appeals process with current City practice (Board of Appeals). Proposed <u>additions</u> include allowing composting, disallowing a temporary heat source to permanently replace a failed permanent heat source in rentals, and defining indoor furniture and prohibiting its storage outdoors. The PMCAG also discussed <u>removing</u> language related to standards or requirements covered in other City codes.

Mr. Weiss explained that local PMC language will be refined and detailed following this Committee's review and recommendation, and with Council direction.

Mr. Weiss reviewed the elements of a draft operating budget of $530,000:

- Three full-time equivalent (FTE) positions (outreach and code compliance) with portions of other positions combined into a fourth FTE
- Casual code compliance staff funding
- Reserve funds for abatement of dangerous buildings
- Reinitiate the Neighborhood Empowerment Program ($10,000 request sent separately to Council)
- $130,000 ongoing General Fund support
- $37,000 from the property tax levy
- Increase in the Rental Housing Program (RHP) fee (from $12/unit/year to $30/unit/year).

Mr. Weiss added that General Fund support equals 34% and rental fees represent 66% of the total budget which lines up with recent and anticipated enforcement efforts by property type.

Mr. Weiss noted that the entire staff report, including the draft Corvallis PMC and a link to the ICC PMC can be found on the City's Web site at:
http://archive.corvallisoregon.gov/0/doc/401170/Electronic.aspx

In response to Councilor Hirsch's inquiry, Mr. Weiss said the increased RHP fee would most likely be between $29 and $32/unit/year. At $30/unit/year, the increase would be $18 more than the current rental unit fee.

Chair Traber announced that the Committee will continue working on this program until a recommendation is forwarded to Council. Staff is seeking approval from Council regarding the overall structure of the program before drafting specific PMC language. Discussion and deliberations by this Committee will most likely take more than the two meetings currently scheduled (February 25 and March 4).

*Visitors' Propositions*

Phillip Gebhart opined that the rentals he owns will meet the proposed PMC. He has strong concerns about the proposal and posed several inquires related to definitions and the proposed budget.

Councilor Brauner clarified that FTE estimates include medical benefits, retirement, and other total compensation considerations.

Mr. Weiss confirmed that the proposed PMC is available on the City's Web site (see link above).

Chair Traber clarified that the meeting packet also includes a link to the ICC PMC. The proposed Corvallis PMC will be updated on the City's Web site as it is edited by staff.

Mr. Gebhart testified about a tenant he had in another jurisdiction who filed complaints with the city, county, state, Environmental Protection Agency, Department of Environmental Quality, and U.S. Department Housing and Urban Development. All of the complaints were dismissed. He inquired whether the proposed PMC will include language to address ongoing complaints.

Kevin Dwyer, Chamber of Commerce Executive Director, read his written testimony in opposition of the proposed PMC (Attachment 2).

Richard Berger, Willamette Association of Realtors Government Affairs Coordinator, read from his written testimony in opposition of the proposed PMC (Attachment 3).

John Wydronek said he owns 50 rental units and supports holding accountable property owners who do not provide appropriate rental conditions. He is frustrated with the process. He attended six of the seven PMCAG meetings and opined that none of the suggestions made by PMCAG or input received by residents was included in the final proposal. He does not believe the process has been as open or factual as it is being presented to the Committee. He said it is unacceptable for renters to file a complaint without prior notification to the landlord. All but one person on PMCAG agreed that this lack of notice to landlords was not acceptable. He previously requested, and has never received, statistical data indicating that 30% of rental units have issues. He said the initial step in solving a problem is to detail the issue, collect and analyze data, and propose a solution.

Mr. Wydronek said the proposed PMC program was not initiated by NLWG. City staff approached NLWG with a request to recommend the PMC to Council via the Collaboration Steering Committee. He suggested Council be more open to testimony and suggested consideration of expanding existing codes instead of creating a PMC.

Councilor Hirsch said the Committee was directed by Council to hear testimony, receive suggestions, and deliberate next steps. Decisions have not been made about the proposed program. He inquired whether Mr. Wydronek had any specific examples of property owners being ignored.

Mr. Wydronek said during the PMCAG meetings, staff indicated that the ICC PMC was the code that would be used without any consideration of modifications.

Samantha Alley said she has been a realtor for 20 years, owns rental properties, and represents property investors. She opined that the idea of a PMC is good and, if approved, should result in better maintained rental properties. She opposes allowing a tenant to make a complaint to the City without first notifying the landlord. This provision would allow the City to enter the property without notifying the landlord. She suggested that the landlord may not be aware of the issue and/or the issue could have been caused by the tenant. Investors may decide not to purchase property in Corvallis if the City can enter the property based on a tenant complaint only. The major points presented are covered by current local codes. Staff should consider amendments to current code along with increased staffing and budget instead of creating an additional code.

Ms. Alley opined that Corvallis is the most expensive place to live in Oregon. Within a couple of blocks of OSU, one bedroom rentals cost $800-$900/month. In Albany, the most expensive one bedroom unit is $650. She inquired whether someone renting a room in a house could file a complaint with the City and what the $37,000 levy amount was originally supposed to fund.

Councilor Brauner responded that the levy dollars were dedicated to increase code enforcement staffing.

Sue Napier testified as a Corvallis landlord and said she is disappointed that the proposed PMC continues to be considered. The PMC will increase Corvallis' already high cost-of-living. She believes her properties meet the PMC criteria and noted that only 1% of her renters have been difficult. It is because of the 1% that landlords need notice of complaints and she would expect to be onsite when the City inspects her property. She agrees with amending current code versus implementing something invasive and extreme.

Ms. Napier said the RHP fee has increased over the years and she does not expect it to decrease. One year ago, there was discussion about charging $60 to $100/unit/year. She pays the RHP fees and taxes as a private property owner. Increasing the RHP fee places a heavy burden on landlords.

Ms. Napier explained that the proposed PMC covers the interior and exterior of all rentals and includes cleanliness. Eccentric people often collect items and may not have the same standards as others. She inquired about who will pass judgment and how they will do so equally. She said codes for interiors and exteriors need to be included for all properties, not just rentals.

Bill Stansell, real estate broker, said it is hard to support the proposed PMC without being convinced the system is broken and current code is completely malfunctioning. Educating tenants and soon-to-be tenants about recourse is desirable. Tenants should have documentation of their attempts to make contact with their landlord or property manager about an issue. If that outreach was

improved, there would be a different outcome of tenant/landlord/property manager relations.

Steve Omernik, Sterling Management, said the meeting materials confirm that the complaint-based process will continue and staff has indicated that a complaint will not become the basis for a comprehensive property inspection. That implies there will be comprehensive property inspections. Many owners and property managers complete and keep records of comprehensive inspections per unit. If the City is planning on comprehensive property inspections, it may be beneficial for the process to include a staff review of the inspection reports kept by the property owner/manager.

Chair Traber said it was his understanding that one of the proposals considered was comprehensive property inspections. The intent of the comment made by staff was that an inspection of an issue received via complaint would focus on the complaint and not result in a comprehensive inspection unless there is an obvious safety or life-threatening issue.

Mr. Omernik said it will be interesting to observe how this program will evolve to justify three or four new positions for something that is not too different from current policy.

Councilor Hirsch responded that the cost of inspecting every property is quite expensive and not something the City can reasonably do. He understands the stated concerns of government over-reach; however, citizens need to understand the high cost of enforcement for safety and livability.

Karen Keon said she served on NLWG and PMCAG. She works with Linn-Benton Health Equity Alliance (LBHEA) to ensure healthy opportunities, including housing, are available for all residents. Many questions during this meeting and at others were related to the need of the proposed PMC. She agreed that developing solutions requires establishing a need and noted that many people testifying are property owners/managers who feel the program is onerous to them. The LBHEA hears from many people in the community who feel strongly that the current system is not working well and that there is a need for this program. Some housing in this community is substandard and tenant recourse is unclear or ineffective. It is difficult to get renters, who may be busy with more than one job and who have families, to become familiar with the public participatory process and find time to testify about their needs during public meetings. She said people are impacted by poor housing conditions and they feel like they do not have opportunities in this community to make their housing better.

Deborah Weaver, realtor/property owner/business owner/taxpayer, said when the PMC was introduced by staff during a NLWG meeting, there was little effort to

explain the massive scope of the proposal. She expressed disappointment that Mr. Gibb did not review the proposed PMC similar to his review for PMCAG. A detailed review identifies the massiveness and intrusiveness of the proposed PMC. The proposed PMC pertains to every property in Corvallis, including rentals, owner-occupied homes, commercial businesses, industrial properties, and vacant land. If the PMC is adopted in any form, the City's Development Services Department will become the City's caretaker and be the maintenance custodian for all Corvallis properties. The City will tell property owners how to maintain their property and establish timelines for compliance regardless of the property owner's maintenance plans or budget. A proposed PMC budget of over $500,000 has been drafted to restructure a department and add staff. She inquired whether the City has conducted an analysis of the number of new code enforcement cases the proposed PMC will generate and, if so, requested the information be shared with the public. In addition to the cost to taxpayers, the City will increase the rental housing program fee from $12 to $30. She inquired whether an analysis has been completed related to the impact on housing if the PMC is adopted and, if so, requested the information be shared with the public.

Jim Moorefield, Willamette Neighborhood Housing Services Executive Director, said he served on the Neighborhood Planning Work Group and attended several NLWG meetings during PMC discussions. The proposal was initiated by citizens who were concerned about livability in neighborhoods. During the initial Collaboration Project outreach meetings, citizens frequently mentioned concerns about neighborhood conditions, primarily concerning rental properties. Corvallis is unique in that approximately 56% of the population is renters. The condition of rental property in Corvallis has a huge impact on the quality of life of neighbors and renters. According to the census, there are over 4,000 low-income households in Corvallis who spend more than half of their income on housing costs. This impacts families, especially children. Substandard housing conditions exist in Corvallis and without inspections it is difficult to understand the scope of the problem. Staff can only rely on information from those people who live in substandard conditions. That is what was heard during the Collaboration Project outreach process. It is the people who spend more than half of their income on housing each month that are most vulnerable to substandard conditions. They are the population most likely to lose housing and/or experience rent increases. Implementation of the PMC will increase some rents; however, the primary driver of rents in Corvallis is supply and demand, not whether a property is well taken care of. Property management companies represent owners with diverse goals and the goals of short- and long-term property investors are impacted by local housing economics. Currently, it is an appreciating environment where supply and demand allows for higher rents.

Mr. Moorefield said he testified during the NLWG PMC discussions about this not being the right time to initiate an inspection program. At the time, there was doubt about the scale of the problem, expense was a concern, and some

property management companies expressed interest in improving neighborhood livability first. He acknowledged that many property management companies have done a great job to improve neighborhood conditions. Local property management companies represent approximately one-third of local rental units. The PMC is not geared toward the responsible owner and it may not be proper in this tight, expensive rental market to indicate that the price of affordability is substandard housing conditions.

Kent Daniels, Planning Commissioner and Public Participation Task Force Chair, referred to a letter he sent to the Collaboration Project facilitator one year ago after attending a public meeting hosted by the NLWG (Attachment 4). The meeting was very disturbing and he expressed hope that the public meeting scheduled for February 25 will not be similar. Most of the people testifying are involved in property management. He has been a rental property owner for 25 years, has few rental issues, and takes care of his properties. He has purchased and upgraded properties that were in terrible condition. He stated support for the proposed PMC. He does not view it as extreme or excessive. It is a good, moderate step for the City and it will address some of the issues Mr. Moorefield mentioned.

Mr. Daniels urged the Committee to carefully consider who is testifying during these meetings. As an example, he explained that staff sent out 3,000 postcards to property owners who may be impacted by the proposed residential parking districts currently being addressed by the Urban Services Committee (USC). Approximately 80 people, or 2.5%, attended the USC meeting after receiving the postcard. This minimal attendance is not representative of the 3,000 households receiving notice. Most people are terrified to testify at meetings and those who do are most likely not representative of the impacted community as a whole. He encouraged the Committee to increase public outreach to include the 57% of the population who are renters. The Committee has not heard from renters. Meetings may need to be scheduled on campus. Other opportunities for renters to be comfortable talking about the issues may need to be developed. Renters are going to be impacted by the proposed PMC. Although an $18/unit/year (increase of rental housing program fees) only equates to an additional $1.50/unit/month, some renters will be negatively impacted by the PMC.

Larry Kampfer, realtor/property owner, testified in opposition to the PMC. He said it sounds as if there are a group of "victim tenants." He invited the Committee to contact any of his tenants, tenants of other property managers, or tenants of private property owners. The reason renters are not attending the meetings and/or testifying is because there is no problem. He is amazed at what spawned the City to address the ICC PMC. He opined that no one in the lay public knew it even existed. He said he knows where this came from and that their intentions are well meaning; however, there are codes in place that would address all of these issues if the codes were enforced. The Code Enforcement

program has 600 outstanding cases. He inquired how much time staff has spent over the last year working on the proposed PMC instead of addressing some of the outstanding code violations. He emphasized that this project has always been about including every piece of property in Corvallis. The City is asking rental property owners to pay for a large percentage of the program. Property owners and managers do not mind paying the RHP fee because it is used for a different purpose. He does not believe there is a large group of people disturbed by rental units. He opined that there is a small group of rental owners who need to be targeted without the City taking a shotgun approach. Focusing on the target is a more cost effective. He added that he attended all but one PMCAG meeting and opined that some information presented by staff during this meeting was never discussed during those meetings.

In response to Mr. Kampfer's comments about temporary heat sources, Chair Traber clarified that permanently using temporary heat sources to replace permanent heating units would be disallowed by the PMC.

*Questions of Staff*

*Councilor Brauner: What is the percentage of the renter population?*
Mr. Loewen: 59 to 60%

*Councilor Brauner: How many complaints were received within the last year?*
Mr. Loewen (per Fiscal Year):

2013/14 (first seven months); 792
2012/13; 982
2011/12; 1,163
2010/11; 1,454

Councilor Hirsch opined that the downward trend was most likely due to property owners/managers taking a proactive approach.

Mr. Loewen said the complaints were trending down until this year. There have been more rental housing code complaints the first half of this fiscal year than the previous fiscal year.

Mr. Gibb confirmed that the next packet of meeting materials will include RHP and code enforcement statistics.

Mr. Gibb clarified for Chair Traber that the issues are not necessarily related to violations of the Building Code. Many Corvallis Municipal Codes (CMC) come under the umbrella of a comprehensive code.

Chair Traber requested the number of sub-standard housing complaints not addressed due to the lack of code language.

Councilor Hirsch referred to the list of questions added to the end of each PMCAG meeting minutes, and requested the questions and answers be compiled together.

*Councilor Brauner: What is in the PMC that does not already exist in current code?*
Mr. Gibb: Exhibit 1 (of the staff report) covers various areas and items. Those items can be further explained by staff. The PMC would address the gap areas (shaded) and replace current CMC. This is the same information that staff shared with NLWG and PMCAG.

*Councilor Brauner: Some of the shaded areas have some coverage and some have no coverage. Can staff provide better details or understanding?*
Mr. Gibb: Staff will review the matrix with the Committee and provide more detail.

*Chair Traber: Does staff have matrix details in written form? I am interested in providing the public a large set of examples that are not in existing codes. For example, in the matrix under electric system, it states "all elements safe." Presumably that refers to the Building Code that has specific items dealing with proper wiring. What is not in the Building Code that would be included in the PMC?*
Mr. Gibb: The Building Code only relates to issued building permits.
Mr. Carlson: The Building Code is not for maintenance, it is used when permitting construction.

*Chair Traber: As an alternative, could an ordinance be drafted that says if a complaint is received about something unsafe per the Building Code, it can still be treated as something that needs to be fixed in a tenant complaint case? The issue would not need to wait for a development activity to cause an unsafe condition to be noticed. A PMC would not be needed in this example.*
Mr. Carlson: The uniform code for abatement of dangerous buildings, or Dangerous Building Code, was last published in 1997 and is out-of-date. Current dangerous building standards have been included in the proposed PMC. This allows the City to address a dangerous situation if, during a complaint-based inspection, a dangerous situation is observed.

Mr. Gibb said an adopted PMC will coordinate with existing codes, not just be an additional layer of code. The intent is to either delete parts of the proposed PMC or remove existing code. The PMC is designed to fit with the existing codes to work together.

Chair Traber said testimony was received that indicated the City was adding an 80-page code. Staff has indicated that the PMC is new and necessary because

other codes do not cover some of the issues. Mr. Gibb responded that the intent is to compile one comprehensive code without duplication of existing codes.

*Chair Traber: Do other cities require tenants to contact landlords before filing a complaint?*
Mr. Weiss: That is unknown. Tenants contacting the RHP either have no concerns contacting a landlord or fear retaliation by making contact. If a tenant truly fears being evicted or experiencing retaliation, staff should not force the tenant to contact the landlord. Staff would always encourage tenants to work out issues with landlords first and there may be a clause in a lease requiring the tenant to contact the landlord first.

*Chair Traber: Would staff investigate a complaint without contacting the landlord?*
Mr. Weiss: Staff would notify the landlord during the course of an inspection process. Staff will provide written information about this in the next set of materials.

Councilor Brauner said the concern is that some renters cannot talk to their landlords. The Committee has heard testimony that landlords do not want staff on their property without their knowledge. The assumption is that the PMC would include notification to the landlord that City staff will be entering the property.

Mr. Weiss agreed that the program can be built to include notification. In this discussion, only the current RHP requirements are being considered. In terms of code enforcement, if a complaint is received about a building code issue, there is no requirement for staff to contact the landlord prior to entering the property.

Councilor Hirsch suggested that video documentation be included in PMC language. He noted that it is easy to document an inspection or exchange between City staff and a tenant and/or landlord by using the video application on cell phones.

Councilor Brauner said he may have additional questions after hearing from the public on February 25. Chair Traber agreed and added that part of the process is clarifying current code and procedures.

Mr. Gibb said staff will review the gap analysis and base code details with the Committee.

*Chair Traber: Historically, what has been the process with excessive and/or frivolous complaints?*
Mr. Gibb: This was discussed with PMCAG. Staff understands those situations; however, there is a responsibility to follow-through on complaints.
Mr. Weiss: Excessive complaints are not common in the RHP.

Councilor Hirsch opined that the PMC should include language that protects landlords from excessive and/or frivolous complaints.

Mr. Weiss said the intent is to maintain a record of complaints by a range of variables. Mr. Gibb added that type of language would be more appropriate for protocols versus code.

Chair Traber noted that the language should be included in the PMC if enforcement is needed.

*Chair Traber: Regarding the number of complaints that could not be addressed due to the lack of codes, how old are those complaints? How many complaints are outstanding?*
Mr. Gibb: Staff will provide that information. There are outstanding general code enforcement cases. The advantage of coordinating codes will help with backlog.

Mr. Gibb said the ICC PMC is the most common base code utilized in the United States and used by hundreds of cities. The initial discussions with NLWG were for a more comprehensive program. The NLWG recommendation to the Collaboration Steering Committee was for a comprehensive PMC based on the ICC PMC. When the PMC was presented to Council last spring, staff provided assumptions about process and utilizing the ICC PMC as a base model with the understanding that changes would be made through the local review process.

*Councilor Brauner: Is one possibility of adjustment to change the program into a rental property maintenance review instead of a property maintenance review?*
Mr. Gibb: Yes, it is possible. The recommendation is to only look at exterior issues for non-rental properties (excluding dangerous building issues). Staff can provide information about neighborhood livability related to code gaps addressing non-rental properties.

*Councilor Hirsch: If my neighbor has an exterior issue with their owner-occupied home and I am aware of a dangerous situation inside their home, staff would not address the interior issues?*
Mr. Carlson: The current Dangerous Building Code applies to the interior and exterior of buildings.

*Councilor Hirsch: There was a complaint during testimony that suggestions from property owners were ignored. What were those suggestions?*
Mr. Weiss: During the PMCAG meetings, public comments were heard at the beginning and end of each meeting and the comments were captured in the meeting minutes.

The Committee and staff discussed outreach efforts to renters. Councilor Brauner preferred to wait until after the February 25 meeting to decide if additional efforts were needed. He noted that supporters of an issue typically do not attend public hearings. Mr. Gibb confirmed that no special notice was sent to renters. Typical meeting notice for February 25 will be conducted.

Councilor Brauner requested that gap information be sent to the Committee prior to the February 25 public hearing.

II. Other Business

Mr. Gibb noted that the February 19 meeting was previously canceled since Chair Traber could not attend. Staff inquired whether the Committee can meet on February 19 without Chair Traber to consider non-PMC items. This will lessen multiple discussion items during March meetings.

Councilors Brauner and Hirsch agreed to meet on February 19 to discuss routine issues. Councilor Brauner will chair the meeting.

The next Administrative Services Committee meeting is scheduled for 2:00 pm on Wednesday, February 19.

A special Administrative Services Committee meeting to obtain public comment related to the proposed PMC program is scheduled for 5:00 pm on Tuesday, February 25 in the Library Main Meeting Room.

The meeting adjourned at 5:43 pm.

Respectfully submitted,

Biff Traber, Chair

ATTACHMENT 1

# BRIEFING: Corvallis Neighborhood Outreach/Property Maintenance Code Program

*Corvallis Administrative Services Committee*
*February 5, 2014*

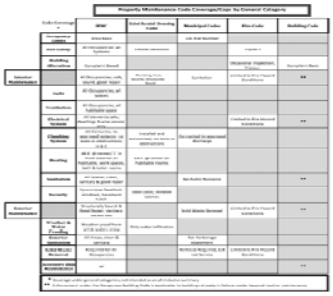
1

## Background

- Program concept developed during the Collaboration Corvallis/Neighborhood Livability Work Group process in late 2012/2013
- Livability Work Group's conclusion was that current codes are not sufficient to address property maintenance, housing conditions and livability concerns

2

## Background (cont.)



3

## Background (cont.)

- Based on comparator research, the Work Group identified a property maintenance code with rental housing licensing and inspection as a potential solution
- Work Group process provided extensive public comment opportunities
- Three potential programmatic options were identified for final consideration

4

## Options Considered

- Three programmatic options considered by the Neighborhood Livability Work Group:
  - Implement a property maintenance code with rental licensing and proactive rental housing inspections, with commensurate staffing
  - Implement a complaint-based property maintenance code approach, also with commensurate staffing
  - Maintain existing City codes and staffing

5

## Work Group/Steering Committee Recommended Approach

- Neighborhood Livability Work Group and Collaboration Steering Committee recommendations to City Council:
  - Implement a property maintenance code to apply to all Corvallis properties in order to close current code gaps
  - Create an equitable funding structure to support a complaint-based system
  - Provide staffing commensurate to program need

6

## Work Group/Steering Committee Recommended Approach (cont.)

- Recommendations to City Council (continued):
  - In implementing the property maintenance code, utilize culturally and linguistically appropriate education and outreach strategies
  - Develop a progressive enforcement strategy
  - Support collaborative efforts to engage stakeholders in a review of future options for additional programs/policies (within two years of property maintenance code implementation)

7

## Basis for Work Group/Steering Committee Recommendations

- Health, safety and neighborhood livability concerns
- Property maintenance code a key first step to addressing them
- A more comprehensive outreach and education program is needed to engage landlords, tenants and community/neighborhood interests
- Progressive enforcement with increasing penalties will be effective
- Additional measures may be necessary following evaluation of initial effectiveness

8

## City Council Consideration and Direction to Staff

- Council received the Work Group/Steering Committee recommendation in May 2013 and directed staff to initiate development of an expanded outreach/property maintenance code program
- Staff proposed the formation of an advisory group with broad stakeholder representation to assist in outlining the program

9

## Property Maintenance Code Advisory Group

- The Advisory Group's charge was to assist Community Development staff with program design
- The Group met seven times, from August to December 2013
- Advisory Group meetings provided public comment opportunities

10

## Property Maintenance Code Advisory Group (cont.)

- The Advisory Group provided valuable feedback on approaches to program outreach and code development
- Consensus was reached on some but not all of the items considered by the Advisory Group
- Where consensus was not reached, staff considered various points of view in developing current set of recommendations

11

## Model International Property Maintenance Code

- Developed by the International Code Council as part of a family of codes (e.g., building, plumbing, etc.)
- Intended to establish minimum maintenance standards for equipment, light, ventilation, sanitation and fire safety
- Used as a base document for property maintenance codes by hundreds of local jurisdictions around the U.S.

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## Model International Property Maintenance Code (cont.)

*Document Format:*

- Scope and Administration
  - Procedures, violations, notices and appeals
  - Dangerous buildings provisions
- Definitions
- General Requirements
  - Drainage, weeds, rodent harborage and other sanitation issues
  - Exterior structural maintenance
  - Interior structural maintenance

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## Model International Property Maintenance Code (cont.)

- Light, Ventilation and Occupancy Limitations
  - Standards for windows/provision of light
  - Minimum ventilation requirements
  - Occupancy limits, e.g. minimum bedroom sizes
- Plumbing Facilities and Fixture Requirements
  - Minimum standards for installation, maintenance and location of plumbing facilities
- Mechanical and Electrical Requirement
  - Minimum standards for HVAC, water heaters, cooking equipment, electrical service and equipment

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## Model International Property Maintenance Code (cont.)

- Fire Safety Requirements
  - Minimum requirements for egress in existing buildings – windows, doors, emergency escapes
  - Standards for fire protection systems/smoke alarms
- Referenced Standards
  - Ties to materials and construction methods, e.g., International Fire Code, Building Code, Plumbing Code, etc.

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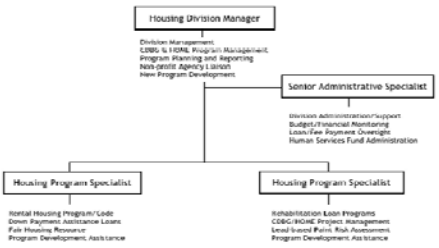
CORVALLIS
ENHANCING COMMUNITY LIVABILITY

## BRIEFING: Corvallis Neighborhood Outreach/Property Maintenance Code Program

16

## Current Corvallis Housing Division

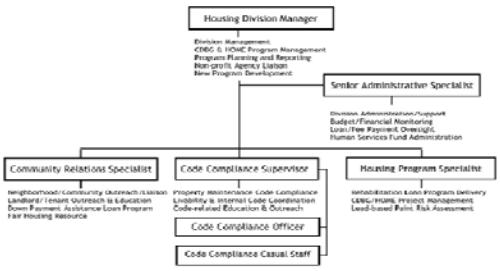
*Housing Division Organization Chart - FY 13-14 (Current) Structure/Functions*




17

## Proposed Housing and Neighborhood Services Division

*Proposed Housing and Neighborhood Services Division Organizational Structure/Functions*




18

## Expanded Neighborhood and Community Outreach and Education

- Maintain information and referral services for landlords and tenants
- Implement a more proactive program for neighborhood and community outreach
- Become a point of contact and information for neighborhood associations
- Create a PMC-related outreach and education program element
- Improve integration of City outreach services with expanding OSU student-focused services

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## PMC Operating Protocols

- Complaint-based rather than inspection-based approach to compliance
- Anonymous complaints will not be accepted
- Interior and exterior conditions will be addressed in residential rental properties
- Only exterior and dangerous building conditions for owner residential and non-residential properties

20

## PMC Operating Protocols (cont.)

- Unlike current Rental Housing Code protocol, tenants will be encouraged but not required to communicate with their landlord before filing a complaint
- Response approach and time frames will be tied to the severity of compliance issues
- Investigation of a single complaint issue will not be intended to become the basis for a comprehensive property inspection

21

## PMC Operating Protocols (cont.)

- Municipal Court citation process to be utilized for failure/refusal to achieve compliance
- City's current Board of Appeals will hear appeals related to the Property Maintenance Code
- Anticipate annual program reviews by a City Council subcommittee

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## Corvallis Property Maintenance Code Standards

- The International Code Council's International Property Maintenance Code is being used as the starting point for local Code development
- Initial modifications have been identified/proposed as a result of the Advisory Group process
- Proposed refinements:
  - Vary Code applicability by property and occupancy type
  - Expand flexibility to treat older and historic properties similarly
  - Treat situations not constituting a dangerous building or life safety violation as infractions rather than misdemeanors
  - Clarify language related to rubbish/garbage containment and removal provisions
  - Align the appeals process with current City practice

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## Corvallis Property Maintenance Code Standards (cont.)

- Proposed additional standards/provisions:
  - Allow composting of appropriate materials
  - Disallow provision of a temporary heat source to permanently replace a failed permanent heat source in rentals
  - Define indoor furniture and prohibit its storage outdoors
- Provisions proposed for deletion:
  - Remove language related to standards or requirements covered in other City codes (e.g., inoperative motor vehicles, means of bedroom access)
- These and future modifications and refinements to Code language will be detailed if/when City Council direction is provided to staff, after completion of the review by Administrative Services Committee

24

## Draft Operating Budget – Expenditures

- Annual program operating expenditures approximately $530,000
- Staffing includes three FTE for outreach and code compliance, with portions of other positions combining into a fourth FTE
- Funding for casual code compliance staff
- Initiate a reserve fund for abatement of dangerous buildings
- Reinitiate the Neighborhood Empowerment Program (funding request to be forwarded to City Council separately)

25

## Draft Operating Budget – Revenues

- $130,000 in ongoing General Fund support
- $37,000 from recently passed property tax levy
- $10,000 to be requested separately for the Neighborhood Empowerment Program
- Balance needed (~$350,000) to be generated through an increase in the rental housing fee from the current $12/unit/year to ~$30/unit/year

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## Draft Operating Budget – Revenues (cont.)

- General Fund/property tax support equates to about 34% of budget; rental unit fees represent about 66%
- Funding balance approximates the current and anticipated focus of program resources between residential rental and other property types

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## Program Consideration Process

- February 5 Administrative Services Committee briefing
- February 25 ASC meeting – public comment opportunity (5:00 p.m., Library Main Meeting Room)
- Future: additional ASC meetings to continue discussion in March; outcome will be the development of a recommendation for consideration by the full City Council

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CORVALLIS
ENHANCING COMMUNITY LIVABILITY

BRIEFING:
Corvallis Neighborhood Outreach/Property Maintenance Code Program

*Staff report available at:*

http://www.corvallisoregon.gov/index.aspx?page=553&recordid=2797&returnURL=%2findex.aspx

29

**Kevin Dwyer** ATTACHMENT 2

**To:** Kevin Dwyer
**Subject:** PMC Discussion

Comments on the Property Management Code from the Corvallis Chamber of Commerce

**Why does the City of Corvallis need to adopt International Code Council of International Property Maintenance Code Standards?**

From our view, there does not seem to be an overarching need to impose these highest high, model city standards. All the indices we've seen indicate that Corvallis properties already are being regulated to the highest standards with the existing codes and code enforcement in place.

This new approach a bit over the top, a bit capricious, and one might ascertain, perhaps, a bit punitive.

Further, we are a bit disturbed by that there is no real cost-benefit-analysis associated with this program. In other words, what is the real economic impact on Corvallis businesses and consumers when initiatives such as this one are imposed?

Finally, if this does go forward, it seems unfair to us that roughly 2/3's of the half-million dollar annual price tag for this program should come out of rental property fees when the program is covering all Corvallis properties – rental, residential and commercial. Shouldn't a more equitable fee structure be considered?

This feels a lot like one of those "if it ain't broke, don't fix it" scenarios. May be it's better to tweak the existing code and go forward, instead of re-inventing the wheel.

Sincerely,

kd

Kevin Dwyer
Executive Director
Corvallis Chamber of Commerce
(541) 757-1505
www.corvallischamber.com
420 NW 2nd Street
Corvallis, OR. 97330

ATTACHMENT 3

February 5, 2014

**TO: Administrative Services Committee**

**FR: Sue Long, 2014 President**
**Willamette Association of REALTORS®**

Richard Berger, Government Affairs
RFBConsulting@yahoo.com
503-569-1346

**RE: Proposed Property Maintenance Code (PMC)**

On behalf of the Willamette Association of REALTORS®, thank you for the opportunity to comment regarding the proposed Property Maintenance Code (PMC). We have followed this process closely over the last year and have given input on several occasions. We believe that adoption of the proposed property maintenance code is bad public policy and should not be adopted by the Council.

The current proposal would require an entirely new set of regulations that affects all property in the City. The PMC affects residential property, commercial property, industrial property, and even vacant land. It affects rental property and personal residences. Under the proposal different provisions of the code would impact different ownership arrangements but all property would be affected.

This proposal will increase the cost of living in the City. Homeowners will be required to perform sometime expensive work on their personal residence whether or not it fits their personal improvement plans, their timeframe, or their budget. The proposal includes additional fees for rental properties and uses scarce tax dollars to support a lavish budget including expanding city staff. In a time where the City is struggling to keep fire stations open and police on the streets, it doesn't make sense for the City to add staff to investigate chipped paint on fences.

The City is at a crisis point where school enrolment is declining due to families not being able to afford housing in Corvallis. This is not the time to adopt a new set of regulations and expand City staff to make Corvallis even less affordable.

The City of Corvallis already has land use regulations, a rental housing code, a fire code, a nuisance code, a building code, and miscellaneous other municipal codes. These codes ensure homes are habitable and maintain public safety. This proposed PMC would add a long complex set of regulation that resembles an invasive government-funded homeowners association instead of reasonable public policy.

The Willamette Association of REALTORS® supports the proposal for better public outreach and education for landlords and tenants. We believe that more measured proposals will go further to prevent negligent property ownership than the proposed PMC and will not be a burden on responsible property owners or the City's budget.

Thank you for your time and consideration.

Willamette Association of REALTORS®
541-924-9267 Phone 541-924-9268 Fax . Email: realtors@waor.org

(Representing Members in Benton and Linn Counties)

ATTACHMENT 4

**From:** Gibb, Ken
**Sent:** Monday, February 03, 2014 8:51 AM
**To:** Weiss, Kent
**Subject:** FW: attached email
**Attachments:** OSUCity Collaboration Jan. 29th meeting comments-1-2.doc

-----Original Message-----
From: Kenton Daniels [mailto:kentonofbenton@[redacted]
Sent: Sunday, February 02, 2014 8:24 PM
To: Gibb, Ken
Subject: attached email

Hi Ken. Can you please assure that the Admin. Services Committee members (I believe that it is Biff, Hal and Joel) receive the attached letter that I sent to Eric Adams about a year ago after the OS/City Livability work group had their public meeting at the library? I would just like them to have some awareness of what happened at that meeting. Share with your star as well, if you wish to do so. Thanks,

Kent Daniels

February 5, 2013

To: Eric Adams

From: Kent Daniels

RE: January 29th Collaboration Corvallis Neighborhood Livability Forum

Eric, I wanted to take the time to thank you, city and OSU staff, and members of the Livability Workgroup for putting on the forum on rental housing inspections at the library last Tuesday evening. However, to me, you all also deserve an apology from a fair number of the attendees representing the real estate and rental property ownership or management segment of our community. In my view, the meeting was more or less a "hostile takeover" by that small segment of our community.
Verbally attacking speakers they did not agree with, interrupting the proceedings out of turn by standing up in the audience and trying to take over the floor, making rude and unpleasant comments about what others were trying to say, cheering and applauding those with whom they agreed, and verbally attacking some staff, are all boorish and uncalled for behaviors and should not occur in an open community forum. This behavior did achieve one result, however: it created an adversarial and hostile atmosphere for anyone testifying who had a different point of view, and I am sure did result in intimidating some attendees and discouraging them from testifying when they had planned to do so.
I sincerely hope that the biased, self-interested and often uninformed testimony(talk about the fox wanting to guard the chicken coop) you all received from some speakers who own or manage rental property doesn't deter you and the city from continuing to look at the need for a rental inspection program. I would like to suggest the following:

* Consider holding some additional forums specifically oriented towards students and non-student renters. You need to elicit their testimony and involvement, in my opinion. And you won't get that in a room full of property owners, landlords and rental managers.
* Have the chairs set some "meeting behavior" standards before any future collaboration forums or meetings that will make it clear that the kind of rude behavior exhibited at the form last week will not be tolerated. Also, ask for alternating testimony of pros and cons when that makes sense.
* With regard to current conditions at rental properties, until we actually do a first round of inspections at all rentals, no one will really know what the conditions are, and how many units need repairs or improvements. And just because an owner or manager does what he or she thinks is a good job of maintaining rentals does not necessarily mean that there are no problems or that unseen or unnoticed deterioration in conditions isn't occurring as units or buildings age.
* There are a number of options that could reduce the costs of an inspection program after initial inspections, such as lengthening the time period between inspections for

units that pass the first time to 3-4 years; doing incentives for units that are repaired and pass re-inspections, to next inspections 2-3 years in the future; or reducing the costs/fees for larger multi-units when economies of scale for inspections make it easier to do them all at once. I'm sure there are many other ways to reduce costs and burdensomeness of an inspection program.

Again, I would like to thank you and the members of the Livability Workgroup for everything you have done over the last year. I look forward to positive improvements coming to our community in the future from the work you all are doing. Please forward this letter to the workgroup members, OSU and City staff and to the Collaboration Steering Committee.

Sincerely,

Kent Daniels
[redacted]

**MEMORANDUM**

January 29, 2014

**TO:** Administrative Services Committee

**FROM:** Ken Gibb, Community Development Director

**RE:** Consideration of a restructured Housing and Neighborhood Services Division and implementation of a new Neighborhood and Community Outreach and Education/Property Maintenance Code Compliance program

## I. Issue

On January 21, 2014, Mayor Manning referred consideration of the City's implementation of a new Neighborhood and Community Outreach and Education/Property Maintenance Code Compliance program to the Administrative Services Committee.

## II. Background

The Collaboration Corvallis' Neighborhood Livability Work Group determined that the existing rental housing code provisions as well as other existing codes were not sufficient to address the range of property maintenance, housing conditions and livability concerns that impacts both tenants and neighborhood residents. A matrix representing current code coverage areas and gaps is attached as Exhibit 1. The Work Group reviewed comparator practice research that included programs in other university communities, and determined that a property maintenance code and rental housing licensing program was a potential solution for these issues. The Neighborhood Livability Work Group then conducted several public comment opportunities and considered multiple options including:

1. Implementation of a property maintenance code with a rental housing licensing program and proactive inspection program for rental units and commensurate staffing.
2. Adoption of a property maintenance code with a complaint-based code compliance program with commensurate staffing levels.
3. Maintaining existing codes and code compliance efforts.

During the public review process, the Work Group heard concerns from rental property owners and property managers about the need for and scope of a licensing and inspection program. The Work Group also heard from tenants and other community members expressing concern about neighborhood livability issues, the condition of rental housing in Corvallis, and that a complaint-based system would not be sufficient to respond to these issues.

After considerable deliberation, the Work Group recommended Option 2 with the following description:

a. Implement a property maintenance code (a more comprehensive code addressing gaps in existing codes) that applies to all properties.
b. Create, through subsequent political process, an equitable funding structure that gives consideration to demands on the complaint-based system.
c. Provide staffing commensurate with the requirements of the code.
d. Utilize culturally and linguistically appropriate education and outreach strategies to engage community stakeholders to better understand and reduce barriers to complaints.

In addition, the Neighborhood Livability Work Group recommended that:

- The City utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes.
- Support collaborative efforts to seek additional information and input from diverse stakeholders to develop additional programs and policies to address concerns raised and to review options for additional policies and programs needed to address housing conditions (e.g. rental licensing program with mandatory inspections, a performance based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, self monitoring by property managers) within 2 years of implementing a property maintenance code.

The basis for the above recommendations is provided in Exhibit 2 which is an excerpt of the report to the Collaboration Steering Committee. Among other things, the Work Group concluded that:

- There are significant health, safety, and neighborhood livability concerns that are not adequately addressed by existing codes.
- That implementation of a property maintenance code would be a key first step in addressing these concerns.
- That a more comprehensive outreach and education program is needed to engage landlords, neighborhoods, students and other tenants and other community stakeholders. The proposed neighborhood liaison resources would assist in such a program.
- That a progressive enforcement strategy with increasing penalties for repeat violators would be effective.
- That there may be a need for additional measures and that the City should review options for additional policies or programs after gaining experience with the recommended program.

In May 2013 the City Council accepted this set of recommendations from the Collaboration Corvallis Steering Committee and directed Community Development staff to initiate development of an outreach program design and a property maintenance code implementation package for consideration by a Council Standing Committee.

A Property Maintenance Code Advisory Group was formed in July of 2013 to act in an advisory role for staff's development work on this topic, and from August through December staff and the Advisory Group met seven times to review the neighborhood outreach and code compliance elements of the program, with much of the discussion focused on the content of a future Corvallis

Property Maintenance Code. The Advisory Group included the following members and represented interests:

| | |
|---|---|
| Allie Bircher | Associated Students of Oregon State University |
| Amy Harding | Corvallis rental property owner |
| Charlyn Ellis | Member of the Collaboration's Neighborhood Livability Work Group |
| Jerry Duerksen | Corvallis property manager |
| Karen Levy Keon | Member of the Collaboration's Neighborhood Livability Work Group |
| Kari King | Corvallis property manager |
| Rachel Ulrich | Renter of a home in Corvallis |

The Advisory Group's charge was to provide City staff with stakeholder perspectives and feedback regarding the following topics:

- Education and outreach efforts for property owners/managers, tenants, and neighborhoods
- The scope and content of the Property Maintenance Code (PMC)
- PMC implementation protocols
- PMC delivery characteristics including staffing and program budgets

The Advisory Group's meetings were well attended both by members and by others from the community with an interest in the program development process. Much of the Group's time was spent in detailed discussions of the language and content of a Corvallis Property Maintenance Code. A compiled set of notes from all of the Advisory Group meetings is attached as Exhibit 3.

Based on the recommendations of the Collaboration's Livability Work Group and Steering Committee, the International Code Council's International Property Maintenance Code (IPMC) was the starting point for those discussions. Many communities in the U.S. have taken similar approaches in their use of the model IPMC in its native form as a base document that is subsequently adapted to meet local community needs.

To date, there have been multiple opportunities for public comment on this topic and considerable public participation. This has included six Neighborhood Livability Work Group meetings with extended time for visitor comments and a highly attended public forum hosted by the Work Group in January, 2013. The Property Maintenance Code Advisory Group meeting agendas also provided time for visitor comment opportunities as well as for receiving written material.

## III. Discussion

The following narrative reflects staff's recommendations that incorporate key elements of the Property Maintenance Code Advisory Group's discussions regarding implementation of an expanded neighborhood education and outreach effort and a Corvallis Property Maintenance Code program. The primary program components coming forward for consideration, described below in the order provided here, include:

1. A reorganization of the Community Development Department's Housing Division, to become the Housing and Neighborhood Services Division;
2. Approaches and tools to be utilized in expanding current neighborhood, community, and landlord/tenant outreach and education efforts;
3. An initial/draft budget reflecting funding sources and uses related to program implementation;
4. A draft set of operating protocols that will be applied to the Housing and Neighborhood Services Division's implementation of the Corvallis Property Maintenance Code; and
5. The content of a draft Corvallis Property Maintenance Code and recommended changes relative to the native International Property Maintenance Code.

*Housing and Neighborhood Services Division Reorganization*

In order to deliver expanded neighborhood and code compliance services, the current Housing Division structure will be reorganized. Organization charts reflecting the current and proposed structures are attached as Exhibits 4a and 4b. Under the reorganized structure, the Division's current resources for delivery of federally-funded affordable housing and human services assistance programs will remain unchanged. One of the two current Housing Program Specialists will become a Community Relations Specialist with responsibility for development and implementation of the neighborhood/community/landlord/tenant outreach and education program element. And finally, the Code Compliance Supervisor position will be transferred to the Division from the Development Services Division, and a new Code Compliance Officer position, along with some funding for casual Code Compliance staff, will be added. The Code Compliance Officer will be a permanent new hire, and casual staff will be utilized as needed to address Code compliance issues during times of increased demand.

*Neighborhood, Community and Landlord/Tenant Outreach and Education*

The programmatic overview attached here as Exhibit 5 provides an outline of what is currently being done by the Housing Division to communicate with housing market stakeholders, and also reflects additional outreach targets, strategies, and tools that will be implemented to carry out the City's expanded efforts in this area. As noted above, the Community Relations Specialist position will focus much of its time on the expansion of the City's efforts, but will also continue to provide the landlord and tenant outreach, education, and information and referral services that the community has come to value. The Code Enforcement Supervisor position will also participate in outreach and education efforts specific to the Corvallis Property Maintenance Code.

*Draft Budget for the Expanded Programmatic Elements*

A draft budget relative to the implementation of the expanded neighborhood/community outreach and education program and complaint-based Property Maintenance Code compliance program, is attached as Exhibit 6. Key sources of revenue identified in the budget include City General Fund funding currently being used to support Code Enforcement operations in the Development Services Division, new five-year property tax levy funding earmarked for the

enhancement of Code Enforcement, and funding from a fee increase to be applied to all Corvallis rental units. As the budget is currently drafted this fee would go from the current $12 per unit to approximately $30 per unit, per year.

As is typical of personnel-based functions, the largest area of expenditure will be for staffing to deliver the City's enhanced neighborhood and community outreach and education services and to support Property Maintenance Code compliance efforts. The remaining roughly one-fifth of the program budget will cover operating and overhead costs, a proposed abatement reserve fund, and casual code compliance staff. The budget also currently includes funding to reestablish the City's Neighborhood Empowerment program; funding for this program would come through separate consideration by the City Council.

Aggregated revenues proposed to support this programmatic approach will be based approximately 66% on rental unit fees, and 34% on property tax resources. This funding mix aligns relatively closely with the historic and anticipated focus of the City's code compliance resources, under which 70% will be spent on residential rental properties and 30% will be spent on non-rental properties. In addition staff anticipates a significant continuing, and likely expanded, investment of staff time providing information and referral services to landlords, tenants, and other rental housing interested parties.

*Draft Property Maintenance Code Operating Protocols*

A key to the successful implementation of the Corvallis Property Maintenance Code will be its utilization of an effective set of programmatic operating protocols. The PMC Advisory Group discussed this topic over the course of several meetings, and the resulting set of protocols is attached here as Exhibit 7. Key elements of the operating protocols include:

- Code compliance action will only be initiated in response to complaints, and anonymous complaints will not be accepted or acted on. Complainants may request to remain confidential and to the extent legally possible, the City will honor such requests.
- The Corvallis PMC will apply to both interior and exterior conditions in residential rental properties; it will apply only to exterior conditions and conditions that constitute dangerous building or other life safety issues in owner occupied and non-residential properties.
- Life safety and dangerous building issues will receive a priority City response; health and other livability issues will receive a targeted 48-hour response; other issues will receive a targeted seven- to ten-day response.
- Investigations of complaints regarding specific, limited conditions will not be used as an opportunity to conduct comprehensive property inspections; complaints alleging a broader scope of concerns may require a correspondingly broad response; issues of a life/safety nature (e.g., exposed/dangerous electrical wiring) that are not included in an original complaint, but that are discovered in the course of a complaint investigation, will be addressed.
- Code compliance in cases that are not deemed to constitute dangerous buildings or life safety issues will be achieved through the delivery of a series of violation notices to the

property owner/manager. Staff will monitor compliance responses to determine the need for and extent of follow-up efforts.

- Failure to comply following the on-site compliance efforts or owner notification processes will be handled through citations to be considered through the City's Municipal Court system.
- Appeals of noticed violations will be considered using the City's current appeals process, and heard by the City's Board of Appeals.

*Overview of the Proposed Corvallis Property Maintenance Code*

As noted in the Background section above, the Corvallis Property Maintenance Code will be a locally-modified document based on the International Code Council's International Property Maintenance Code (IPMC). Because that IPMC document is copyrighted, the City may neither duplicate it nor place it on our Web site in its native form. Per the City's licensing agreement with the ICC, the native document may only be accessed and reviewed on the ICC Web site at the following address: http://publicecodes.cyberregs.com/icod/ipmc/2012/index.htm?bu=IC-P-2012-000010&bu2=IC-P-2012-000019. Under our ICC licensing agreement, locally amended versions of the IPMC may be made available publically and placed on the City's Web site, so a Draft Corvallis Property Maintenance Code, Amended Version 1 is attached here as Exhibit 8. The document title page and footer have been amended in this version; **at this time no amendments to the Code standards have been made to reflect local intent.**

Several refinements to the original IPMC-based Code language were identified by staff as well as through consultation with the PMC Advisory Group, and are summarized in Exhibit 9. These proposed modifications include or are related to:

- Code applicability by various property types;
- Applicability to historic and other older properties;
- Treating non-dangerous building or serious life safety violations as infractions rather than as misdemeanors;
- Clarification of the rubbish and garbage containment and removal provisions of the IPMC;
- Aligning the Corvallis PMC's appeals process with the process used currently for Building Code and Rental Housing Code appeals.

Additional provisions and/or standards are proposed to:

- Allow for composting of appropriate materials;
- Require that a failed, permanent source of heat be replaced by another permanent source rather than by temporary sources such as space heaters;
- Define indoor furniture and prohibit its storage outdoors.

To date, two IPMC provisions have been identified for deletion:

- Language related to storage of inoperative motor vehicles, a situation which is currently addressed adequately through application of the City's Land Development Code and Municipal Code;

- Means of bedroom access, which the current building codes utilized by the City also address adequately.

Additional amendments to the base Code language will be considered going forward in order to suit local intent, and to avoid overlap/inconsistencies with existing City regulations. It is staff's intent that the changes, additions and deletions described above and identified going forward will be integrated into the draft Corvallis Property Maintenance Code language at a future point in the current program consideration process. That process is expected to include:

- Administrative Services Committee consideration and subsequent recommendation of a program outline for City Council;
- City Council consideration and direction for staff;
- Development of final Code language and an ordinance to adopt if so directed by Council.

## III. Requested Action

The February 5, 2014 meeting of the Administrative Services Committee is intended as a staff briefing on the background and development work to date on the City's expanded neighborhood and community outreach/education and Property Maintenance Code programs. Although no approval action is requested at this time, staff will appreciate a discussion of the next steps in and timeframe of the Committee's continuing review process.

Review and Concur:

James A. Patterson, City Manager

Attachments: Exhibit 1 – Matrix of current Corvallis code coverage areas and gaps
Exhibit 2 – Collaboration Corvallis Steering Committee recommendation to City Council
Exhibit 3 – Compiled Property Maintenance Code Advisory group meeting notes
Exhibit 4a and 4b – Current Housing Division and proposed Housing and Neighborhood Services Division organization charts
Exhibit 5 – Neighborhood/community/landlord/tenant outreach and education program draft outline
Exhibit 6 – Education/outreach and Property Maintenance Code program draft budget
Exhibit 7 – Property Maintenance Code draft operating protocols
Exhibit 8 – Draft Corvallis Property Maintenance Code
Exhibit 9 – Code refinements resulting from PMC Advisory Group consideration process

## Property Maintenance Code Coverage/Gaps by General Category

| | Code Coverage * | IPMC | Exist Rental Housing Code | Municipal Codes | Fire Code | Building Code |
|---|---|---|---|---|---|---|
| | **Occupancy Limits** | Area Basis | | LDC Flat Number | | |
| | **Fire Safety** | All Occupancies; all Systems | Smoke Detectors | | Triplex + | |
| | **Building Alteration** | Complaint Based | | | Occasional Inspection, Triplex+ | Complaint Basis |
| **Interior Maintenance** | | All Occupancies; safe, sound, good repair | Plumbing, Heat, Security; Structurally Sound | Sanitation | Limited to Fire Hazard Conditions | ** |
| | **Light** | All Occupancies; all spaces | | | | |
| | **Ventilation** | All Occupancies; all habitable space | | | | |
| | **Electrical System** | All elements safe; dwellings 3-wire *service* only | | | Limited to Fire Hazard Conditions | ** |
| | **Plumbing System** | All Elements; to approved systems; no leaks or obstructions; H & C | Installed and maintained; no leaks or obstructions | Connected to approved discharge | | |
| | **Heating** | 68 F. @ center/ 2' in from exterior all habitable, work spaces, bath & toilet rooms | 68 F. @ center all habitable rooms | | | |
| | **Sanitation** | All Spaces; clean, sanitary & good repair | | No Public Nuisance | | ** |
| | **Security** | Egress-type Deadbolt, windows, basement hatch | Door Locks, window latches | | | |
| **Exterior Maintenance** | | Structurally Sound & Good Repair; sanitary; vacant lots | | Solid Waste Removal | Limited to Fire Hazard Conditions | ** |
| | **Weather & Water Proofing** | Weather proof from wind, water, snow | Only water infiltration | | | |
| | **Exterior Sanitation** | All Areas; clean & sanitary | | Rat Harborage Abatement | | |
| | **Solid Waste Removal** | Required for All Occupancies | | Removal Required, but not Service | Limited to Fire Hazard Conditions | |
| | **Accessory Bldg Maintenance** | All | | | | ** |

* Coverage under general categories; not intended as an all-inclusive summary

** Enforcement under the Dangerous Building Code is applicable to buildings already in failure mode, beyond routine maintenance

**Scope of Work Objective 3 – Develop a funding mechanism to support an enhanced code enforcement and student conduct program.**

**a. Create outreach and informational programs as key components of the new Program**

At the outset of its efforts to address Scope of Work Objectives related to the Neighborhood Livability track, the work group articulated a set of 12 goals that has served as a guide for strategy development and assessment. The six following goals relate to Scope of Work Objective 3.

- Decrease the current amount of high risk drinking.
- Decrease the amount of junk/trash and vandalism.
- Identify resources necessary to establish and/or maintain efficient and effective responses to conduct issues.
- Increase prevention and education.
- Quiet, safe, and clean neighborhoods.
- Create a landlord training and accountability program.

These goals respond to testimony received by the work concerning property maintenance conditions and tenant conduct that can have negative impacts on neighborhood livability. Property maintenance concerns include excessive accumulation of debris and refuse, illegally parked vehicles, general deterioration of a dwelling's exterior (e.g., old paint, cracked and decaying siding, broken windows, unmaintained roofing, etc.), and lack of regular landscape maintenance, all of which can detract from the aesthetics of a neighborhood. Tenant behaviors related to frequent disruptive social gatherings, loud noise, and other forms of disorderly conduct were also repeatedly cited as adversely affecting neighborhood livability. In general, the complaints regarding these issues seemed to be associated with rental housing units more often than not. Of primary concern was a perception that rental property managers and landlords are either not aware of property maintenance issues and tenant behavior, or are not willing to address these issues in order to mitigate impacts on the surrounding neighborhood.

As part of its review of "best-practices" research compiled by Collaboration Corvallis project staff, the work group identified implementation of a Property Maintenance Code and Rental Housing Licensing program as a potential solution for these issues. Six public meetings were held on this concept to assess the effectiveness of similar programs implemented in other university jurisdictions, gain public input from a diverse set of stakeholders, and discuss the associated trade-offs and potential unintended consequences. Through the course of receiving additional public testimony, the work group became aware of several concerns from local landlords and property managers concerning the equitability of such a program. The work group also gained a fuller understanding of the types of health and safety impacts to various segments of the community's rental housing tenants that can result from inadequate property maintenance practices.

The work group reviewed and considered the effectiveness of existing rental housing and property maintenance codes administered and enforced by the City of Corvallis. In general, the work group found that these existing codes and programs are inadequate to thoroughly address the spectrum of property maintenance issues impacting both tenants and neighborhood residents. Of particular concern was the need for increased staffing to more efficiently respond to a significant increase in code enforcement complaints. In 2012, more than 850 complaints were received by the City of Corvallis related to Land Development Code, Municipal Code, or Rental Housing Code regulations. Approximately 280 of those pertained to habitability issues, but only 170 could be addressed locally through the existing Rental Housing Code. Currently, there is a backlog of more than 600 code enforcement cases.

Another need identified by the work group was an increase in educational and outreach efforts to inform the community about opportunities for resolving property maintenance issues, as well as identify financial resources that might be available to prevent them from occurring. Several programs researched for this topic include a liaison who works to fulfill this need by facilitating communications between property owners, tenants, neighborhood residents, and local government staff. The City of
Corvallis Housing Division staff are currently performing many of these tasks. However, the work group concluded that additional resources are necessary to respond to increasing needs within the community as rental housing becomes a greater portion of the overall housing supply.

***<u>Recommendations</u>***

1. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis:**

   a. **Implement a Property Maintenance Code that applies to all properties;**

   b. **Create, through subsequent political process, an equitable funding structure that gives consideration to demands on the complaint-response system;**

   c. **Provide staffing commensurate with the requirements of the code; and**

   d. **Utilize culturally and linguistically appropriate education and outreach strategies to engage community stakeholders to better understand and reduce barriers to complaints**

<u>Basis for Recommendation</u>

Testimony to the Neighborhood Livability Work Group from community stakeholders and local experts has illuminated significant health, safety, and neighborhood livability concerns (e.g., overcrowding, mold, illegal housing units, inadequate exterior maintenance, and solid waste accumulation) that are not adequately addressed by existing, locally-enforced housing codes.

Testimony suggests that such conditions can be the result of tenant and/or landlord actions, and that impacts to neighborhood livability resulting from these conditions have increased over the past several years. In addition, testimony indicates that many community members do not utilize the current complaint-driven rental housing system due to fear of intimidation or eviction, language barriers, and/or lack of awareness.

A Property Maintenance Code (PMC), with adequate staffing and resources, would provide an important and immediate first step in addressing these concerns. Furthermore, culturally and linguistically appropriate, targeted education, outreach to and engagement with community stakeholders are essential in order to better understand and address barriers to the current complaint-driven system. A Neighborhood Liaison position has the potential to assist with these efforts. An equitable funding structure that gives consideration to resource demands on the complaint-response system should be determined by the City Council through subsequent political processes.

2. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes.**

Basis for Recommendation

Testimony provided to the work group from the community (including students, at-large renters, landlords, property managers, and City of Corvallis staff) reflects a divided argument between two positions. Renters believe there is a need for additional property maintenance oversight while property managers and landlords disagree. It is estimated that 30% of the approximately 13,000 rental housing units in Corvallis are in need of some type of improvement to comply with locally enforced safe housing codes, Oregon Landlord/Tenant Law, or requirements addressed through a typical Property Maintenance Code. At present, City Code Enforcement Staff are faced with a backlog of over 600 complaints, approximately 75% of which are estimated to be related to rental housing, and 20% are estimated to be associated with property owners who have multiple complaints. The maximum civil penalty for failure to comply with a Notice and Order under the existing Rental Housing Code is $250 per day, while most violations of the Land Development Code are punishable by a maximum fine of $500 per day. Staffing limitations aside, the current code enforcement process does not include a progressive enforcement strategy with increasing fines for repeat violations, which, if adopted, could act to diminish the prevalence of livability and habitability issues currently impacting Corvallis neighborhoods; particularly those within the Collaboration Corvallis Project Area.

3. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis:**

   a. **Support collaborative efforts to seek additional information and input from diverse stakeholders to develop additional programs and policies to address concerns raised, and**

**b. Review options for additional policies or programs needed to address housing conditions (e.g, a rental licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, self-monitoring by property managers) within two years of implementing a Property Maintenance Code.**

Basis for Recommendation

A number of solutions, such as a rental housing licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, and a system of self-monitoring by property managers, have been proposed as responses to livability concerns. However, the work group believes further investigation and consideration are needed before adopting any particular approach beyond implementation of a Property Maintenance Code. Although qualitative data concerning the conditions of housing stock and barriers to utilizing a complaint-driven system exist and warrant action, more comprehensive, quantitative data are needed to fully understand the scope of these issues.

Therefore, during the first two years of implementation of a Property Maintenance Code accompanied by increased staffing and community outreach, additional information should be collected on: benefits and gaps of the new Property Maintenance Code, conditions of local housing stock, dynamics related to a complaint-driven system, and potential programmatic solutions. Furthermore, during this period of assessment, opportunities exist for continuing to engage diverse community stakeholders (e.g., property owners, managers, and brokers; student groups; housing experts; City and County staff; cultural groups; and the faith community) through participatory public processes (e.g., public meetings, work groups, and/or a health impact assessment) to better understand current conditions and seek solutions.

A commitment to review the issue within two years of implementation provides time to observe the impact of the Property Maintenance Code, seek additional information, work collaboratively with community stakeholders, and ensures that the City is committed to addressing these concerns.

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of August 27, 2013**
Meeting time: 4:00 p.m. Meeting location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Amy Harding, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich
Members absent: Allie Bircher, Charlyn Ellis
Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Introductions – Self introductions of members and staff.

II. Overview of meeting packet – Chair Gibb provided a summary overview of the meeting packet, including a staff report entitled "Attachment 3 – Property Maintenance Code and Related Recommendations" that was distributed during the meeting.

III. Discussion of work group operating protocols – a discussion of the protocols that will be used to conduct the work of the Advisory Group, concluding in consensus that:
   A. Meetings will follow a "managed discussion" approach to achieve balanced participation. Members will wait to be recognized by the chair. Members are encouraged to share their perspectives with other Advisory Group members.
   B. Tables and chairs will be arranged more appropriately to encourage face to face interaction of the Advisory Group members.
   C. A public comment period of approximately ten minutes will be provided at the beginning of each meeting. A longer comment period may be provided at a later meeting if needed. Written comments from audience members will also be accepted.
   D. Advisory Group members have been selected to represent certain community interests; all are encouraged to share information with and bring comments from those they represent.
   E. Meeting notes capturing the gist of discussions will be kept by staff, and provided to Advisory Group members in subsequent meeting packets.
   F. The recommendations of the Advisory Group will be arrived at via consensus.
   G. Information pertinent to the topics of each meeting will be provided by staff in advance. Advisory group members may request specific information from staff, and staff will try to accommodate those requests as resources allow. Requests should be directed to Housing Division Manager Kent Weiss at kent.weiss@corvallisoregon.gov.
   H. Any e-mails sent to or by City staff are considered part of the public record.
   I. The Chair will attempt to limit the duration of meetings to two hours.
   J. Meeting dates, times and packets will be posted on the meeting calendar on the City's Web site.

IV. Next steps, questions and other business – Code Enforcement Supervisor Chris Westfall provided a brief overview of the International Property Maintenance Code (IPMC), the code that is envisioned as the basis for the Corvallis Property Maintenance Code. Although the overview was general, it was clarified that the Code applies to properties of all types, including residential, commercial, industrial, and vacant land. It was noted that in-depth discussions of the IPMC will occur during the next two Advisory Group meetings, on September 10 and September 24. It was also noted that future discussions will address tools to evaluate Corvallis Property Maintenance Code performance and community impacts, and how the new Code will either integrate or supplement existing City codes.

V. Adjournment

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of September 10, 2013**
Meeting time: 4:00 p.m. Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb
Members absent: Allie Bircher, Rachel Ulrich
Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Visitor comments – None, but a question regarding where copies of the International Code Council's 2012 International Property Maintenance Code (IPMC) are available. Staff explained that the copyrighted IPMC is available from the International Code Council, and from online sellers of published materials.

II. Review August 27, 2013 meeting notes – Meeting notes were accepted as submitted.

III. Overview of IPMC standards and provisions – Chair Gibb explained that staff will provide an overview of the IPMC over the course of two Advisory Group meetings. The overview will focus on portions of each chapter of the IPMC, and members are invited to ask questions. Questions that cannot be addressed quickly will be noted by staff so that they can be considered comprehensively later in the IPMC review process. He asked Advisory Group members to record questions and areas of interest for prioritization in advance of upcoming discussions about IPMC implementation protocols.

Code Enforcement Supervisor Westfall reviewed a matrix highlighting areas of current City of Corvallis code coverage and gaps relative to the IPMC. He then provided an overview of the IPMC standards found in Chapter 3 (General Requirements), Chapter 5 (Plumbing Facilities and Fixture Requirements), and Chapter 6 (Mechanical and Electrical Requirements). Westfall's overview included explanations of many of the provisions, their intent, and the rationale for their inclusion. Several questions were asked and answered over the course of the presentation; several others, along with concerns about specific IPMC content, were raised with the understanding that further discussion will occur during future Advisory Group meetings. Questions and points raised for future consideration included:

- How will responsibility for the condition and repairs required for fences be determined and enforced?
- What standards will be used to evaluate the condition and need to address a building's exterior paint?
- What assurances are there that current interpretations of Property Maintenance Code standards, and staff's explanations of its intended approaches to enforcement, will be continued into the future as new staff take over implementation and enforcement responsibilities?
- Why should the City and its Property Maintenance Code be concerned about the condition of interior, non-load bearing walls (paint, plaster) in owner-occupied homes?
- Should indoor furniture being used and left outdoors be considered rubbish, and treated as such under the City's Property Maintenance Code?
- Will the Code have provisions to allow residents to compost?

- Should the owner/landlord of a rental property be required to contract for garbage/rubbish removal? Can't that be required of a tenant through a property lease?
- Will the Code stipulate a required frequency of garbage/rubbish removal?
- If a tenant causes a pest infestation but does not address it before moving out, what redress does the property owner/landlord have?
- Is it practical/realistic to expect that there will be no pests (e.g., fleas) in outdoor areas of a property?
- Why should the Code be concerned with whether bathrooms/water closets have doors that lock?

IV. Other business/next steps – The September 24 meeting of the PMC Advisory Group will continue discussion of the IPMC beginning with Chapter 7, then Chapter 4, and concluding with Chapter 1. Chair Gibb reminded Advisory Group members to continue recording their PMC questions and areas of interest for future discussion.

V. Adjourn – The meeting was adjourned at 6:05 p.m.

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of September 24, 2013**
Meeting time: 4:00 p.m. Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Kari King, Ken Gibb, Rachel Ulrich
Members absent: Karen Levy Keon
Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Visitor comments – Kent Daniels noted that many single family homes have been converted from owner occupancy to renter occupancy in the recent past. He expressed support for the implementation of a Property Maintenance Code (PMC), pointing out that it would address policies contained in the City's Comprehensive Plan. He suggested that the final product of the PMC Advisory Group's work be presented to the Planning Commission; he recommended that PMC complaints be accepted from anyone, not just tenants; he expressed support for increasing the fee per rental unit from $12 to the mid-$30s figure that was identified in discussions of the PMC during the Corvallis Collaboration's Livability Work Group meetings.

II. Review September 10, 2013 meeting notes – A change to the first question on page two of the notes was suggested and accepted. The question now reads "Should the owner/landlord of a rental property be required to contract for garbage/rubbish removal?"

III. Overview of IPMC standards and provisions (continued) – Chair Gibb noted that staff would be reviewing main concepts found in the remaining chapters of the International Property Maintenance Code (IPMC). He asked Advisory Group members to record questions and areas of interest for prioritization in advance of future discussions about PMC implementation protocols.

Code Enforcement Supervisor Westfall provided an overview of the electrical requirements found in Chapter 6 (Mechanical and Electrical Requirements), and then reviewed Chapter 7 (Fire Safety Requirements), Chapter 4 (Light, Ventilation and Occupancy Limitations), and Chapter 1 (Scope and Application). His overview included explanations of many of the provisions, their intent, and the rationale for their inclusion in the IPMC. Questions about specific IPMC content were raised with the understanding that further discussion will occur during future Advisory Group meetings. Questions and points raised for future consideration included:

- How will the PMC address non-operational fireplaces?
- Should an electrical outlet in each bathroom be required? What if the current electrical system cannot accommodate an outlet in a bathroom – would the unit need to be rewired?
- Should smoke detectors be required both inside and outside of bedrooms? (Westfall explained that this requirement aligns with current building and fire codes.)
- Is it necessary to be so specific with PMC standards, for example, the requirement that rooms have glazing equivalent to 8% of their floor space? (Westfall explained that alternative, mechanical means to achieve this lighting requirement could be utilized.)
- What if a room has a dimension of less than 7 feet? Would that mean the room could not be used for sleeping? (Westfall noted that this conclusion is correct, the room could not be used for sleeping.)

- Are there bases for the IPMC's floor space requirements for sleeping rooms and living/dining rooms? (Westfall explained that sleeping room requirements are based on what is needed to accommodate furniture and safe egress; living/dining room requirements are based on resident needs for usable space outside of their sleeping rooms.)
- Should the IPMC be applied to non-residential properties?
- How will a code inspector handle a situation in which they inspect for one complaint issue but find other issues that do not comply with the PMC?
- Who can grant access to a property for purposes of inspection? (Westfall explained that the party in control of the space would need to grant access for a City inspection.)
- Could complaints by non-residents (e.g., neighbors) be limited to exterior conditions only?
- How will the prosecution of violations be handled? Would an owner who refuses to paint the exterior of their home be guilty of a misdemeanor? (Westfall and Gibb noted that this will be covered in more detail during the next PMC Advisory Group meeting when the topic of PMC implementation protocols is discussed.)

IV. Other business/closing visitor comments/next steps – Audience member John Wydronek shared his opinion that the PMC should only apply to issues that have been problems in the past, and that the per unit fee in the mid-$30s would be too high.

Chair Gibb reminded Advisory Group members to continue recording their PMC questions and areas of interest for future discussion. The next meeting date has not yet been finalized, but should be by the end of the week and staff will notify Advisory Group members once it is.

V. Adjourn – The meeting was adjourned at 6:10 p.m.

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of October 23, 2013**
Meeting time: 4:00 p.m. Location: Fire Station Meeting Room, 400 NW Harrison Avenue

Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich
Staff present: Bob Loewen, Dan Carlson, Chris Westfall, Kent Weiss

I. Visitor comments – Brian Serbu of Coldwell Banker Valley Brokers noted he is unfamiliar with the charge of the Advisory Group and expressed concern with where it is going. Chair Gibb explained that the charge is based on City Council direction to staff, and noted that staff will provide him background on the Advisory Group's charge and the Collaboration Corvallis process.

Larry Kampfer of Kampfer Enterprises suggested the Property Maintenance Code should be placed on a ballot before adoption. He feels the Code is not supported by the general public, and fears that Corvallis property values will fall if it is implemented. Karen Levy Keon shared that she believes the Mayor has charged the Advisory Group with moving forward with a Code to protect the interests of those in the community who do not feel comfortable speaking for themselves.

Debra Weaver of the Willamette Association of Realtors said she believes the Mayor and some City Councilors think the Property Maintenance Code would apply only to rental units. Jerry Duerksen stated that the Advisory Group has been aware that the Code would apply to all properties, but that others in the community are probably not aware. Gibb noted that the model International Property Maintenance Code that is the starting point for the Advisory Group's discussions applies to all properties. Amy recalled earlier Advisory Group discussion that applying the Code to all properties would avoid creating different classes/subclasses of people.

II. Gibb thanked visitors for comments. He asked for comments or corrections regarding the September 24, 2013 Advisory Group meeting notes. No comments or corrections were offered.

III. Gibb introduced Housing Division Manager Weiss to provide a brief overview of the organizational structure of the Community Development Department and the proposed changes that would create a Housing and Neighborhood Services Division from what is currently the Housing Division. He added that Weiss would then provide an overview of the Property Maintenance Code (PMC) protocols that staff have developed for use in program implementation.

Weiss provided an overview of an organizational chart depicting the Housing Division changes, noting that in addition to continuing to deliver federal programs for affordable housing and community development activities, the new Housing and Neighborhood Services Division will expand to include Property Maintenance Code (PMC) compliance, and outreach and education services for neighborhoods, OSU, tenants and landlords, and the community at large. He noted that the outreach and education topic will be covered during the Advisory Group's October 29 meeting.

Weiss then provided an overview of seven PMC program implementation protocols, explaining that at this point they are a reflection of staff's conceptual thinking as to how the program will operate. He noted that more specifics will be added to the protocols over time as the Advisory Group completes its

work and the PMC discussion moves on to the City Council. A copy of the protocols as outlined is attached.

Protocol 1 - Complaints: Weiss explained that on the recommendation of the Collaboration Corvallis Neighborhood Livability Work Group the PMC will operate as a complaint based program. Currently the City's Rental Housing Program requires that complainants identify themselves; the Development Services Code Enforcement program does not require complainant identification. As envisioned the PMC will not accept anonymous complaints; complainants may request to remain confidential, but must identify themselves.

Amy asked whether the number of complaints filed by specific individuals could be tracked. Weiss answered that reporting is not currently done in this way, but that the software system used to enter and track complaint responses could do so. Rachel asked if there would be penalties in place for people who file invalid complaints. Weiss said that had not been considered, but shared his opinion that if that were the case a potential complainant might fear bringing a complaint forward if they thought there would be a penalty if they were wrong and it was proved to be invalid.

Protocol 2 – renter-occupied units. Weiss explained that the timing of responses to complaints would be based on the severity of the issue being raised. He clarified that Code Compliance staff would verify resolution of all complaints in renter-occupied units. He noted that for less serious issues the current Rental Housing Program has had a ten-day response timeframe based on allowing three days for mailing, but given the predominant use of electronic communication staff wonders whether that time frame should be shortened to seven days. The group's consensus was that because the use of mail for communication is still common ten days seems appropriate.

Weiss went on to explain that the Rental Housing Code approach to achieving compliance is to require that a tenant first attempt to resolve a problem through direct communication with their landlord, and if the landlord fails to address the problem the City then gets involved. Development Services does not have such provisions in their approach to code enforcement, and responds directly to complaints with no additional tenant/landlord communication required. Weiss noted that staff are seeking feedback on the question of whether the Rental Housing Code requirement for tenants to contact landlords should carry over to the PMC.

Housing Program Specialist Loewen offered that the Rental Housing Code approach has been effective from his perspective. However feedback from underrepresented tenants suggests they have difficulty with this because they are fearful of repercussions if they complain directly to their landlord. Code Enforcement Supervisor Westfall added that in his experience entire neighborhoods have had fear of filing a complaint about specific property owners or residents.

Much discussion followed regarding a requirement that a tenant communicate first with their landlord before the City would accept their complaint, with no clear consensus emerging. Gibb noted that this question will be added to the list of topics to be discussed in more detail beginning with the Advisory Group's October 29 meeting.

Protocol 3 – owner-occupied residences and other building/property types. Weiss explained that based on earlier comments received from the Advisory Group, staff intends that for complaints in these property types they will follow the same time frame protocols outlined for renter-occupied properties, but that complaints for issues falling under the second and third priority levels, letters outlining a complaint and the Code standard that applies would be provided along with direction/instruction to correct the violation within a specified time frame. In these cases staff would not inspect the correction

unless a subsequent complaint(s) for the same issue was received. Karen asked whether the City could provide information about resources available to help building owners carry out repairs; Weiss agreed that in cases where the City is aware of such resources it would pass that information along.

Protocol 4 – scope of investigations. Weiss again referenced earlier Advisory Group discussions and concerns about staff investigating and taking action on issues that were not included in an original complaint. He explained that staff's intent will be to investigate only the issue(s) forming the basis of a complaint, and not to conduct a comprehensive inspection of a unit once they arrive. However, if in the course of investigating that complaint something hazardous, such as dangerous/exposed wiring, is in plain sight, staff will have to address that issue as well. He also clarified that if multiple issues are included in a complaint, the investigation will be correspondingly broad. Charlyn asked how the City would keep its response narrow if a faulty water heater was reported but it turns out the home's wiring is inadequate. Westfall clarified that in such cases the City could look at the capacity of a home's wiring, gas piping and ventilation in order to determine why the water heater is faulty and how it should be addressed.

Protocols 5 and 6 – progressive enforcement. Weiss outlined the approach the City will take once a PMC complaint has been validated, noting that the City will provide a notice and order to undertake repairs within a specified time frame; if there is no response, a second notice and order and response time frame will be provided, and will state the City's intent to proceed to legal action if the situation is not addressed. If at the end of the specified time frame there is no action to address the violation, the City will proceed to legal action.

Weiss continued, noting that comments provided to the Collaboration Corvallis Steering Committee and Livability Work Group suggested the City should implement increasingly severe penalties for repeat violators. In response the protocols include staff's intent to develop and utilize a Code Compliance matrix to tailor responses based on the severity of violations, as well as the frequency of occurrences of the same violation in the same property or multiple properties under the same ownership. Westfall explained the concept of utilizing a civil citation and hearings officer process to give the City more flexibility to progressively address violations through civil rather than or in addition to criminal sanctions.

Protocol 7 – appeals. Weiss explained that in cases where someone feels a complaint about their property is in error they could appeal the notice and order. The City's current appeal process would be utilized. Development Services Division Manager Carlson described the appeal process and the membership of the Board of Appeals, and noted that the Board currently hears appeals related to the Building Code, the Rental Housing Code, and the Fire Code.

IV. Next steps. Gibb provided an overview of the next meeting (October 29), noting that it will begin with a discussion of PMC-related outreach and education, to be followed by a discussion of the questions, issues and concerns that have been raised by Advisory Group members. He asked that members review the list of questions/concerns raised to date (included in the October 23 meeting packet) and let staff know by noon on October 24 if they would like to add items for discussion on October 29. Staff will provide brief responses/explanations for the items currently on the list, to be included in the packet for the October 29 meeting. The packet for that meeting will go out October 25; Gibb asked that Advisory Group members review the list of questions/responses before the next meeting, and then communicate their top five issues back to staff to provide a prioritized framework for the next discussion. Members may also add new items to this "top five" list.

V. Other business. Gibb referenced the responses to Amy's questions about current code enforcement programs raised following the September 24 meeting; there was no additional discussion of the

responses. He then handed out the City of Albany Property Maintenance Code, noting that it is based on the International Property Maintenance Code. He cautioned that based on input from the Corvallis City Attorney's office, Corvallis would not follow Albany's approach of including the word "should," rather than "shall," where compliance standards are described in the PMC.

VI. Visitor comments. John Wydronek offered support for the City implementing the PMC with progressive enforcement provisions. He noted his concern in the case of rental properties about the City being notified before a landlord has a chance to resolve an issue, and asked that this aspect be looked at carefully.

VII. Adjournment. The meeting was adjourned at 6:03 p.m.

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of October 29, 2013**
Meeting time: 4:00 p.m. Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich
Staff present: Bob Loewen, Dan Carlson, Chris Westfall, Kent Weiss

I. Visitor comments – Don Barstaad stated that many homes in Corvallis are in need of repair, adding that if repairs are going to be carried out a licensed, bonded and insured contractor should be hired.

Stanley Rich noted that he believes current City codes cover all necessary building standards. He added that OSU students have access to legal services when needed. He suggested that any additional code enforcement staffing resulting from the upcoming levy be focused on ensuring buildings meet current codes.

Kenny Davidson stated that he feels a rental inspection program should be put in place, and opined that property owners with nothing to hide would have no reason to fear it. He called for transparency about housing conditions so the community will have better awareness.

II. Chair Gibb thanked visitors for comments. He asked for comments or corrections regarding the October 23, 2013 Advisory Group meeting notes. None were offered.

III. Gibb introduced Housing Program Specialist Loewen to provide an outline of staff's thoughts on an approach to outreach and education efforts related to the Property Maintenance Code (PMC). Loewen provided an outline of current outreach efforts he undertakes in conjunction with delivery of the City's Rental Housing Program, noting the many organizations and entities he works with to deliver or coordinate the delivery of information. He then listed several groups that the City could reach out to in order to expand on current efforts, including neighborhood associations, tenant groups, advocates for underrepresented groups, OSU through Corvallis Collaboration-driven enhancements to student services, and housing providers.

Loewen noted that new materials will be prepared to inform people about the PMC, and that to ensure cultural sensitivity they will be translated into languages other than English. An increased Web presence will also be implemented, but will not be the only tool used given that some who will seek assistance will not have access to that technology. Loewen noted his anticipation that creating awareness of the PMC's existence will be a major early challenge.

Kari expressed a desire for educational tools to help tenants from other cultures understand how to be a good renter, and also to give them a basic understanding of appliances and how to use them. Loewen stated that OSU's INTO program for international students does some of this already, and he sees potential for the City to help enhance this effort once OSU's expanded student services programs are in place.

Amy suggested that the City work with the Corvallis School District to offer family education and outreach about how to be a good renter, and about assistance programs that exist in the

community. Jerry added that much of this type of information, targeted to students, will be coming from OSU.

Karen suggested that a key to engaging certain subpopulations will be to build trust, which requires that the outreach and education program be both consistent and sustainable. If not enough time or financial resources are invested, the program will not be sustainable and trust will be lost.

Charlyn expressed a desire for OSU to provide a direct point of contact for neighbors having issues with student renters. Kari suggested that neighbor-to-neighbor contact can also be an effective way to deal with students who may be causing problems, and that perhaps neighborhood associations could facilitate this approach. Amy agreed this could be helpful, but also noted that neighbors who feel intimidated should not have to try to resolve situations themselves. Charlyn agreed, stating that neighbors should only try a direct contact approach once if they are comfortable, and that if the situation is not resolved they should contact the police.

Code Enforcement Supervisor Westfall noted that in his code enforcement work in Oxford, Ohio he had been involved with an organized, annual outreach effort for students conducted jointly by Miami University and local government representatives. The program was intended to enhance civility by sharing information about how to be a good neighbor.

General discussion about the Corvallis Police Department's Special Response Notice program followed, with agreement that more outreach to landlords as problem rentals are identified would be helpful and appreciated.

Kari suggested that a household manual describing how to be a good renter could be created, and could stay with a unit over time to help tenants on an ongoing basis.

IV. Before beginning a discussion about prioritized, PMC-related issues that have been raised to date by the Advisory Group, Gibb offered a reminder that the Group was formed following City Council direction to staff to carry out PMC program design work with input from stakeholders. The question of whether or not to implement a PMC is not under consideration at this point; rather, the question being considered is what that PMC should or should not contain.

Gibb then asked Housing Division Manager Weiss to provide an overview of prioritized PMC issues. Weiss began by reiterating a discussion that began on October 23 related to whether the PMC should require that a tenant contact their landlord with a request to address a PMC-related issue prior to contacting the City to seek assistance. He reminded the Advisory Group that some had felt this should be required because many leases require such contact, as well as to give landlords an opportunity to do what is needed without the City becoming involved. Others had suggested that some tenants feel too intimidated to contact their landlord because of fear of retribution, and that going to the City directly would be a better option for them.

Gibb asked Loewen about his experience with this issue in delivery of the City's Rental Housing Program. Loewen stated that he does hear from tenants who fear retribution and do not want to contact their landlord. Amy restated her earlier position that tenants should go first to their landlord to have a repair made, but also understands why some tenants may fear doing so. Kari pointed out that a tenant would be in violation of the lease she uses if they did not contact her prior to complaining to the City. She feels that most property managers use a lease with similar provisions. Amy questioned whether such a lease provision could legally prevent a tenant from contacting the City.

Jerry suggested that perhaps property managers should not be concerned if the City is the first point of contact. He recalled that both Loewen and Westfall had contacted him in the past to relay complaints about City code issues in units he manages, and that he was appreciative of this approach. He does not feel that it should be a problem for the City to be contacted.

Amy suggested that the City's outreach and education efforts should communicate that tenants should first attempt to get resolution of PMC issues by contacting their landlord, and then if that does not work they should contact the City. Weiss suggested that the City's PMC operating procedures could have code compliance staff ask if the tenant has communicated with their landlord about a complaint issue when first contact with the City is made, and if they haven't, recommend that they do. If the tenant has already contacted the landlord with no resolution of the issue, or is not comfortable making contact, the City would move forward with the complaint process. Allie asked if the same approach could be used when a landlord has been given a list of complaint items but has only responded to a few; Weiss agreed that this seems to fit within the model he was outlining. Gibb noted that it appears there is an Advisory Group consensus that this approach would be acceptable.

Moving to the next priority issue for additional Advisory Group consideration, Weiss reviewed an earlier discussion about the PMC requirement that all Corvallis properties contract for garbage/rubbish removal, and in the case of residential rental properties, that the landlord contract for this service. Westfall clarified that in these cases the landlord is responsible for contracting for services and providing an appropriate container, and the tenant is responsible for depositing their garbage/rubbish in the container(s). In response to a question regarding the scope of the problem, Westfall explained that the City currently receives about 100 garbage-related complaints each year.

Kari stated her opposition to requiring landlords to contract for services on behalf of their tenants. She suggested that the City put the charge for services on each property's utility bill. Gibb stated that these services are billed directly by Republic Services, which operates independently of the City. Amy asked what the required time frame for waste collection would be. Westfall explained that Republic Services provides weekly pickup but that on-call service is also available for customers using large containers (dumpsters).

Charlyn stated that it seems some residences do not currently have waste removal services, as garbage at some properties continues to pile up. Westfall stated that the PMC would address this issue. Jerry suggested that leases for rental properties should require tenants to contract for waste removal services, and if the City receives a complaint the landlord should be contacted, and it will get resolved. Amy noted that code complaint data provided by staff at the last meeting shows garbage complaints accounting for a large proportion. Amy agreed that all properties should be required to have garbage service, as it is part of living in the community. Requiring service would help with the perception that the City doesn't address this problem when it arises.

Amy asked who would be responsible for getting waste containers to the curb on collection day. Westfall explained that the tenant is responsible for getting waste into the containers, and the expectation is that they will take the container to the curb. If they do not, however, it would be the landlord's responsibility under the PMC. Jerry suggested that leases could require tenants to take the container to the curb, and include a financial penalty for the tenant if it is not done.

As discussion of this item wrapped up there was consensus that all properties should be required to contract for garbage/rubbish removal services. However, there was no consensus regarding who should be required to contract for the services for residential rental properties. Gibb noted that staff will poll other cities to see how they have handled this issue.

Weiss introduced the Advisory Group's third priority discussion item, regarding whether there should be a minimum space requirement for bedrooms. He directed the group's attention to an area taped out on the meeting room floor representing a 7'x10' room – the minimum space that would meet the PMC requirement for the room to be used for sleeping. Westfall explained that this space requirement is considered the minimum suitable to handle a bed and furnishings and still allow safe movement through the space for safe use and egress. In response to questions from the group, Westfall responded that he has seen very few spaces that were originally built as bedrooms that are smaller than 7'x10', but that he does see rooms that have been created by modifying larger spaces, or by repurposing smaller ones, that are smaller than 7'x10'.

Kari suggested that if someone agrees to sleep in a room that is smaller than 7'x10' it should be allowed. Charlyn stated that people may not be agreeing to live in those conditions, but instead may feel they have no choice. Kari pointed out that if the Benton County Assessor says a home has three bedrooms and one of them is smaller than the minimum, it should be considered acceptable for sleeping. Westfall stated that the Assessor considers only how a room is used, and does not apply any standards when they classify it for assessment purposes.

Kari and Jerry both stated they had seen a few bedrooms smaller than 7'x10'. Kari suggested that historic homes may have been built with bedrooms smaller than this standard. Westfall reiterated that in most cases these are probably conversions of other spaces, but that the Code Official would have the latitude to render an interpretation that could find a space smaller than 7'x10' acceptable. Rachel stated that she feels strongly that 7'x10' is the minimum space that should be allowed for a bedroom. It was suggested again that if a tenant agrees to a bedroom that is smaller than 7'x10' it should not be considered a violation. Allie stated her support for the 7'x10' minimum, and pointed out that she and others she knows have lived in rentals with bedrooms smaller than the standard, but that they were unaware of the size because they were not given an opportunity to inspect the unit before signing a lease and moving in. She stated that this is a common practice; Loewen agreed that he has heard from tenants who were not given an opportunity to see a unit prior to signing a lease.

Wrapping up discussion on this issue, Gibb noted that is sounds like there is general consensus among Advisory Group members that a 7'x10' minimum space requirement for bedrooms is acceptable as long as there is an exception process built into the PMC and its implementation procedures that would allow smaller spaces if they were originally built that way, and are otherwise safe and suitable for use as a bedroom.

V. Adjournment. The meeting was adjourned at 6:32 p.m.

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of November 12, 2013**
Meeting time: 4:00 p.m. Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

Members present: Allie Bircher, Amy Harding, Charlyn Ellis, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb
Members absent: Rachel Ulrich
Staff present: Dan Carlson, Chris Westfall, Kent Weiss

I. Visitor comments – None to begin the meeting; visitor comments were offered prior to meeting close (see VII. below).

II. Chair Gibb asked for comments or corrections regarding the October 29, 2013 Advisory Group meeting notes. None were offered.

III. Overview of anticipated Property Maintenance Code Compliance and Neighborhood Outreach/Education program budget and staffing. Gibb noted that the session would begin with a staffing and budget overview of the proposed Property Maintenance Code Compliance and Neighborhood Outreach/Education program, followed by a continued discussion of the remaining priority issues Advisory Group members had identified in advance of the October 29 meeting. He introduced Housing Division Manager Weiss to provide an outline of a draft budget for the PMC Compliance and Neighborhood Outreach/Education program.

Weiss began by noting that his budget overview would attempt to address two of the remaining Advisory Group priority issues – program costs and how to pay them, and the City's capacity to act in the role of "first responder" for the proposed code compliance portion of the program. He referred to a draft budget handout, explaining that it reflects two full-time staff assigned to code compliance work, one full-time staff for the community, neighborhood, and landlord/tenant outreach and education element, and pieces of four other staff positions for administration and program oversight which add up to just under one FTE, bringing the total for the program to roughly four FTE. The total projected budget for personnel costs is $400,000. Non-personnel costs would include a projected $78,000 for costs of operation (overhead, materials, vehicle and equipment operations and reserves, supplies, training, etc.); $10,000 for an abatement reserve fund (to provide funds for boarding up and/or demolishing dangerous buildings); $30,000 for casual code compliance staff (part-time, on-call staff that would be utilized to help manage workflows in times of higher service demand); and $10,000 for re-initiating the Neighborhood Empowerment Program, which would only occur if a specific future request to the City Council to fund that program is approved.

Weiss referred back to the expenditures just summarized, noting that staff feel they will be able to operate effectively with that budget in the "first responder" role that the Advisory Group has identified by 1) implementing the operating protocols discussed during the Group's October 23 meeting, in which a scaled approach to complaint responses was described; and 2) making efficient use of casual employees to balance compliance capacity with demand. Weiss then identified a set of projected first-year, one-time expenditures for a vehicle, computer equipment, phones, and office setup that would be incurred, but for which no funding source has yet been identified. The projected amount, $42,000, might be covered through a one-time surcharge on program fees,

through a direct allocation of funds by the City Council, through a combination of those sources, or through some other means.

Turning to the sources (revenues) portion of the draft program budget, Weiss explained that in line with City Council direction to staff for approaching program funding, a combination of General Fund (property tax) and fee-based resources is being identified. The $130,000 in General Fund funding currently directed to Code Enforcement in Development Services would be applied to the PMC budget; an additional $37,000 in recently-approved five-year levy funding for code enforcement would also be applied. The $10,000 reflected in the budget for the Neighborhood Empowerment Program is being proposed for funding by the City Council. The balance of funding needed to cover expenditures, approximately $351,000, would be generated through application of a fee assessed on rental properties much like the current Rental Housing Program fee. To cover the $351,000, the fee would increase from the current level of $12 per unit to a projected level of $30 per unit. Weiss noted that earlier projections had estimated this number at $35 per unit. This projection presumes the definition of "unit" remains unchanged, and is based on an estimated 13,000 units and a collection rate of 90%. Weiss closed, noting that in this funding projection, 34% of program costs would be borne by property taxes, and the remaining 66% would be supported by fees on rental units.

Amy asked why fees would apply only to rental properties if all properties would be covered by the Property Maintenance Code. Gibb explained that the balance between property tax support and unit fee support ties roughly back to the recent average of approximately 70% of code enforcement actions occurring in rental properties, and 30% in owner-occupied or non-residential properties. Amy asked what would happen with fees if the demand for code compliance remains flat or declines; Gibb answered that staff will plan to evaluate program costs prior to proposing an increase for City Council approval.

Jerry asked whether the current Rental Housing Program (RHP) provides reports on a periodic basis. Weiss responded that the Housing Division provides annual reports on the RHP to the City's Human Services Committee, which is a City Council subcommittee. Jerry suggested that reports on the Property Maintenance Code be similarly provided going forward.

Karen asked whether the budget includes progressive financial penalties that might be charged for repeated violations of the PMC. Gibb responded that the budget does not include those revenues. Staff are still discussing how civil penalties will be assessed; he cautioned that staff would be reluctant to show significant funding coming from this source, given that the program's goal will be to achieve compliance, not assess fines, and that experience in this area will be needed to get a better sense of how much revenue will be generated through fines/civil penalties.

Kari asked how many units are currently being billed through the Rental Housing Program. Weiss responded that approximately 13,000 units were billed for FY 13-14. In response to Kari's observation that the increasing number of rental units should be generating increased revenues, Weiss agreed, noting that this has helped offset the need for more frequent or larger increases in the Rental Housing Program fee. Kari asked about the basis for the current fee. Weiss responded that it is based on the presence of rental agreements, with fees charged to owners based on the number of agreements they hold versus some other means such as the number of bedrooms in a unit. He noted that Amy had made an earlier suggestion that the fee be based on numbers of bedrooms; Amy added that she had suggested this as one potential approach, another would be to assess the fee on a square footage basis.

Kari asked if units with HUD Section 8 tenants are still exempted from paying the RHP fee. Weiss responded that they are, as are units that have long-term commitments to providing low income/affordable housing. Kari suggested that because of the amount of time it must take to track units with Section 8 assistance, the City might look at ending the fee exemption. She then asked when the new fee is expected to be in place. Weiss responded that at this point it will most likely be put in place next fiscal year, and that the same or a similar billing cycle to that used for the RHP fee will be applied.

Discussion returned to the idea of changing the fee calculation from a per unit basis to a per bedroom basis. Amy, Jerry and Charlyn agreed this approach would be fairer and more logical. Jerry asked Weiss how many rental bedrooms there are in the City. Weiss said he is not sure, but would estimate, at an average of about three bedrooms per unit, there would be roughly 39,000. Using this number as the basis for billing would lower the annual cost for smaller units, and increase the cost for larger units. Weiss also stated that while the City has a good deal of data to determine numbers of bedrooms in units, it is incomplete and sometimes inaccurate. Jerry suggested that property managers could help improve the accuracy as they receive and process billings. Amy suggested that the City consider applying a cap to the total per unit billing amount.

Gibb summarized the conversation on billing, noting that it appears there is consensus that moving to a per bedroom basis is favored over the current per unit basis; he also reiterated that staff providing regular reports on the PMC's activities and effectiveness will be important. Karen noted that the Advisory Group has identified that data tracking and reporting will be important for evaluating success and needs for modifications. She suggested that tools 1) to monitor that the balance of funding to program costs remains appropriate, 2) to measure the impacts of the program, and 3) to provide dashboard indicators, be developed. Gibb agreed that these would be helpful, and noted that future survey work might also help evaluate effectiveness.

Amy asked for clarification of the costs for staffing and operating the new program. Weiss stated that the total projected personnel cost is $400,000, and non-personnel costs add another $128,000, for a total of $528,000. Two existing staff members (Housing Program Specialist Loewen and Code Enforcement Supervisor Westfall) would move into the PMC/neighborhood outreach program. Westfall would focus on code compliance work, Loewen would focus on neighborhood outreach and education work. One new staff person would be hired to perform code compliance work. Portions of time spent by four other existing support/administrative staff would also continue, and would be borne by the program. Added up, the total FTE will be just under four. Funding supporting the two current staff and their program costs will transfer into the PMC program: roughly $140,000 from the Rental Housing Program (the amount generated by the current $12 per unit annual fee at a 90% collection rate), and $130,000 in General Fund support from Code Enforcement. After applying the resulting $270,000, the balance to get to $528,000 is $258,000, to be filled by new resources. This gap would be covered through the addition of $37,000 in General Fund resources from the five-year levy, $10,000 from a to-be-requested City Council allocation for Neighborhood Empowerment, and through the marginal increase in the annual per rental unit fee which would go from $12 per unit to $30 per unit (using the current basis of calculation). After applying the $37,000 in levy funding and $10,000 in Council funding for Neighborhood Empowerment to the $258,000 gap, the balance is $211,000; the $18 per unit increase in the annual per unit fee (from $12 to $30), multiplied by 13,000 units (and then reduced to a presumed 90% collection rate), provides that $211,000.

IV. Continued discussion of prioritized issues related to Corvallis Property Maintenance Code content, standards and applicability. After confirming Advisory Group understanding of the proposed program budget, Gibb turned to a discussion of the remaining priority PMC issues. He noted that an October 29 Advisory Group discussion regarding responsibilities for contracting for garbage service had not reached consensus, and that staff have spent more time discussing the issue. Weiss reminded the group that an area of concern was a proposed requirement that landlords both provide approved garbage containers, and contract with Republic Services for the removal of garbage. As discussed the tenant would be responsible for placing garbage in the approved/ provided containers. He suggested that staff would be comfortable with an approach that would not require the landlord to contract for garbage removal services as long as the Code is clear that in the end, if it is not removed as required, the landlord will be responsible. Westfall clarified that the model International Property Maintenance Code, as written, does not specifically require contracting for garbage service, but that it does require the landlord/property owner to provide approved containers and ensure that garbage is removed. Given this, there would be flexibility to allow landlords to write their leases such that tenants must contract for garbage service.

Kari asked for clarification about approved containers, stating that the only containers Republic Services will empty are the ones they provide. Westfall pointed out that if an owner or tenant does not want to contract with Republic, they currently may remove garbage themselves, in support of which the Code could be modified to define “approved containers” relatively broadly. Gibb suggested that Code language could be written to require landlords to provide approved containers, or require in their leases that tenants contract for garbage removal service. Kari supported this compromise. Amy pointed out that nearly half of the complaints the City receives through its code enforcement services deal with garbage. She has concern that if an owner is not required to contract for removal service, a tenant will choose to stop service and garbage will build up and become a problem. Westfall stated that in such cases it would ultimately be the landlord’s responsibility to remove the garbage if the tenant failed to do so. Charlyn pointed out that the current system does not prevent garbage accumulation, and that is a serious issue in her neighborhood. Amy agreed, noting that garbage may often sit for weeks after a complaint is filed, before it gets removed. If the landlord is required to contract for removal services this problem could be resolved more quickly.

Gibb summarized that it appears there is Advisory Group consensus that the owner/property manager of a rental should ultimately be responsible for the removal of garbage, but no consensus on whether owners/managers should be required to contract for garbage removal service. He stated that staff will continue to work on this and bring a summary recommendation to the December 17 Advisory Group meeting.

Weiss summarized the status of discussion on the first two of the Advisory Group’s four remaining priority Code issues on the list attached to the meeting packet: the program budget and staffing, and the City’s “first responder” capacity. He asked for any further questions on budget or staffing, and there were none. He reiterated that the City will use a measured response approach to deal with Code complaints under which only more severe cases will receive immediate, in-person responses. Less severe cases may receive a letter that provides the appropriate Code standard and direction to address the violation in line with that standard. Capacity to respond will also be achieved through the use of temporary/casual employees as demand for code compliance services increases. Finally, he stated that staff anticipate and acknowledge that there will be a period of time after the new Code is implemented when numbers of complaints will exceed the City’s capacity to

address them, but that there is an expectation that by applying the two remedies above and allowing time to catch up, the City should be able to overcome large/long term backlogs.

Gibb began a discussion of the final two PMC priority items, reminding the Advisory Group that the model PMC covers all properties, including owner and renter residential properties, commercial and industrial properties, and vacant property. He asked Westfall to circulate a handout containing photographs of owner-occupied residential properties and other property types with severe condition issues. Westfall provided an overview of the photos, noting that in most cases the City had no Code tool to arrest the deterioration of the properties, and instead had to wait until they reached a point of failure to apply the Dangerous Building Code. Amy asked if deterioration may result from an owner's inability to afford repairs, or from other issues such as mental illness. Westfall agreed this is sometimes the case, and that owner abandonment is also a common cause for deterioration. He suggested that the PMC will help the City move in more quickly in the future to address issues, and to connect owners with assistance resources where that is possible. Amy agreed that early intervention would be helpful.

Amy asked about a picture of peeling paint on a commercial building, and why the Code should find that to be a problem. Westfall pointed out that the paint in the picture contained lead, and as it deteriorated and peeled it caused a lead hazard on the sidewalk below. In response to Amy's question he clarified that interim repair measures could be applied in cases like these if a longer-term, more thorough plan to address the deterioration is in place. This approach would apply whether or not lead is/may be present in the paint.

Gibb stated that he hoped the protocols discussion during a previous Advisory Group meeting had helped demonstrate that staff will apply a reasonable approach to its code compliance efforts in determining how to pursue violations. Staff will look to elected officials to provide overall guidance on these matters. Kari agreed that having better tools to address serious problems is important, but expressed concern that there are minor issues staff could choose to pursue aggressively but inappropriately. Weiss reiterated that the current approach would address health and life safety issues aggressively, but that less aggressive tools (e.g., letters to property owners) would be used for minor issues. Amy also has concerns that the Code will be used inappropriately by people who want to use it to harass a neighbor they don't get along with. Westfall stated that he sees these instances on occasion, and while he would plan to send compliance letters in such cases, he would also provide resources related to mediation if it seems warranted.

In response to Kari's restatement of concern about minor compliance issues being contained in the Code, Westfall pointed to the Administrative Provisions of the Code, under which the Code Official has the ability to use professional judgment in their approach to gaining compliance, and that when conditions are not unsafe, alternative approaches to compliance may be approved. Kari stated that she still feels there are areas of the Code that should be softened.

V. Next steps. Gibb stated that staff will consider the Advisory Group's discussion and consensus items related to the PMC and neighborhood outreach/education program, and will plan to bring a general outline of the program, including provisions and implementation protocols, back for the Advisory Group's final meeting on December 17. Following that meeting, staff will again consider the input of the group as it prepares materials to bring forward for consideration by the City Council.

VI. Other business. There was no other business.

VII. Visitor comments. Debra Weaver stated concern about City staff entering owner-occupied homes to perform inspections of permitted work and then going beyond the scope of those inspections to identify Property Maintenance Code violations. Gibb noted that the program's protocols have been written to limit the likelihood of that occurring in cases other than those in which life safety issues exist.

John Wydronek recommended that the Code not include minor violation issues. He stated that he would like the Code to include progressive fines for repeat violations/violators. He opined that there may be legal issues for the City if the Code is applied differently among property types. He asked for a clearer explanation of the PMC/neighborhood outreach program's budget, and stated his opposition to the program's inclusion of the Neighborhood Empowerment program. Gibb noted that Neighborhood Empowerment would be an add-on that if included, would be funded with resources provided by the City Council, not through the per-rental unit fee. Wydronek then stated his opposition to including supervisory code compliance staff, and to a one-FTE neighborhood liaison position, noting that he does not feel the proposed staffing is justified.

Tom Jensen stated support for applying the Code's standards to both renter- and owner-occupied properties. He feels owners should also be charged to support the program. He expressed concern that where expensive repairs are required, people may be priced out of their homes.

VIII. Adjournment. The meeting was adjourned at 6:38 p.m.

**City of Corvallis**
**Property Maintenance Code Advisory Group**
**Notes for the meeting of December 17, 2013**
Meeting time: 4:00 p.m. Location: Corvallis Library Main Meeting Room, 645 NW Monroe Avenue

Members present: Amy Harding, Jerry Duerksen, Karen Levy Keon, Kari King, Ken Gibb, Rachel Ulrich
Members absent: Allie Bircher, Charlyn Ellis
Staff present: Dan Carlson, Chris Westfall, Bob Loewen, Kent Weiss

Chair Gibb provided opening remarks, noting that this will be the final meeting of the Advisory Group (AG) and thanking members for their assistance over the last few months as staff has begun work to develop a property maintenance code (PMC) and neighborhood/community outreach program. He noted that the group's input has been quite helpful, and that he recognizes that the resulting package that will go forward for consideration by the City Council will not necessarily reflect what each member wants to see as a result of the process. He stated that while unanimity of members was never anticipated, he is pleased that consensus had been reached on a number of items. Once staff have completed the package for Council consideration it will be forwarded to the AG for purposes of information. Members will be welcome to share their thoughts with the Council as the process moves forward.

I. Visitor comments – Kent Daniels informed the AG about his role in the City's newly formed Public Participation Task Force, thanking them for their service to the City and inviting them to participate in a forum on public participation on January 13.

   Richard Berger, representing Willamette Association of Realtors, spoke in opposition to the implementation of a property maintenance code, and provided written testimony in support of that position.

   Kevin Dwyer, Executive Director of the Corvallis Chamber of Commerce, spoke in opposition to the implementation of a property maintenance code, and also provided written testimony in support of his position.

   John Wydronek provided several written questions and additional written information related to the City's current Code Enforcement activities.

   Deborah Weaver expressed concern about peoples' ability to carry out required property repairs, about the size and cost of the Property Maintenance Code and Community/Neighborhood Outreach program, and expressed her opinion that the PMC would be intrusive.

II. Chair Gibb asked for comments or corrections regarding the November 12, 2013 Advisory Group meeting notes. None were offered.

III. Housing and Neighborhood Services Division reorganization chart. Weiss referred to two organizational charts contained in the meeting packet – the first representing the current structure of the Community Development Department's Housing Division, and the second a revised structure for the proposed Housing and Neighborhood Services Division. He explained the roles and responsibilities of staff in the current Division structure, and then how those responsibilities would change as the code compliance program and an expanded approach to community, neighborhood, and landlord/tenant outreach are implemented. He noted that the new Division structure adds a

Code Compliance Supervisor, a Code Compliance Officer, and casual Code Compliance positions, with the latter to be filled as needed in times of high demand. He clarified that one of the two current Housing Program Specialists would become a Community Relations Specialist (tentative title), and would no longer focus on housing code-related work but instead be responsible for the City's expanded outreach and education efforts.

IV. Updated outreach and education program approaches and tools. Loewen provided an overview of the changes made to the outreach and education outline that had been considered by the AG during an earlier meeting. Notable additions include increased interactions with OSU, and an intent to coordinate education resources to help tenants understand how to succeed as renters. Kari asked whether Loewen's position in the Division would continue to provide information and referral services for landlords and tenants; Loewen and Weiss confirmed that this service will continue within the responsibilities of the Community Relations Specialist position.

V. Updated program budget. Weiss explained that the budget contained in the meeting packet had not changed in terms of the amounts of its sources or uses of funding. Referencing a request from prior meetings, he noted that staff had calculated a potential rental housing fee amount based on the number of rental bedrooms in Corvallis, which Loewen has estimated at 26,000. If a per-bedroom fee basis was implemented, the rate under the current budget assumptions would be $15, with a zero- or one-bedroom unit paying that amount each year and a five-bedroom unit paying $75 per year. He added that staff have discussed these numbers and have some concern about the equitability of charging $15 for one type of unit and $75 for another type. Experience suggests that dealing with issues in a larger unit does not require significantly more time, if any, than dealing with issues in a smaller unit. If an inspection-based program approach was going to be implemented this fee structure would make more sense, but at this point staff feel the per-unit based approach currently used for the Rental Housing Program will be more appropriate. Amy suggested that staff look at a more complex fee structure rather than trying to keep the approach simple.

In response to questions, Weiss explained that of the total $528,000 in sources and uses contained in the draft budget, all but about $210,000 would come from sources already identified, which includes General Fund resources and the amount currently generated by the Rental Housing Program fee. That additional $210,000 would be generated by increasing the fee per rental unit from $12 per year to $30 per year.

VI. Updated PMC operating protocols. Weiss provided an overview, noting that changes relative to the version of the document originally presented to the AG have been summarized for each protocol. The first significant change is in the second protocol, which describes how compliance issues for residential rental properties will be addressed. The earlier version of the protocol included a statement that the City would only accept a complaint from a tenant after that tenant had notified their landlord of a code-related deficiency. In response to staff's sense of the AG's thoughts on the issue, the revised protocol does not make that contact a requirement, but states that staff will encourage tenants to work with their landlords prior to filing a complaint. Kari expressed concern that the City's protocol might encourage a tenant to violate their lease. Jerry recalled that staff had suggested they would contact landlords in such cases directly, in order to resolve issues. Rachel stated that she did not believe this to be the case. Weiss stated that there might be cases where this would occur, but that if a tenant asked that their landlord not be notified, the City would intend to honor that request. A script will be developed to explain to tenants that they should review their lease to make sure they're following its terms for requesting repairs. Amy stated that she does not

believe the City should be addressing any code compliance issues that are not of a relatively serious nature.

Weiss then explained changes to the third protocol, noting that it has been modified to reflect that the PMC standards will apply to owner-occupied residences and non-residential properties on a more limited basis, focusing on exterior issues and life/safety/dangerous building issues. Amy stated that she believes the same property standards should apply to all property types. Kari asked for confirmation that the City Attorney feels a difference in the application of code standards will be legal; Weiss confirmed that this is the case.

Weiss then explained that changes to the remaining protocols were for the most part very minor, and made for grammatical purposes. The one exception was the removal of language that referred to the potential implementation of a civil citation/hearings officer process for addressing unresolved PMC violations. He noted that staff's current intent will be to have violations considered within the Municipal Court system. Fines for unresolved PMC violations will be set and imposed within this system.

VII. Outline of changes/additions/deletions relative to the model International Property Maintenance Code (IPMC). Westfall began with an overview of the changes to the IPMC that staff will propose for City Council consideration. The first change (IPMC Section 101/Paragraph 1.102 - Scope and Application, and others as appropriate) will be modified so that properties that do not fall under a residential rental use type will be subject only to the PMC's exterior provisions. Jerry stated that he feels the PMC should be applied equally to all property types.

Section 102/Paragraph 102.6 – Applicability, will be broadened to include any legally conforming buildings or structures fifty years of age or older, in addition to those that are designated as historic. Kari asked for clarification of the term "legally conforming," which Westfall explained to mean lawful according to the codes in force at the time of construction.

Section 106/Paragraph 106.3 – Violations, will be modified so that violations that are not serious offenses (e.g., violations of dangerous building code provisions) will be considered infractions rather than misdemeanors.

Section 308, Rubbish and Garbage, will reflect an added PMC definition of "approved containers" for the containment of rubbish and garbage, which will allow for containers other than/in addition to those provided by Republic Services. Westfall reminded AG members that the IPMC language does not stipulate that either owners or renters must contract for the removal of rubbish and garbage; rather, it states that owners must provide approved containers, and are responsible for the removal of rubbish and garbage. Owners of rental properties may require, via a lease, that tenants contract for the removal of rubbish and garbage, but if the tenants fail to do so and/or these materials are not removed from the property, the owner will remain responsible for their removal.

Section 111, Appeals, will integrate language to reflect that the Municipal Code-stipulated process used currently for appeals of building codes and the Rental Housing Code will be applied to the Property Maintenance Code.

Moving to PMC additions that staff will propose, Westfall stated that Section 308, Rubbish and Garbage, will include added provisions allowing for active composting of appropriate materials.

Section 602, Heating Facilities, will be expanded to include language preventing the use of temporary heat sources (e.g., space heaters) to permanently replace a failed furnace or other permanent type of heat source.

New language will be added to define "indoor furniture," and to prohibit storage of indoor furniture outdoors. Gibb explained that this will not prevent people from bringing their indoor furniture outdoors on a temporary basis, but it will prevent them from bringing and then leaving it outdoors.

Westfall then described two IPMC paragraphs that will be deleted from the Corvallis Property Maintenance Code. The first, Paragraph 302.8 - Motor Vehicles, will be deleted, as the Land Development Code and Corvallis Municipal Code currently provide the City with the ability to deal with issues involving inoperative vehicles.

The second paragraph that will be removed, 404.4.2 – Access from bedrooms, prohibits having one bedroom as the only means of access to another bedroom. Staff feel that current building codes adequately address the use of and access to habitable space in buildings.

Westfall then outlined other IPMC provisions the Advisory Group had discussed at some length during prior meetings, and that staff will recommend be retained as currently written. The first, Paragraphs 309.3 and 309.4 of Section 309 – Pest Elimination, require that pest infestations be eliminated from both interiors and exteriors of properties. The second, Paragraph 503.1 of Section 503 – Toilet Rooms, requires that shared bathrooms and toilet rooms in multiple dwellings have doors with interior locks. The City has had complaints about both of these issue types, and thus staff will recommend retaining them in the PMC. Amy and Jerry stated that the bathroom door lock requirement should also apply to single family rental properties; Kari disagreed, stating that single family rentals should remain exempt.

Gibb again thanked Advisory Group members for their participation in this review process, and for the guidance and suggestions they have provided for staff. He asked whether members had additional comments before moving to a discussion about next steps. Amy expressed her concern about the need for a Property Maintenance Code, asking if moving forward now with implementation isn't putting the cart before the horse. She referenced an e-mail to the group from Jerry in which he stated that conditions have been improving in the community since the Collaboration Corvallis process related to this topic was completed. Jerry agreed. Gibb stated that while noise and tenant behavior issues may have improved, data for the current year relative to last year shows that the number of Rental Housing Code issues and complaints are up.

Kari stated that she feels the PMC is too intrusive, and does not think it is what the Collaboration's Livability Work Group intended. Karen stated that as a member of the Livability Work Group (LWG) she believes this is what was intended, adding that some members of the LWG wanted to implement a mandatory rental licensing and inspection program, but that the complaint-based approach had come forward as a compromise.

VIII. Next steps. Gibb explained that staff will now begin preparing a final outline and overview of the Property Maintenance Code, and will bring the information to the City Council and then to a Council standing committee in January or February. The Council and committee processes will be public, and

opportunities for public comment will be provided. He noted that staff will plan to share with the Advisory Group the packet of information that is prepared for Council.

IX. Other business. There was none.

X. Visitor comments. Gibb asked if any visitors wished to make comments. Phillip Gebhart asked what landlords will get from this program. He stated that he feels he has not been kept in the loop. He believes problems with rental units can be solved if police officers contact landlords when they are called to a property.

Samantha Alley asked whether a tenant could invite the City to enter their rental unit without first contacting their landlord. Westfall responded that current building code violation complaints are handled in this way, and that while tenants would be advised to contact their landlord, it would not be a requirement. Loewen added that staff will develop a script to be used to encourage tenants to contact their landlord, and to check their lease to see if such contact is required. Ms. Alley stated that she is a Realtor, and that if the PMC is implemented she will advise her clients not to purchase property in Corvallis.

Deborah Weaver stated her concern about the public getting City Council meeting packets so close to the meeting dates.

John Wydronek noted concern about hiring another City employee as part of the implementation of the PMC and community/neighborhood outreach programs. He suggested that the City consider contracting for these services. He suggested that e-mail be used to inform landlords about this and other rental housing related issues. He asked for a definition of “life safety,” which Carlson described as anything that would fall under the definition of a dangerous building violation such as structural or exterior building deterioration.

XI. Adjournment. The meeting was adjourned at 6:27 p.m.

Exhibit 4a

# *Housing Division Organization Chart - FY 13-14 (Current) Structure/Functions*

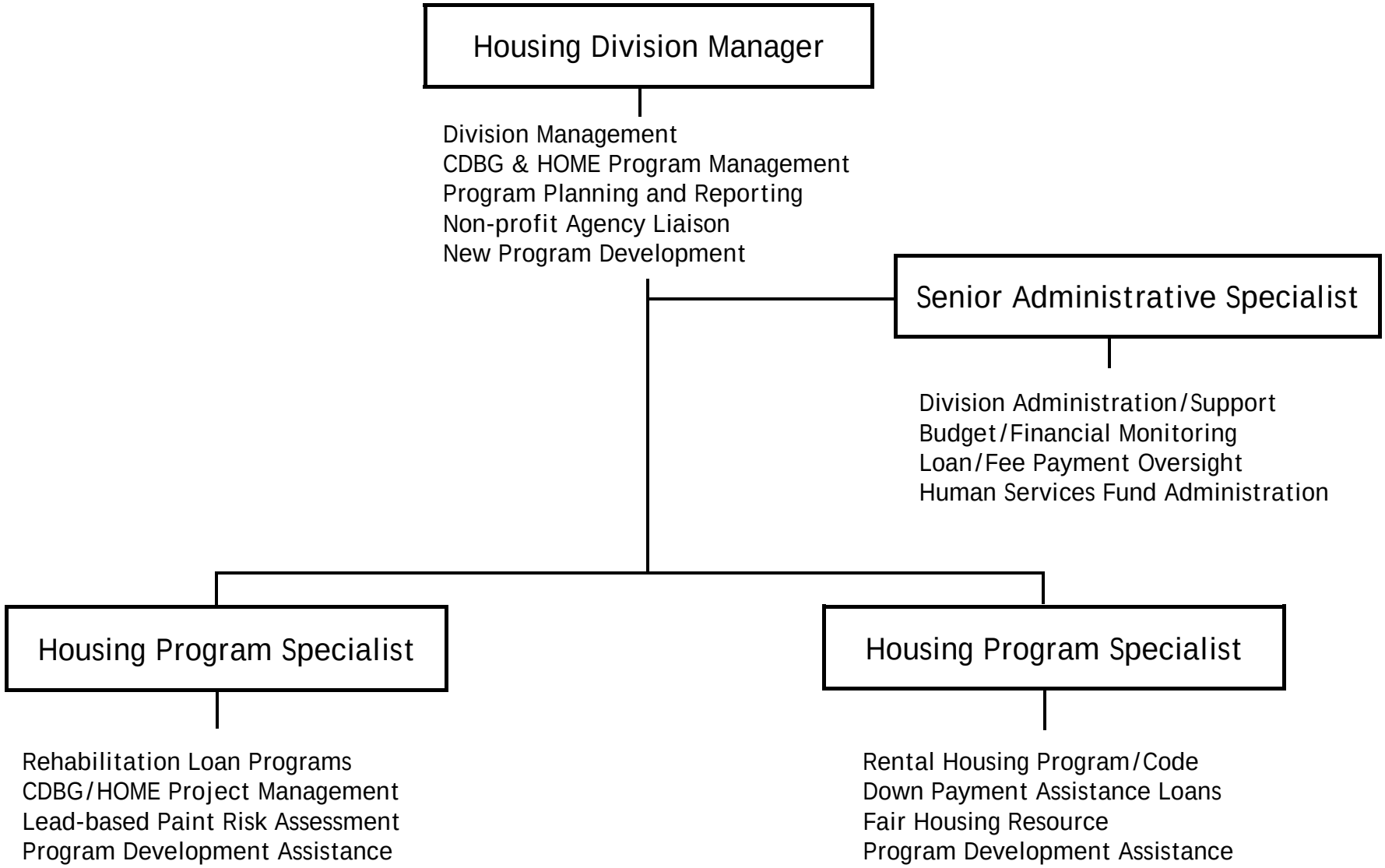
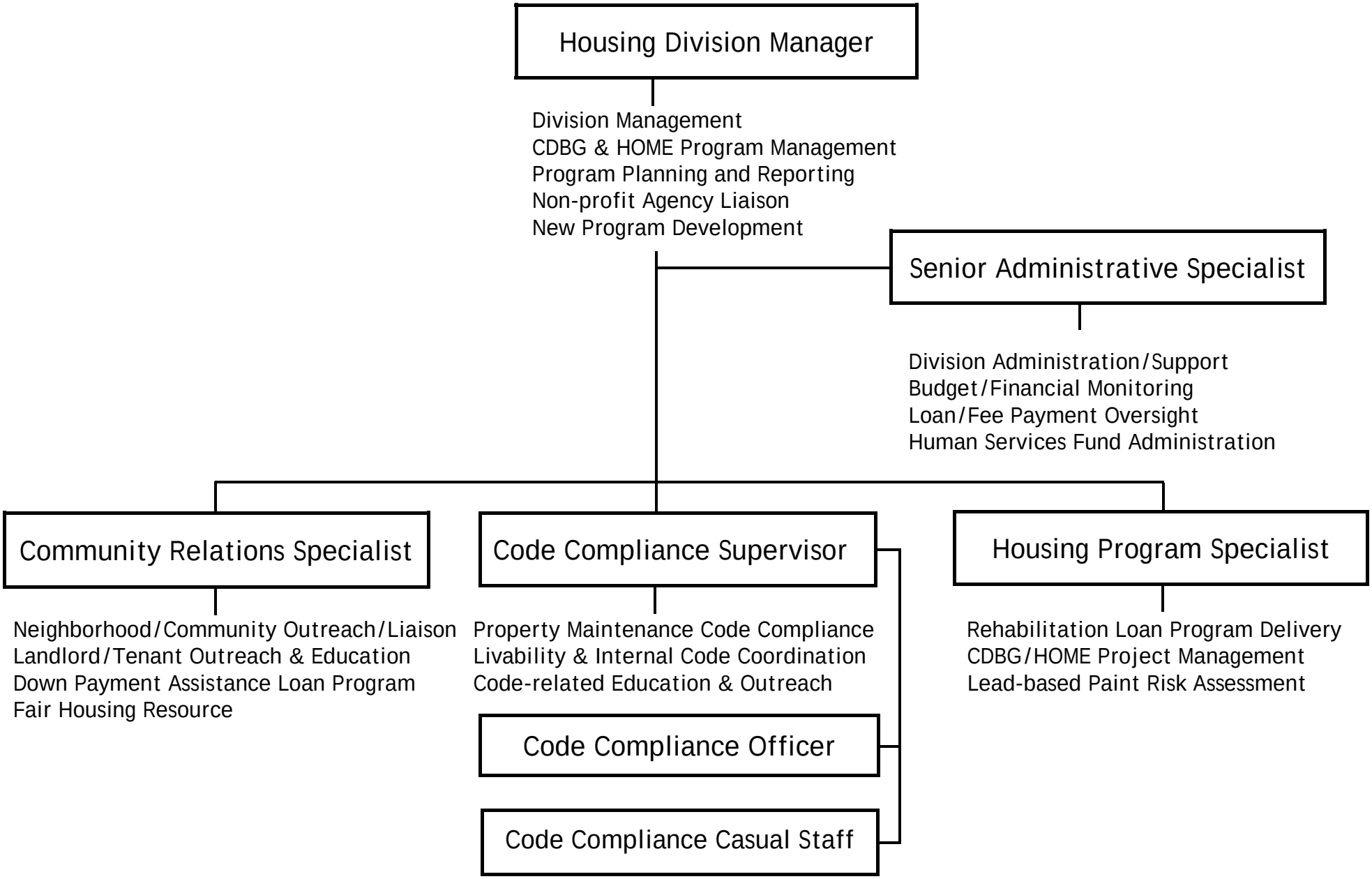


Exhibit 4b

# *Proposed Housing and Neighborhood Services Division Organizational Structure/Functions*



***Property Maintenance Code/Neighborhood/Community Outreach and Education Outline (revised December 12, 2013)***

I. Current/ongoing outreach activities
- Property management/landlord meetings
- Realtor meetings
- OSU graduate and international student orientations
- OSU Connect Program
- OSU Housing Committee
- Community organizations (as requested)

II. Program implementation audience/partners
- Tenants
- Property owners/managers
- Linn-Benton Rental Housing Association
- Neighborhood associations/residents
- Home Owner Associations
- Commercial/other property owners/associations
- OSU
- City/County departments
- Benton County Health Department
- Corvallis School District
- Advocates
- Housing assistance providers
- Attorneys

III. Oregon State University Education/outreach
- ASOSU Legal Offices
- University Housing & Dining
- OSU graduate and international student orientations
- OSU Connect Program
- OSU Housing Committee

IV. Outreach materials - program information
- Program description
- How the program works
- What the program does/doesn’t cover
- How to access information
- How to file a complaint
- Tenant education

V. Program Awareness

- Partner network
- City Web site
- Social media
- Staff presentations
- Neighborhood association/community meetings
- Brochure/other printed materials

To the degree possible, program materials will be designed and produced to be linguistically and culturally appropriate.

***Estimated budget for a complaint-based Property Maintenance Code Compliance and Neighborhood Outreach/Education Program***

| ***USES*** | ***First-year operating*** | ***First-year one-time*** |
|---|---|---|
| Personal services (total compensation) costs (includes two FTE code compliance staff, one FTE community/ neighborhood/landlord liaison staff, and shares of four administrative staff, altogether representing approximately 4 FTE) | $ 400,000 | |
| Total personal services costs | $ 400,000 | |
| Non-personal services costs | | |
| Operating costs (equipment, vehicles, supplies, training outreach, printing, other overhead) | 78,000 | 42,000 |
| Abatement fund/reserve | 10,000 | |
| Casual code compliance staff | 30,000 | |
| Neighborhood Empowerment Program (proposed) | 10,000 | |
| Total non-personal services costs | $ 128,000 | $ 42,000 |
| Total program costs | $ 528,000 | $ 42,000 |

***SOURCES***

| | | |
|---|---|---|
| Ongoing property tax support | | $ 130,000 |
| Five-year levy support | | 37,000 |
| Add-on for Neighborhood Empowerment (proposed) | | 10,000 |
| Total property tax-based | | $ 177,000 |
| Balance | | $ 351,000 |
| Projected revenue from annual per-rental unit charge (presumes 90% collection efficiency on 13,000 units) | at $30/unit: | $ 351,000 |
| Percent of program funded by: | Property taxes | 34% |
| | Rental unit fees | 66% |

DRAFT

**Corvallis Property Maintenance Code Implementation Protocols (updated 12/12/2013)**

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1. As recommended to the City Council by the Collaboration Corvallis Steering Committee, the Corvallis Property Maintenance Code will operate using a complaint-based approach rather than an inspection-based approach:
   - Anonymous complaints will not be accepted.
   - Complainants must identify themselves, but may request to remain confidential. Confidentiality will be maintained to the extent legally possible.

   *Reference to the types of complaints that will be accepted has been removed from this section, and clarified in sections 2. and 3. below.*

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2. Complaints for residences that are renter-occupied:
   - PMC will pertain to interior and exterior conditions.
   - Intended time frame for and type of response by Code Compliance staff will be determined based on the potential severity of the complaint description:
     - Life/safety/dangerous building issues will receive priority response (ex: dangerous wiring, no smoke detectors).
     - Next priority - health/ livability issues with a targeted 48-hour response (ex: lack of water/hot water, complete lack of heat, rodent harborage).
     - Other issues will receive a targeted 7- to 10-day response (ex: inadequate heat, exterior door locks).
   - Tenant complainants will be asked if they have contacted their landlord, and if not Code Compliance staff will suggest that they do. Such contact will not be a required precursor to the filing of a complaint.

   *The original version of the final bullet above required a tenant to notify their landlord about a potential violation that would be subject to the 48-hour or 7- to 10-day response timeframes. Based on input from the Advisory Group the requirement has been removed but the intent that tenants will be encouraged to work directly with their landlord prior to seeking City assistance is retained.*

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3. Complaints for owner-occupied residences, commercial, and other building/property types:
   - PMC will only pertain to exterior conditions and dangerous building provisions for these use types.
   - Follow timeframes above for exterior manifestations of life/safety/dangerous building compliance responses.
   - In-person staff response for life/safety, dangerous building, or health issues.
   - For other exterior-related issues that do not meet PMC standards but have not yet reached a point of structural deterioration, send a letter noting the reported complaint, providing the applicable Code standard, and providing direction/instruction to reach compliance within a stated timeframe.

   *This section has been changed to reflect that the PMC standards will apply to owner-occupied and other non-residential uses on a more limited basis than originally described based on the International Code Council's model IPMC.*

4. Scope of investigations:
   - Investigations of complaints regarding specific, limited conditions would not be used as an opportunity to conduct comprehensive property inspections; complaints alleging a broader scope of concerns may require a correspondingly broad response.
   - Issues of a life/safety nature that are identified in the course of a complaint investigation would be addressed.

*No changes have been made to this section.*

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5. Achieving compliance:
   - In situations that receive in-person responses but are not deemed to be dangerous buildings Code compliance will be achieved through a series of violation notices. Example of possible scenario:
     - First notice directs compliance and a call for inspection within a stated timeframe.
     - Second notice to be provided if there is no call for inspection or if mitigation is determined to be incomplete. Second notice will 1) direct compliance and call for inspection within a stated timeframe, and 2) state City's intent to initiate legal action if compliance is not achieved within that timeframe.
     - If no call for inspection or for failure to comply with second notice, initiate legal action.

*Changes to this section are grammatical or for clarification purposes only.*

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6. Progressive enforcement - currently investigating additional approaches to be considered:
   - Evaluate the use of a Code Compliance matrix that implements a response based on the severity of the violation, the frequency of recurrence of the violation on the subject property, and the frequency of the violation occurring on other properties under the control of the same owner or responsible party.

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*Changes to the bullet that remains here are for language/clarification purposes. A bullet referencing the investigation of a civil citation/hearings officer process has been removed, as it is anticipated that violations will be considered within the Municipal Court system.*

7. Appeals:
   - Code compliance system to provide an avenue for appeal of a determination of violation.
   - Appeal process will follow the current Development Services Division and Rental Housing Program policies/practices.
   - Appeals will be heard by the City's Board of Appeals.

*Changes to this section are for clarification purposes only.*

# City of Corvallis, Oregon
# Property Maintenance Code

## *Draft Version 1 – January 29, 2014*

***PLEASE NOTE THAT THIS DRAFT DOCUMENT REFLECTS THE UNALTERED BASE CODE STANDARDS AND LANGUAGE CONTAINED IN THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE. THOSE STANDARDS HAVE NOT YET BEEN ADAPTED FOR CORVALLIS. ADAPTATION OF LANGUAGE AND STANDARDS WILL OCCUR COMPREHENSIVELY FOLLOWING CONSIDERATION OF THIS DOCUMENT BY THE CITY'S ADMINISTRATIVE SERVICES COMMITTEE AND CITY COUNCIL.***

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*Adapted from:*

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# PREFACE

## Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2012 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2012 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*™ (to be available March 2012), *International Mechanical Code*®, ICC *Performance Code*®*, International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Swimming Pool and Spa Code*™ (to be available March 2012), *International Wildland-Urban Interface Code*® and *International Zoning Code*®*.*

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

## Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2012 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2010. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

## Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings established in the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page xiii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

## Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee;

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee (IBC—Fire Safety, General, Means of Egress or Structural);

Note that, for the development of the 2015 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years. The groupings are as follows:

| **Group A Codes (Heard in 2012, Code Change Proposals Deadline: January 3, 2012)** | **Group B Codes (Heard in 2013, Code Change Proposals Deadline: January 3, 2013)** |
|---|---|
| International Building Code | Administrative Provisions (Chapter 1 all codes except IRC and ICC PC, administrative updates to currently referenced standards, and designated definitions) |
| International Fuel Gas Code | International Energy Conservation Code |
| International Mechanical Code | International Existing Building Code |
| International Plumbing Code | International Fire Code |
| International Private Sewage disposal Code | International Green Construction code |
| | ICC Performance Code |
| | International Property Maintenance Code |
| | International Residential Code |
| | International Swimming Pool and Spa Code |
| | International Wildland-Urban Interface Code |
| | International Zoning Code |

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees will meet in different years, it is possible that some proposals for this code will be heard by a committee in a different year than the year in which the primary committee for this code meets.

For instance, Section 502.1 is designated as the responsibility of the International Plumbing Code Development Committee, along with most of the provisions in Chapter 5. This committee will meet in 2012 to consider all code change proposals to the *International Plumbing Code* and any portions of other codes that it is responsible for, including Section 502.1 and most of the provisions of Chapter 5 (designated with [P] in front of those sections.) Therefore, any proposals to Section 502.1 in Chapter 5 will be needed to be submitted by January 3, 2012, for consideration in 2012 by the International Plumbing Code Committee.

Note that every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the hearings. This committee will hold its code development hearing in 2013 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Residential Code* and ICC *Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2013.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code

change proposal. For further information on the code development committee responsibilities, please visit the ICC web site at www.iccsafe.org/scoping.

## Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2009 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

## Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

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# EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

## Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

| Chapters | Subjects |
|---|---|
| 1 | Administration |
| 2 | Definitions |
| 3 | General Requirements |
| 4 | Light, ventilation and Occupancy Limitations |
| 5 | Plumbing Facilities and Fixture Requirements |
| 6 | Mechanical and Electrical Requirements |
| 7 | Fire Safety Requirements |
| 8 | Referenced Standards |

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code:*

**Chapter 1 Scope and Administration.** This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

**Chapter 2 Definitions.** All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the

meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

**Chapter 3 General Requirements.** Chapter 3, "General Requirements," is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

**Chapter 4 Light, Ventilation and Occupancy Limitations.** The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

**Chapter 5 Plumbing Facilities and Fixture requirements.** Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

**Chapter 6 Mechanical and Electrical Requirements.** The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

**Chapter 7 Fire safety Requirements.** The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

**Chapter 8 Referenced Standards.** The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

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# LEGISLATION

The *International Codes* are designed and promulgated to be adopted by reference by legislative action. Jurisdictions wishing to adopt the 2012 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

## SAMPLE LEGISLATION FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO._____

A**[N] [ORDINANCE/STATUTE/REGULATION]** of the **[JURISDICTION]** adopting the 2012 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the **[JURISDICTION];** providing for the issuance of permits and collection of fees therefor; repealing **[ORDINANCE/STATUTE/REGULATION]** No. _____ of the **[JURISDICTION]** and all other ordinances or parts of laws in conflict therewith.

The **[GOVERNING BODY]** of the **[JURISDICTION]** does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the **[TITLE OF JURISDICTION'S KEEPER OF RECORDS]** of **[NAME OF JURISDICTION],** being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **[JURISDICTION],** in the State of **[STATE NAME]** for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the **[JURISDICTION]** are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1. Insert: **[NAME OF JURISDICTION]**

Section 103.5. Insert: **[APPROPRIATE SCHEDULE]**

Section 112.4. Insert: **[DOLLAR AMOUNT IN TWO LOCATIONS]**

Section 302.4. Insert: **[HEIGHT IN INCHES]**
Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.4. Insert: **[DATES IN TWO LOCATIONS]**

**Section 3.** That **[ORDINANCE/STATUTE/REGULATION]** No. _____ of **[JURISDICTION]** entitled **[FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION]** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**Section 6.** That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 7.** That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.

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# CHAPTER 1
# SCOPE AND ADMINISTRATION

## PART 1 — SCOPE AND APPLICATION

### SECTION 101
### GENERAL

**[A] 101.1 Title.**
These regulations shall be known as the *International Property Maintenance Code* of **THE CITY OF CORVALLIS, OREGON**, hereinafter referred to as "this code."

**[A] 101.2 Scope.**
The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operator*s and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

**[A] 101.3 Intent.**
This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**[A] 101.4 Severability.**
If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### SECTION 102
### APPLICABILITY

**[A] 102.1 General.**
Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**[A] 102.2 Maintenance.**
Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as

necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

**[A] 102.3 Application of other codes.**
Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

**[A] 102.4 Existing remedies.**
The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

**[A] 102.5 Workmanship.**
Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

**[A] 102.6 Historic buildings.**
The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**[A] 102.7 Referenced codes and standards.**
The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
>
> **[A] 102.7.1 Conflicts.**
> Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.
>
> **[A] 102.7.2 Provisions in referenced codes and standards.**
> Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**[A] 102.8 Requirements not covered by code.**
Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

**[A] 102.9 Application of references.**
References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**[A] 102.10 Other laws.**
The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

## PART 2 — ADMINISTRATION AND ENFORCEMENT

### SECTION 103
### DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

**[A] 103.1 General.**
The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

**[A] 103.2 Appointment.**
The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

**[A] 103.3 Deputies.**
In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official.*

**[A] 103.4 Liability.**
The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 103.5 Fees.**
The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

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## SECTION 104
## DUTIES AND POWERS OF THE CODE OFFICIAL

**[A] 104.1 General.**
The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**[A] 104.2 Inspections.**
The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**[A] 104.3 Right of entry.**
Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

**[A] 104.4 Identification.**
The *code official* shall carry proper identification when inspecting *structure*s or *premises* in the performance of duties under this code.

**[A] 104.5 Notices and orders.**
The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**[A] 104.6 Department records.**
The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

## SECTION 105
## APPROVAL

**[A] 105.1 Modifications.**
Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner'*s representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen

health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**[A] 105.2 Alternative materials, methods and equipment.**
The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved.* An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**[A] 105.3 Required testing.**
Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**[A] 105.3.1 Test methods.**
Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

**[A] 105.3.2 Test reports.**
Reports of tests shall be retained by the *code official* for the period required for retention of public records.

**[A] 105.4 Used material and equipment.**
The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

**[A] 105.5 Approved materials and equipment.**
Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

**[A] 105.6 Research reports.**
Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

## SECTION 106
## VIOLATIONS

**[A] 106.1 Unlawful acts.**
It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**[A] 106.2 Notice of violation.**
The *code official* shall serve a notice of violation or order in accordance with Section 107.

**[A] 106.3 Prosecution of violation.**
Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**[A] 106.4 Violation penalties.**
Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**[A] 106.5 Abatement of violation.**
The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

## SECTION 107
## NOTICES AND ORDERS

**[A] 107.1 Notice to person responsible.**
Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

**[A] 107.2 Form.**
Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

5. Inform the property *owner* of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

**[A] 107.3 Method of service.**
Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**[A] 107.4 Unauthorized tampering.**
Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

**[A] 107.5 Penalties.**
Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**[A] 107.6 Transfer of ownership.**
It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 108
## UNSAFE STRUCTURES AND EQUIPMENT

**[A] 108.1 General.**
When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

**[A] 108.1.1 Unsafe structures.**
An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**[A] 108.1.2 Unsafe equipment.**
Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

**[A] 108.1.3 Structure unfit for human occupancy.**
A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

**[A] 108.1.4 Unlawful structure.**
An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**[A] 108.1.5 Dangerous structure or premises.**
For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect,* abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**[A] 108.2 Closing of vacant structures.**
If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**[A] 108.2.1 Authority to disconnect service utilities.**
The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

**[A] 108.3 Notice.**
Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

**[A] 108.4 Placarding.**
Upon failure of the *owner* or person responsible to comply with the notice provisions within the

time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**[A] 108.4.1 Placard removal.**
The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**[A] 108.5 Prohibited occupancy.**
Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

**[A] 108.6 Abatement methods.**
The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

**[A] 108.7 Record.**
The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

## SECTION 109
## EMERGENCY MEASURES

**[A] 109.1 Imminent danger.**
When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: “This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**[A] 109.2 Temporary safeguards.**
Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

**[A] 109.3 Closing streets.**
When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

**[A] 109.4 Emergency repairs.**
For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**[A] 109.5 Costs of emergency repairs.**
Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

**[A] 109.6 Hearing.**
Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## SECTION 110
## DEMOLITION

**[A] 110.1 General.**
The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

**[A] 110.2 Notices and orders.**
All notices and orders shall comply with Section 107.

**[A] 110.3 Failure to comply.**
If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**[A] 110.4 Salvage materials.**
When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for

the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION 111
## MEANS OF APPEAL

**[A] 111.1 Application for appeal.**
Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**[A] 111.2 Membership of board.**
The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

**[A] 111.2.1 Alternate members.**
The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

**[A] 111.2.2 Chairman.**
The board shall annually select one of its members to serve as chairman.

**[A] 111.2.3 Disqualification of member.**
A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**[A] 111.2.4 Secretary.**
The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**[A] 111.2.5 Compensation of members.**
Compensation of members shall be determined by law.

**[A] 111.3 Notice of meeting.**
The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**[A] 111.4 Open hearing.**
All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minumum of two-thirds of the board membership.

**[A] 111.4.1 Procedure.**
The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**[A] 111.5 Postponed hearing.**
When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**[A] 111.6 Board decision.**
The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

**[A] 111.6.1 Records and copies.**
The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

**[A] 111.6.2 Administration.**
The *code official* shall take immediate action in accordance with the decision of the board.

**[A] 111.7 Court review.**
Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**[A] 111.8 Stays of enforcement.**
Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## SECTION 112
## STOP WORK ORDER

**[A] 112.1 Authority.**
Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**[A] 112.2 Issuance.**
A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**[A] 112.3 Emergencies.**
Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**[A] 112.4 Failure to comply.**
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

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# CHAPTER 2
# DEFINITIONS

## SECTION 201
## GENERAL

**201.1 Scope.**
Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.**
Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.**
Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code, International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

**201.4 Terms not defined.**
Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.**
Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit,*" "*housekeeping unit* " or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

## SECTION 202
## GENERAL DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**[A] APPROVED.** *Approved* by the *code official*.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**[A] CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for *occupancy*.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**[B] DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**[Z] EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**[B] GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**[B] HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**[A] LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the

production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

**[A] OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

**[A] OWNER.** Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

**[A] PREMISES.** A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

**[A] PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper,

rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**[B] SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**[A] STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**[M] VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**[Z] YARD.** An open space on the same lot with a structure.

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# CHAPTER 3
# GENERAL REQUIREMENTS

## SECTION 301
## GENERAL

**301.1 Scope.**
The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

**301.2 Responsibility.**
The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

**301.3 Vacant structures and land.**
All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## SECTION 302
## EXTERIOR PROPERTY AREAS

**302.1 Sanitation.**
All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.**
All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** *Approved* retention areas and reservoirs.

**302.3 Sidewalks and driveways.**
All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.**
All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

**302.5 Rodent harborage.**
All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.**
Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

**302.7 Accessory structures.**
All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.**
Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

> **Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

**302.9 Defacement of property.**
No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

## SECTION 303
## SWIMMING POOLS, SPAS AND HOT TUBS

**303.1 Swimming pools.**
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.**
Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height

above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## SECTION 304
## EXTERIOR STRUCTURE

**304.1 General.**
The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.1.1 Unsafe conditions.**
The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with

signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored,* or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**304.2 Protective treatment.**
All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**[F] 304.3 Premises identification.**
Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.**
All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.**
All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.**
All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

**304.7 Roofs and drainage.**
The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.**
All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.**
All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.**
Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.**
All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.**
Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.**
Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.**
All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.**
Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.**
During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

**304.15 Doors.**
All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways.**
Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**304.17 Guards for basement windows.**
Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

**304.18 Building security.**
Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

**304.18.1 Doors.**
Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**304.18.2 Windows.**
Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

**304.18.3 Basement hatchways.**
*Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

**304.19 Gates.**
All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## SECTION 305
## INTERIOR STRUCTURE

**305.1 General.**
The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

**305.1.1 Unsafe conditions.**
The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Structural members are incapable of supporting nominal loads and load effects;

5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

**305.2 Structural members.**
All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.**
All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**305.4 Stairs and walking surfaces.**
Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 Handrails and guards.**
Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.**
Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## SECTION 306
## COMPONENT SERVICEABILITY

**306.1 General.**
The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**306.1.1 Unsafe conditions.**
Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

    1.1. Collapse of footing or foundation system;

    1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

    1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

    1.4. Inadequate soil as determined by a geotechnical investigation;

    1.5. Where the allowable bearing capacity of the soil is in doubt; or

    1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

    2.1. *Deterioration*;

    2.2. *Ultimate deformation*;

    2.3. Fractures;

    2.4. Fissures;

    2.5. Spalling;

    2.6. Exposed reinforcement; or

    2.7. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

    3.1. *Deterioration*;

    3.2. Corrosion;

    3.3. Elastic deformation;

    3.4. *Ultimate deformation*;

    3.5. Stress or strain cracks;

    3.6. Joint fatigue; or

    3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

    4.1. *Deterioration;*

    4.2. *Ultimate deformation;*

    4.3. Fractures in masonry or mortar joints;

    4.4. Fissures in masonry or mortar joints;

    4.5. Spalling;

    4.6. Exposed reinforcement; or

    4.7. *Detached,* dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

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5.1. *Deterioration;*

5.2. Elastic deformation;

5.3. *Ultimate deformation;*

5.4. Metal fatigue; or

5.5. *Detached,* dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. *Ultimate deformation;*

6.2. *Deterioration;*

6.3. Damage from insects, rodents and other vermin;

6.4. Fire damage beyond charring;

6.5. Significant splits and checks;

6.6. Horizontal shear cracks;

6.7. Vertical shear cracks;

6.8. Inadequate support;

6.9. *Detached,* dislodged or failing connections; or

6.10. Excessive cutting and notching.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

## SECTION 307
## HANDRAILS AND GUARDRAILS

**307.1 General.**
Every exterior and interior flight of stairs having more than four risers shall have a handrail on one

side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** *Guards* shall not be required where exempted by the adopted building code.

## SECTION 308
## RUBBISH AND GARBAGE

**308.1 Accumulation of rubbish or garbage.**
All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

**308.2 Disposal of rubbish.**
Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.**
The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

**308.2.2 Refrigerators.**
Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

**308.3 Disposal of garbage.**
Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

**308.3.1 Garbage facilities.**
The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

**308.3.2 Containers.**
The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

## SECTION 309
## PEST ELIMINATION

**309.1 Infestation.**
All structures shall be kept free from insect and rodent *infestation.* All structures in which insects

or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

**309.2 Owner.**
The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

**309.3 Single occupant.**
The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises.*

**309.4 Multiple occupancy.**
The *owner* of a structure containing two or more *dwelling unit*s, a multiple *occupancy,* a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

**309.5 Occupant.**
The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

> **Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

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# CHAPTER 4
# LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

## SECTION 401
## GENERAL

**401.1 Scope.**
The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

**401.2 Responsibility.**
The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

**401.3 Alternative devices.**
In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

## SECTION 402
## LIGHT

**402.1 Habitable spaces.**
Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

> **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 $m^2$). The exterior glazing area shall be based on the total floor area being served.

**402.2 Common halls and stairways.**
Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 $m^2$) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**402.3 Other spaces.**
All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance

of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403
## VENTILATION

**403.1 Habitable spaces.**
Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 $m^2$). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

**403.2 Bathrooms and toilet rooms.**
Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

**403.3 Cooking facilities.**
Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

> **Exceptions:**
>
> 1. Where specifically *approved* in writing by the *code official*.
>
> 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**403.4 Process ventilation.**
Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**403.5 Clothes dryer exhaust.**
Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

> **Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

## SECTION 404
## OCCUPANCY LIMITATIONS

**404.1 Privacy.**
*Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum room widths.**
A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**404.3 Minimum ceiling heights.**
*Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.

2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

**404.4 Bedroom and living room requirements.**
Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.**
Every living room shall contain at least 120 square feet (11.2 $m^2$) and every bedroom shall contain a minimum of 70 square feet (6.5 $m^2$) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 $m^2$) of floor area for each occupant thereof.

**404.4.2 Access from bedrooms.**
*Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

**Exception:** Units that contain fewer than two *bedrooms*.

**404.4.3 Water closet accessibility.**
Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at

least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

**404.4.4 Prohibited occupancy.**
Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.**
*Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.**
Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5**
**MINIMUM AREA REQUIREMENTS**

| SPACE | MINIMUM AREA IN SQUARE FEET | | |
|---|---|---|---|
| | 1-2 occupants | 3-5 occupants | 6 or more occupants |
| Living room[a,b] | 120 | 120 | 150 |
| Dining room[a,b] | No requirement | 80 | 100 |
| Bedrooms | Shall comply with Section 404.4.1 | | |

For SI: 1 square foot = 0.093 $m^2$.
a. See Section 404.5.2 for combined living room/dining room spaces.
b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area.**
The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.**
Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**404.6 Efficiency unit.**
Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 $m^2$). A unit occupied by not more than two *occupants* shall have a

minimum clear floor area of 220 square feet (20.4 $m^2$). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 $m^2$). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.

4. The maximum number of *occupants* shall be three.

**404.7 Food preparation.**
All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

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# CHAPTER 5
# PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

## SECTION 501
## GENERAL

**501.1 Scope.**
The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.**
The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

## SECTION 502
## REQUIRED FACILITIES

**[P] 502.1 Dwelling units.**
Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**[P] 502.2 Rooming houses.**
At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

**[P] 502.3 Hotels.**
Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

**[P] 502.4 Employees' facilities.**
A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **[P] 502.4.1 Drinking facilities.**
> Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

**[P] 502.5 Public toilet facilities.**
Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance

with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

## SECTION 503
## TOILET ROOMS

**[P] 503.1 Privacy.**
*Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

**[P] 503.2 Location.**
*Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

**[P] 503.3 Location of employee toilet facilities.**
Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**[P] 503.4 Floor surface.**
In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## SECTION 504
## PLUMBING SYSTEMS AND FIXTURES

**[P] 504.1 General.**
All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**[P] 504.2 Fixture clearances.**
Plumbing fixtures shall have adequate clearances for usage and cleaning.

**[P] 504.3 Plumbing system hazards.**
Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

## SECTION 505
## WATER SYSTEM

**505.1 General.**
Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**[P] 505.2 Contamination.**
The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.**
The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.**
Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## SECTION 506
## SANITARY DRAINAGE SYSTEM

**[P] 506.1 General.**
All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

**[P] 506.2 Maintenance.**
Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**[P] 506.3 Grease interceptors.**
Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

# SECTION 507
# STORM DRAINAGE

**[P] 507.1 General.**
Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

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# CHAPTER 6
# MECHANICAL AND ELECTRICAL REQUIREMENTS

## SECTION 601
## GENERAL

**601.1 Scope.**
The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility.**
The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

## SECTION 602
## HEATING FACILITIES

**602.1 Facilities required.**
Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.**
Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

> **Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**602.3 Heat supply.**
Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

> **Exceptions:**
>
> 1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Occupiable work spaces.**
Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.5 Room temperature measurement.**
The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## SECTION 603
## MECHANICAL EQUIPMENT

**603.1 Mechanical appliances.**
All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.**
All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are *labeled* for unvented operation.

**603.3 Clearances.**
All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.**
All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.5 Combustion air.**
A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**603.6 Energy conservation devices.**
Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

# SECTION 604
# ELECTRICAL FACILITIES

**604.1 Facilities required.**
Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.**
The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

**604.3 Electrical system hazards.**
Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

**604.3.1 Abatement of electrical hazards associated with water exposure.**
The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

**604.3.1.1 Electrical equipment.**
Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 voltss;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;

9. Low-voltage power circuit breakers;

10. Protective relays, meters and current transformers;

11. Low- and medium-voltage switchgear;

12. Liquid-filled transformers;

13. Cast-resin transformers;

14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;

16. Luminaires that are listed as submersible;

17. Motors;

18. Electronic control, signaling and communication equipment.

**604.3.2 Abatement of electrical hazards associated with fire exposure.**
The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

**604.3.2.1 Electrical equipment.**
Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

## SECTION 605
## ELECTRICAL EQUIPMENT

**605.1 Installation.**
All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

**605.2 Receptacles.**
Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All

receptacle outlets shall have the appropriate faceplate cover for the location.

**605.3 Luminaires.**
Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

**605.4 Wiring.**
Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

## SECTION 606
## ELEVATORS, ESCALATORS AND DUMBWAITERS

**606.1 General.**
Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A 17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A 17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.**
In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## SECTION 607
## DUCT SYSTEMS

**607.1 General.**
Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

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# CHAPTER 7
# FIRE SAFETY REQUIREMENTS

## SECTION 701
## GENERAL

**701.1 Scope.**
The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises,* including fire safety facilities and equipment to be provided.

**701.2 Responsibility.**
The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

## SECTION 702
## MEANS OF EGRESS

**[F] 702.1 General.**
A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code.*

**[F] 702.2 Aisles.**
The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

**[F] 702.3 Locked doors.**
All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code.*

**[F] 702.4 Emergency escape openings.**
Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

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## SECTION 703
## FIRE-RESISTANCE RATINGS

**[F] 703.1 Fire-resistance-rated assemblies.**
The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**[F] 703.2 Opening protectives.**
Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## SECTION 704
## FIRE PROTECTION SYSTEMS

**[F] 704.1 General.**
All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

**[F] 704.1.1 Automatic sprinkler systems.**
Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

### [F] 704.2 Smoke alarms.
Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms.*

2. In each room used for sleeping purposes.

3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

### [F] 704.3 Power source.
In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the

removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

### [F] 704.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

**Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

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# CHAPTER 8
# REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

## ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

| Standard reference number | Title | Referenced in code section number |
|---|---|---|
| A 17.1/CSA B44—2007 | Safety Code for Elevators and Escalators | 606.1 |

## ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

| Standard reference number | Title | Referenced in code Section number |
|---|---|---|
| F 1346—91 (2003) | Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs | 303.2 |

## ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

| Standard reference number | Title | Referenced in code section number |
|---|---|---|
| IBC-12 | International Building Code® | 102.3, 201.3, 401.3, 702.3 |
| IEBC—12 | International Existing Building Code® | 305.1.1, 306.1.1 |
| IFC—12 | International Fire Code® | 201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2 |
| IFGC-12 | International Fuel Gas Code® | 102.3 |
| IMC-12 | International Mechanical Code® | 102.3, 201.3 |

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| | | |
|---|---|---|
| IPC-12 | International Plumbing Code® | 201.3, 505.1, 602.2, 602.3 |
| IRC-12 | International Residential Code® | 201.3 |
| IZC-12 | International Zoning Code® | 102.3, 201.3 |

| **NFPA** | National Fire Protection Association<br>1 Batterymarch Park<br>Quincy, MA 02269 | |
|---|---|---|
| Standard reference number | Title | Referenced in code section number |
| 25-11 | Inspection, Testing and Maintenance of Water-based Fire Protection Systems | 704.1.1 |
| 70-11 | National Electrical Code | 102.4, 201.3, 604.2 |

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# APPENDIX A
# BOARDING STANDARD

***The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.***

## A101
## GENERAL

**A101.1 General.**
All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

## A102
## MATERIALS

**A102.1 Boarding sheet material.**
Boarding sheet material shall be minimum $^{1}/_{2}$-inch (12.7 mm) thick wood structural panels complying with the *International Building Code.*

**A102.2 Boarding framing material.**
Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code.*

**A102.3 Boarding fasteners.**
Boarding fasteners shall be minimum $^{3}/_{8}$-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code.*

## A103
## INSTALLATION

**A103.1 Boarding installation.**
The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

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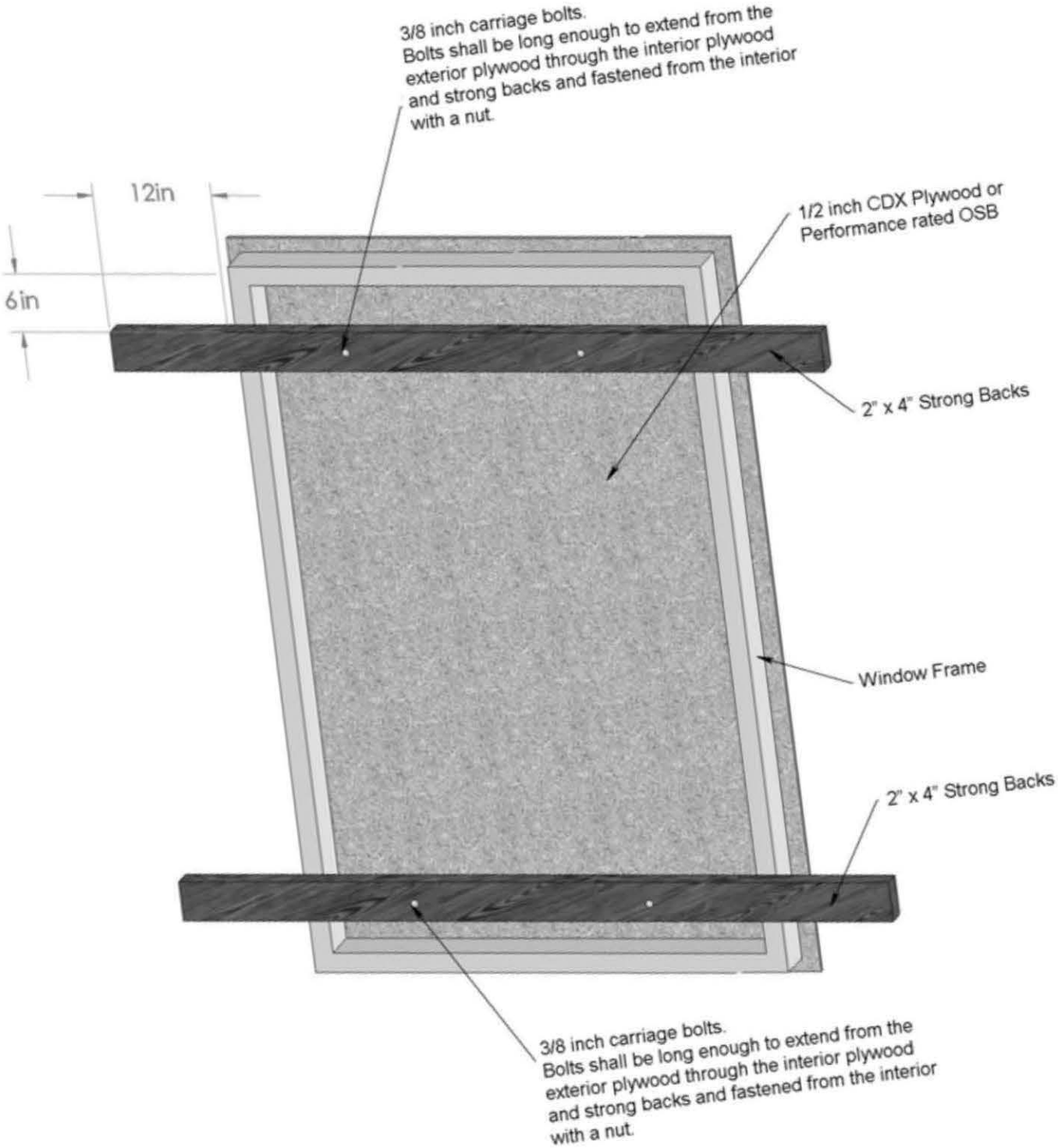


**FIGURE A103.1(1)**
**BOARDING OF DOOR OR WINDOW**

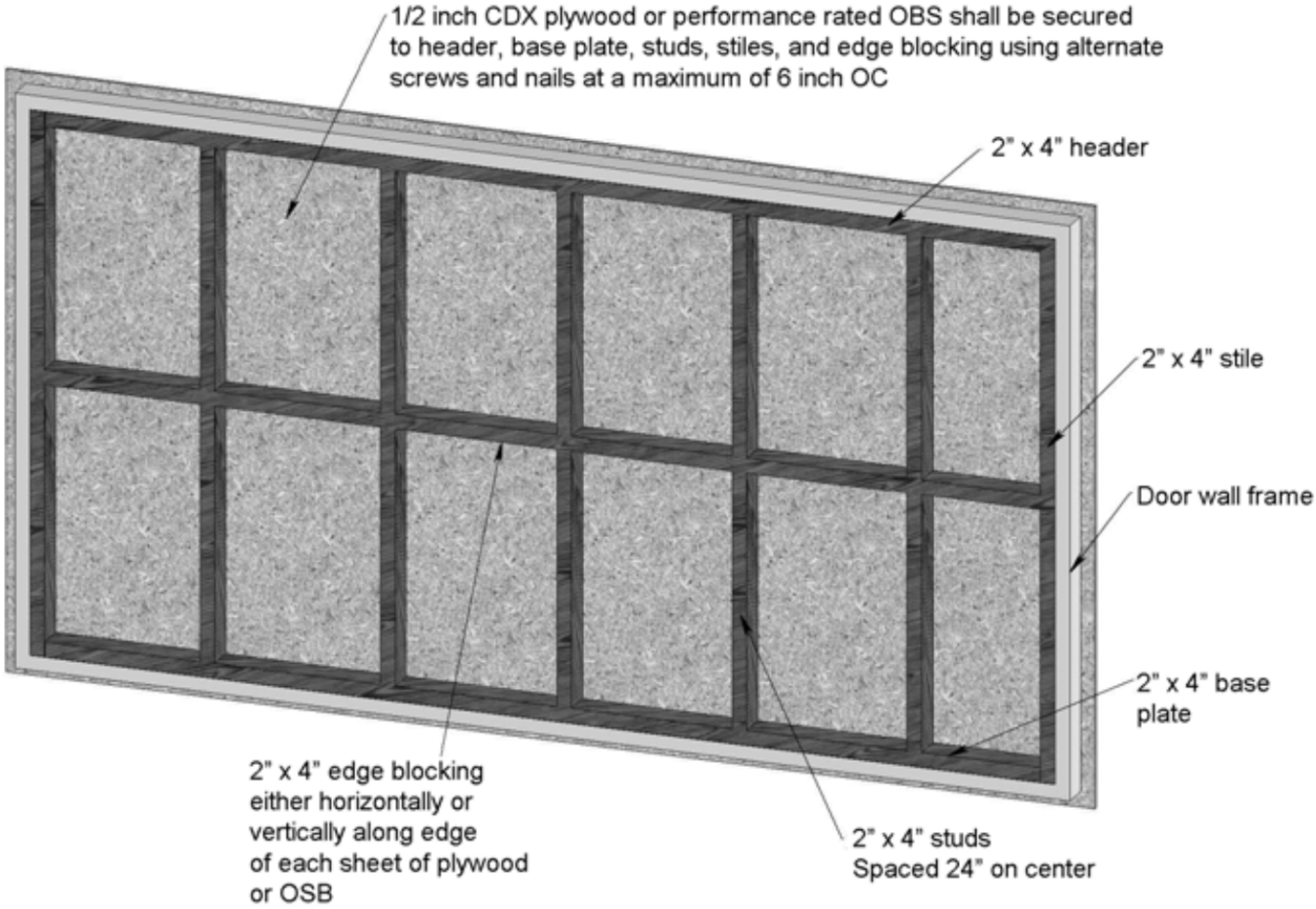


**FIGURE A103.1(2)**
**BOARDING OF DOOR WALL**

**A103.2 Boarding sheet material.**
The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

**A103.3 Windows.**
The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

**A103.4 Door walls.**
The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

**A103.5 Doors.**
Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

## A104
## REFERENCED STANDARDS

| | | |
|---|---|---|
| IBC—12 | International Building Code | A102.1, A102.2, A102.3 |

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***Suggested Changes/Additions/Deletions to a Corvallis Property Maintenance Code relative to the International Code Council's model International Property Maintenance Code***

December 12, 2013

At the request of the Corvallis City Council, the Corvallis Property Maintenance Code Advisory Group began discussing detailed elements of the International Code Council's model International Property Maintenance Code (IPMC) in August 2013. Those discussions considered various sections and standards of the IPMC with the intent of evaluating the Code's overall "fit" for Corvallis. Through the course of these discussions the Advisory Group has made several suggestions about particular Code elements and whether they should be changed, if not deleted from the Property Maintenance Code recommendation that will go forward to the City Council for its consideration following the conclusion of the Advisory Group's work.

The lists of items that follow represent Code elements staff would recommend changing, adding or deleting relative to the IPMC's standards, based on the Advisory Group's discussions and suggestions, and are presented in that order.

***Changes/Clarifications:***

Section 101, Scope and Application. Paragraph 1.102 of this section (and others as may be appropriate) will be modified to state that residential rental properties will be subject to all applicable provisions of the Property Maintenance Code, but that all other property types, including owner-occupied residential properties, will only be subject to the Code's exterior provisions, and to provisions that address life safety, or dangerous building issues. The Corvallis City Attorney has confirmed the legality and feasibility of this approach.

Section 102, Applicability. Paragraph 102.6, which discusses applicability of the PMC to designated historic buildings or structures, will be expanded to apply to "older buildings and structures," which will include legally conforming buildings or structures fifty years of age or older, as well as those that are designated historic under the Land Development Code.

Section 106, Violations. Paragraph 106.3 will be modified to reflect that violations, other than those that would be considered serious offenses, e.g., violations of dangerous building code provisions and/or repeat offenses by one or more responsible parties, will be considered infractions rather than misdemeanors.

Section 308, Rubbish and Garbage. Staff have clarified in prior discussions with the Advisory Group that this section does not require property owners to contract for the removal of rubbish and garbage, but that owners are responsible for providing for the containment of rubbish and garbage in approved

containers, and for removing those materials from their premises. Thus, owners of rental properties will be able to require that their tenants contract for the removal of rubbish and garbage; in such cases the owners will remain responsible for the removal of rubbish and garbage in the event their tenants fail to do so. A definition of “approved containers” will be provide in order to allow containers other than/in addition to those provided by Republic Services.

Section 111, Appeals. This section will be changed to provide for the alignment of the Property Maintenance Code appeals process with the existing provisions of the Municipal Code, consistent with current Building and Rental Housing code processes.

***Additions:***

Section 308, Rubbish and Garbage. Provisions that will allow for active composting of appropriate materials will be added to this section.

Section 602, Heating Facilities. Provisions will be added such that in the event a permanent source of heat fails, temporary heat sources such as space heaters may not serve to replace them other than on a temporary basis while the permanent heat source is being repaired or replaced.

New language relative to exterior property areas, in a section/paragraph to be identified. Provisions will be added to define indoor furniture, and to prohibit the storage of indoor furniture outdoors.

***Deletions:***

Section 302, Exterior Property Areas. Paragraph 302.8, Motor Vehicles, will be deleted. The Land Development Code and Corvallis Municipal Code provide the City with the ability to compel the removal or screening of inoperative vehicles.

Section 404, Occupancy Limitations. Paragraph 404.4.2, Access from bedrooms, will be deleted. This paragraph prohibits having one bedroom as the only means of access to another bedroom. Provisions for access to habitable spaces are adequately covered in applicable building codes.

***Other:***

Other IPMC provisions were discussed by the Advisory Group during the course of its meetings, but are not being recommended for deletion or modification:

Section 309, Pest Elimination. Paragraphs 309.3 and 309.4 require that pest infestations be eliminated from the premises of all properties, which includes exterior areas. This is being retained based on complaints having been received about pests from one property infesting those surrounding it.

Section 503, Toilet Rooms. Paragraph 503.1 requires that shared bathrooms and toilet rooms in multiple dwellings (dwellings larger than single family) have doors with interior locks. Because the PMC's interior standards will not apply to owner-occupied or non-residential structures, this standard will apply only to residential rental properties. The City has received complaints from renters about this issue in the past, so staff will propose that this requirement be retained.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

# MEMORANDUM

**TO:** Mayor and City Council
**FROM:** Karen Emery, Parks and Recreation Department Director
**DATE:** February 18, 2014
**SUBJECT:** Resolution to Accept and Appropriate a Donation

## I. ISSUE

City Council's approval is required to accept a donation from the Friends of Corvallis Parks and Recreation to be used specifically for improvements to the Sunnyside School at Knotts-Owens Farm.

## II. BACKGROUND

An anonymous donor agreed to donate up to $100,000 to move the building known as the Sunnyside School to the Knotts-Owens Farm property owned by the City, to build a foundation for the school, and complete various improvements to secure the building. The Friends of Corvallis Parks and Recreation have offered to donate $10,100 to cover the unanticipated additional costs that have been identified as the project has progressed.

## III. ACTION REQUESTED

Staff recommends City Council approval of this donation including adoption of a Resolution authorizing the Finance Director to allocate the funds to the project.

**Review and Concur:**

Nancy Brewer — Date 2/12/14
Finance Director

James A. Patterson — Date 2/12/14
City Manager

**RESOLUTION 2014-**

Minutes of the February 18, 2014, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to establish appropriations to authorize the expenditure of grants, gift or bequests after the budget has been approved, provided that the funds are for a specific purpose and that they are not anticipated at the time the budget was approved; and

WHEREAS, at the November 18, 2013 City Council meeting, the City Council agreed to accept the donation of the Sunnyside School as a way to save a historic structure and to enhance the Knotts-Owens Farm site as part of its master plan; and

WHEREAS, at the December 2, 2013 City Council meeting, the City Council accepted and appropriated a donation of $100,000 to move the building, build a foundation for the school, and complete various improvements to secure the building; and

WHEREAS, unanticipated additional costs have been identified as the project progressed; and

WHEREAS, the Friends of Corvallis Parks and Recreation have received donations totaling $10,100 to help fund the cost of the above-mentioned unanticipated and unfunded costs; and

WHEREAS, the City Council finds that it is in the City's best interest for the Parks and Recreation accept this donation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the donation offered by the Friends of Corvallis Parks and Recreation; and

BE IT FURTHER RESOLVED that the Finance Director be authorized to make the proper adjustments inthe budget appropriations.

| | INCREASE |
|---|---|
| CAPITAL CONSTRUCTION FUND | |
| Capital Projects | $10,100 |

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

# MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

**To:** Mayor and City Council
**From:** Karen Emery, Director
Jackie Rochefort, Park Planner
**Date:** February 12, 2014
**Subject:** Accept and appropriate grant funds and donation

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**Issue**:
Knotts-Owens Farm was awarded grant funds from the National Trust for Historic Preservation - Pacific Northwest Heritage Fund to do a thorough preservation plan for the Farm House. An assessment of the farm house will be completed to provide guidance for future plans regarding restoration or reconstruction activities for the house. Friends of Parks and Recreation have awarded a matching grant to provide the total funding needed for the assessment. The funds from these two donors need to be accepted and appropriated.

**Background:**
The farm house is an important component of the Owens Farm homestead, and in an effort to salvage the farm house, an assessment must be completed. The cost of this assessment is estimated at $10,000. The National Trust for Historic Preservation awarded Parks and Recreation a grant in the amount of $5,000. To provide the matching funds, an additional $5,000 was donated to the Friends of Corvallis Parks and Recreation specifically for activities related to the farm house project. This brings the total project award to $10,000 as illustrated in the table below:

| Funding Source | Amount | Source | Purpose |
|---|---|---|---|
| National Trust for Historic Preservation - Pacific Northwest Heritage Fund | $5,000 | Grant | Knotts-Owens Farm House Assessment |
| Friends of Parks and Recreation | $5,000 | Donation | Knotts-Owens Farm House Project |
| **TOTAL** | **$10,000** | | |

The farm house assessment will result in a document that provides recommendations, guidelines, design details, and cost estimates on how to restore/rebuild the farmhouse. The document will include an analysis of the current condition of the farm house, a catalogue of salvageable materials, recommendations on how to approach the project, and a range of options for how to proceed with the restoration/reconstruction of the house, and cost estimates

**Discussion:**

Future plans for the Knotts-Owens Farm property include restoring the homestead to a working interpretative farm with environmental education, historic farming and site history components as described in the adopted management plan. Funding sources for this project are anticipated to include donations, partnerships, and grants. Losing any prominent feature of the Homestead/Farmstead may result in a loss of eligibility for certain grants, awards, and other potential funding sources. Keeping the Homestead/Farmstead intact is a critical component of the long-range plan for Owens Farm.

**Recommendation:**
Staff recommends accepting and appropriating the grant and donation.

**Review and Concur:**

James A. Patterson, City Manager

Nancy Brewer, Finance Director

**RESOLUTION 2014-**

Minutes of the February 18, 2014, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to establish appropriations to authorize the expenditure of grants, gifts or bequests after the budget has been approved, providing that the funds are for a specific purpose and that they are not anticipated at the time the budget was approved; and

WHEREAS, The Corvallis Parks and Recreation Department has developed a master plan for the land known as Knotts-Owens Farm to restore the homestead and site history components and develop the parcel as a working interpretive farm; and

WHEREAS, The Parks and Recreation Department staff has been actively seeking grants to complete an assessment of the structures on the site, particularly the Knotts-Owens Farm Homestead; and

WHEREAS, the cost estimate to complete the assessment is $10,000; and

WHEREAS, the City of Corvallis has been offered a grant from the National Trust for Historic Preservation-Pacific Northwest Heritage Fund in the amount of $5,000 for the purpose of the Knotts-Owens Farm Homestead; and

WHEREAS, the Friends of Parks and Recreation has offered a $5,000 donation to complete the Knotts-Owens Farm Homestead Assessment budget; and

WHEREAS, the grant and donation were unanticipated at the time the Fiscal year 13-14 budget was adopted; and

WHEREAS, The City Council finds that it is in the City's best interest to use the grants and donation for the Knotts-Owens Homestead Assessment; and

WHEREAS, the grant and donation acceptance and appropriation requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept and appropriate the grant offered by the National Trust for Historic Preservation - Pacific Northwest Heritage Fund and the donation from the Friends of Parks and Recreation and authorizes the City Manager to execute agreements accepting and allocation the funds as follows:

| FUND | AMOUNT |
| --- | --- |
| General Fund | |
| Parks and Recreation Department | $10,000 |

BE IT FURTHER RESOLVED that the Finance Director be authorized to make the proper adjustments in the budget appropriations.

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

**MEMORANDUM**
February 10, 2014

**TO:** Mayor and City Council

**FROM:** Jonathan M. Sassaman, Chief of Police

**SUBJECT:** 2013 Bulletproof Vest Partnership Grant/Criminal Asset Forfeitures

## ISSUES:

The Corvallis Police Department has applied for and received a United States Department of Justice Bureau of Justice Assistance, Bulletproof Vest Partnership Grant award of $6,901.31. This grant was not budgeted in FY 2013-14. Council action is required to accept these funds.

The Corvallis Police Department resolved three criminal cases in 2013 which resulted in assets seized and criminally forfeited. After required distributions to State and local agencies, $11,846 remains for Corvallis Police Department use. Council action is required to appropriate these funds.

In December 2013, $7,248.12 was received under the Federal Asset Forfeiture Program from the United States Postal Inspection Service (USPIS). In January 2014, $2,743.20 was received under the Federal Asset Forfeiture Program from the United States Marshals Service. Council action is required to appropriate these funds.

## BACKGROUND:

In April 2013, the City of Corvallis submitted an application to the United States Department of Justice, Bureau of Justice Assistance under the Bulletproof Vest Partnership Grant Program. Grant monies are to be used to purchase bulletproof and knifeproof vests for the protection of law enforcement officers. $6,901.31 was awarded.

The Oregon Revised Statues (ORS) provides for proceeds and instrumentalities of criminal conduct be subject to criminal asset forfeiture proceedings, of which 40% must be for official law enforcement use. The Corvallis Police Department resolved three illegal drug cases in 2013 which resulted in arrests and seizures of cash and property. These cases progressed through the criminal asset forfeiture proceeding in Benton County Circuit Court and all were resolved through a court ordered "Judgment of Criminal Forfeiture" declaring the seized property that of the Corvallis Police Department. The City is required under ORS to disperse percentages of the whole to varying State and local agencies. Once completed, 40% of the total must be for official law enforcement use and subsequent annual reports to the Oregon Criminal Justice Commission follow depicting the expenditure of the funds.

The Corvallis Police Department participates in the Department of Justice Asset Forfeiture Program through a Federal Equitable Sharing Agreement. Federal law authorizes the Attorney General to

share federally forfeited property with participating local law enforcement agencies, which must be used for law enforcement purposes.

In May, 2012 the Street Crimes Unit detectives partnered with the USPIS on two criminal drug related cases. In each of these cases cash was seized and forfeited through the USPIS. In August 2013, The Street Crimes Unit partnered with the US Marshals Service on a criminal drug related case in which cash was seized and forfeited. Through the Federal Asset Forfeiture Program, the Police Department submitted an application for transfer of a portion of these forfeited assets.

**DISCUSSION:**

The Police Department has been awarded Bulletproof Vest Grant funds in the amount of $6,901.31. This grant award was unknown at the time the FY 2013-14 budget was prepared and is not included in that budget. To accept these grant funds, the City Council must approve a resolution to include these grant funds in the Police Department FY 2013-14 budget.

In three criminal cases, the Police Department has met the ORS requirements for criminal asset forfeiture, and is in receipt of the "Judgment of Criminal Forfeiture" from the Benton County Circuit Court declaring the seized property that of the Corvallis Police Department. 40% of the Aaron D. Schroeder case is $1,257, 40% of the Trevor L. Pittam case is $1,813, 40% of the James H. Maulding case is $8,776. The total criminal asset forfeiture is $11,846. The City Council must approve a resolution to appropriate these funds into the Police Department FY 2013-14 budget.

Federally forfeited funds were distributed to the Corvallis Police Department by the USPIS in the amount of $7,248.12 and the U.S. Marshals Service in the amount of $2,743.20. These assets must be for official law enforcement use. The City Council must approve a resolution to appropriate these funds into the Police Department FY 2013-14 budget.

**RECOMMENDATION:**

Staff recommends that the City Council authorize the receipt of the Bulletproof Vest Grant, the Criminal Asset Forfeiture funds and the Federal Equitable Sharing funds and adopt the attached budget resolutions.

Review and concur:

Nancy Brewer
Finance Director

James A. Patterson
City Manager

Attachments:
1) Budget Resolution – Bulletproof Vest Grant
2) Budget Resolution – Criminal Asset Forfeiture Funds
3) Budget Resolution – Federal Equitable Sharing Funds

**RESOLUTION 2014- ___**

Minutes of the Meeting of _____, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.338(2) allows the City Council to establish appropriations to authorize the expenditure of grants, gifts, or bequests after the budget has been approved; provided that the funds are for a specific purpose and that they are not anticipated at the time the budget was approved, and;

WHEREAS, the City of Corvallis has received a grant in the amount of $6,901 from the United States Department of Justice, Bureau of Justice Assistance for the purchase of bulletproof and knifeproof vests for the protection of law enforcement officers, and;

WHEREAS, the grant was unanticipated at the time the fiscal year 2013-2014 budget was adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the grant in the amount of $6,901 for the purchase of bulletproof and knifeproof vests is accepted.

BE IT FURTHER RESOLVED that the Finance Director be authorized to make the proper adjustments in the budget appropriations.

| GENERAL FUND | AMOUNT |
|---|---|
| Police Department | $6,901 |

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

**RESOLUTION 2014-___**

Minutes of the Meeting of _____, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.471(1)(a) allows the City Council to make a supplemental budget for the current fiscal year when a condition occurs which has not been ascertained at the time of the preparation; and

WHEREAS, the Corvallis Police Department has progressed three criminal cases through the criminal asset forfeiture proceeding in Benton County Circuit Court and all are resolved through a court ordered "Judgment of Criminal Forfeiture" declaring the seized property that of the Corvallis Police Department. After appropriate dispersals required under ORS to varying State and local agencies, the remaining 40% must be for official law enforcement use; and

WHEREAS, receipt of the forfeited funds was unanticipated at the time the fiscal year 2013-14 budget was adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the Finance Director be authorized to make the proper adjustments in the budget appropriations for the forfeited funds in the amount of $1,257 from the "Schroeder" case, $1,813 from the "Pittam" case, and $8,776 from the "Maulding" case.

| GENERAL FUND | AMOUNT |
|---|---|
| Police Department | $11,846 |

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

**RESOLUTION 2014-____**

Minutes of the Meeting of _____, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.471(1)(a)(c) allows the City Council to make a supplemental budget for the current fiscal year when a condition occurs which has not been ascertained at the time of the preparation; and

WHEREAS, the Corvallis Police Department has partnered with the United States Postal Inspection Service on two criminal investigations into sales and distribution of illegal substances, during which assets were Federally forfeited;

WHEREAS, the Corvallis Police Department has partnered with the United States Marshals Service on a criminal investigation into sales and distribution of illegal substances, during which assets were Federally forfeited;

WHEREAS, through the Federal Asset Forfeiture Program the Corvallis Police Department has received $7,248 from the United States Postal Inspection Service, and $2,743 from the United States Marshals Service. These funds must be for official law enforcement use; and

WHEREAS, receipt of the forfeited funds was unanticipated at the time the fiscal year 2013-14 budget was adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the Finance Director be authorized to make the proper adjustments in the budget appropriations for the Federally forfeited funds in the amount of $9,991.

| GENERAL FUND | AMOUNT |
|---|---|
| Police Department | $9,991 |

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

# City Manager Monthly
# February 2014

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**Proper Planning Prevents Poor Performance….. Snow Joke!** – A message from Jim Patterson

Mother Nature decided that winter weather was not over in the Heart of the Valley. The City of Corvallis and Benton County were again blanketed with snow, subfreezing temperatures, freezing rain, and finally the big thaw. Next up, clean up.

Little did we know our post December 2013 storm response report would have elements of it tested so soon. I am sure you've heard of the 5 P's…**proper planning prevents poor performance**. This is a simple, concise way to break down ideas and plan for success in an effective way for the unexpected things that can happen in life. Even a second unprecedented major snow event in two months!

These types of events always bring with them lessons. So what was my take away from this latest storm event? Regardless of what it is we are doing as a local government, storm response, collaboration, residential parking district expansion, property maintenance code updates, economic development, housing studies, and public participation or developing a City budget, there is a proper way to approach and execute every single task in a plan. There are steps to follow and specific tools we all need in order to complete any project efficiently and skillfully. And if our project presents issues we don't know how to handle, we need to reach out to others and get as much information as possible from reliable sources and adapt our plan so we don't miss any important steps and unintended consequences.

Thoughtful, detailed planning is very important when pursuing goals, starting new projects or taking on new initiatives. We should always start by making lists that detail what it is we want to accomplish (what is it that is broken and how do we propose to fix it), who will be involved in the problem solving, how will that feedback be put into action, and what will we need to make it all happen (personnel, equipment, financial resources, etc). We should be polite, direct and specific, and investigate each category so that every detail has been addressed and nothing has been overlooked.

The saying goes, "An ounce of prevention is worth a pound of cure." It is always a good idea to have a Plan B developed and to firmly be put in place so that we are ready to address issues as they come up. We know if something is done poorly we will hear about it and rightfully so. Finally, to ensure peak performance we must stay focused and actively involved with each phase of our plan, and doing so will bring every member of our team together to produce the best possible results no matter what the task.

As a part of our advanced storm preparation and lessons learned, we made arrangements with other regional governments to provide snow removal assistance if conditions required additional personnel and equipment. Benton County generously provided snow removal equipment for City use at the beginning of the storm event and early Sunday morning (February 9th) when the thaw hit, Linn County sent three high speed snow plows and personnel to Corvallis to assist with the melting snow and slush removal from local streets in preparation for the Monday morning commute.

I'd like to offer special thanks to our partners at Benton County, the County Commissioners, Chief Operating Officer Dennis Aloia, Public Works Director Roger Irvin and Public Information Officer Rick Osborn, and Linn County Administrator Ralph Wyatt, Linn County Commissioners, Road Master Darin Lane and his crews, and the Oregon Department of Transportation for their full support and assistance with snow removal and communications outreach.

To the men and women of the City of Corvallis Public Works Department, our Web Master, our Police Department, Fire Department and other City staff who worked around the clock during and after the storm, thank you for your planning, preparation, professionalism, and execution of a plan under the most challenging circumstances. There will be other lessons learned from our response this time around, but I know without a doubt our people did their very best in properly planning to prevent a poor performance. Finally, thank you to our citizens for their preparation and random acts of kindness and assistance that was on display. Thanks as well for your patience and understanding.

**********

**CITY MANAGER'S REPORT**

**FEBRUARY 13, 2014**

**********

**# 2014-01**

**REPORTING PERIOD: JANUARY 2014**

## I. ORGANIZATIONAL HIGHLIGHTS

- Staff provided the City Council with a comprehensive review of the City's response to the December 2013 storm-and-ice event.

## II. MAYOR'S DIARY

I have engaged in the following activities, in addition to meeting and corresponding with constituents and presiding at the twice-monthly City Council meetings and meetings with Council leadership:

Speaking engagements

- "State of the City" speech to members of the Rotary Club of Greater Corvallis.
- MLK Celebration event.
- Public forum hosted by the City's Public Participation Task Force.
- Gave interviews to Oregon State University (OSU) Barometer and KEZI-TV concerning state of the City and progress toward City Council goals.

Special meetings

- Met with Jim Coonan, new Executive Director of RAIN (Regional Accelerator and Innovation Network).
- Met with County Commissioner candidate Anne Schuster to discuss issues related to the City.
- Organized meeting with local agencies serving individuals with disabilities to discuss creation of a photograph exhibit featuring their clients, as well as photographs of clients served by a similar agency in Uzhhorod, Ukraine. Also attending the meeting were representatives from the Corvallis-Uzhhorod Sister Cities Association and a local professional photographer.
- Met with Kent Daniels to discuss the work of the Public Participation Task Force.
- Co-chaired oversight committee meeting of Benton County's Ten-Year Plan to End Homelessness.

- Staffed Government Comment Corner at the Corvallis-Benton County Public Library.
- Attended United Way's Community Leader Breakfast.
- Attended Senator Wyden's town hall meeting.
- Attended steering committee meeting concerning future planning for da Vinci Days.
- Attended presentation by two interns who recently returned from three months in Uzhhorod, Ukraine.
- Attended fundraising and cultural event hosted by the Corvallis-Gondar Sister City Association.
- Attended social for OSU business students and community mentors at the home of Dean Kleinsorge.
- Attended re-dedication of Beth Ray Center for Student Success at OSU.
- Attended memorial service for former OSU Vice President of Finance Mark McCambridge.
- Attended the "State of the University" speech by OSU President Ray.

Appointments
- Arts and Culture Commission
- Public Art Selection Committee

## III. COMMUNITY DEVELOPMENT

### A. Department Highlights

- Planning Division staff received eight land use applications during January, including one Historic Preservation Permit, two Minor Land Partitions, and one Minor Replat.
- Planning Division staff issued decisions on three land use applications, including decisions on the Comprehensive Plan Amendment and Zone Change at NW Ninth Street and NW Maxine Avenue.
- The City Council deliberated on the Comprehensive Plan Amendment and Zone Change components of the Campus Crest application and requested that the Planning Commission provide a recommendation to the City Council regarding conditions of approval for the Planned Development and Subdivision components of the application.
- The City Council held a public hearing to consider Land Development Code Amendments regarding standards for street improvements in the OSU Zone.
- The Planning Commission held a special meeting to develop a recommendation to the City Council regarding conditions of approval for the Planned Development and Subdivision components of the Campus Crest application.

- Housing Division staff received 97 Rental Housing Program-related contacts during January, reporting 222 separate issues – the highest number recorded in a month since Program inception. Of the issues reported, 69 were related to habitability and 153 were of a non-habitability nature. Forty-seven of the habitability issues reported are or may be subject to the Rental Housing Code, so Housing Division staff is working with complainants to confirm violations and then, as applicable, achieve resolution or move to enforcement.
- Following a public hearing, the City Council approved funding from the City's Federal HOME Investment Partnerships Program for the 35-unit Julian Apartments acquisition/rehabilitation project. Housing Division staff is working with Willamette Neighborhood Housing Services to carry out the project, which will improve living conditions for all of the very-low-/extremely low-income residents of the apartments.
- Community Development Department staff continued providing assistance to the three-Councilor committee established to work on the City Council's 2013-2014 housing goal. Request for Qualifications process was completed during January, and two consultants/potential contractors will be interviewed during February in order to assess and select the one most qualified to meet the Council's project requirements.

## IV. FINANCE

### A. Department Highlights

- Utility Billing staff completed installation and training with Creditron to begin using an automated remittance software solution on a daily basis.
- Staff completed work with Wells Fargo Bank to begin electronic remote deposit in Utility Billing. This process requires the City to send digital images of customers' checks to Wells Fargo for deposit.
- Finance staff is continuing to work additional payment options for ambulance billing customers to allow customers to either pay via the City's Web site or by telephone. Access is expected to be available by March.
- Under a new process, budget staff provided internal service charge estimates to Department Directors for their incorporation into a proposed Fiscal Year 2014-2015 budget.
- Financial planning staff extended the Financial Advisor contract and will be working with staff in the Seattle office. Staff in the Portland office resigned to start their own business.

## V. FIRE

### A. Department Highlights

*Operational*

| Response Activity – January 2014 | City | Non-City | Total |
|---|---|---|---|
| Fires | 7 | 0 | 7 |
| Overpressure/Rupture | 0 | 0 | 0 |
| Requests for Ambulance | 264 | 65 | 329 |
| Rescue (Quick Response Team) | 110 | 17 | 127 |
| Hazardous Condition | 9 | 2 | 11 |
| Service Requests | 40 | 11 | 51 |
| Good Intent | 39 | 15 | 54 |
| False Calls | 31 | 3 | 34 |
| Other | 1 | 0 | 1 |
| **TOTAL RESPONSES OVERALL** | **501** | **113** | **614** |

- Chief Emery is preparing to negotiate a successor agreement with the Rural District Board. The current contract expires in June 2015.

## VI. LIBRARY

### A. Department Highlights

- Administration staff and managers continued to gather information for the proposed Fiscal Year 2014-2015 budget.
- Technical Services staff experimented with the use of off-line batch processing software originally developed at OSU Valley Library for editing records loaded into our catalog. It helps the user have the same experience with records created under the old cataloging rules and under the new ones.
- The annual magazine shift is underway, when older issues are recycled to make room for new ones.
- The Adult Services librarians hosted an eBook clinic and assisted approximately 80 people with downloading library eBooks and audiobooks to their tablet, eReader, or mobile device.
- Monroe Community Library held its first Otaku Club, with 13 teens in attendance. This will become a monthly after-school club on the second Tuesday of each month.
- Benton County will install ballot boxes outside the Monroe and Philomath Community Libraries.

- The new Monroe Community Library became an attraction for travelers and visitors to the area. Tour buses included it in their routes, bringing in folks who requested tours of the building. A recent visitor was from Paris, France!
- The recent Teen Night at the Philomath Community Library attracted 31 teens, who enjoyed activities with duct tape, Xbox360, Wii, button making, and LEGOs.
- The display case at the Alsea Community Library has a great collection of vintage purses, hats, and gloves, courtesy of a patron.
- Youth Services Librarian Kristin Starnes continued work on the details of providing iPads for in-house use by parents and youth. The program should be implemented during February.
- Youth Services Manager Curtis Kiefer retired after 20 years at the Library. Adult Services Manager Mary Finnegan will be assuming management of Youth Services, along with Adult Services.

## VII. PARKS AND RECREATION

### A. Department Highlights

*Administration/Planning*

- Sunnyside School was successfully moved from NW Ninth Street to the Knotts-Owens Farm property during the early-morning hours of Sunday, January 26.
- The Public Art Selection Commission worked on an Artist's Guide brochure to outline the process for selecting public art. The goal is to simplify the process for donated and commissioned art projects for the City.

*Aquatic Center*

- A membership promotion - ***New Year, New You*** - encouraged people to get fit this year by swimming.

*Parks and Natural Areas*

- Staff attended Public Pesticide Applicator training to maintain licenses and ensure responsible use of pesticides while maintaining turf and landscape areas and implementing the City's Integrated Vegetation and Pest Management Plan.

*Recreation*

- Youth basketball began with 50 volunteer coaches and 27 teams. The boys' leagues are strong, and staff is trying something different with the girls to encourage participation.

- High School Recreational Basketball program began with a total of 13 teams. Games are played Tuesday and Thursday evenings at Linus Pauling Middle School.

*Senior Center*

- Held an Introduction to Juggling class with seven participants. This was a first-time offering, and the class was led by a volunteer.
- Held an Arthritis Management class with eight participants. This class was both a health lecture and an activity course, as the instructor talked about arthritis and demonstrated exercises and stretches that could be used to alleviate arthritis pain and manage the disease. The class received positive feedback and will be held again at a future date.

## VIII. POLICE

### A. Department Highlights

Officers investigated 1,256 incidents this month. Following are the highlights:

- K-9 Xar and Sergeant J. Harvey responded to assist the Albany Police Department (APD) with a K-9 track. APD officers requested the assistance of a K-9 in locating a suspect who fled following a vehicle pursuit. K-9 Xar tracked the suspect to a residence and found him hiding in a shed.
- Officers responded to a report of a fight at a local bar and found bouncers had detained three combative men. A fourth man threw a pint glass out an open second story window, striking a patrol car. The men were charged with Violent Conduct and Reckless Endangering.
- Officers responded to the Van Buren Bridge for a report of a man who had stepped over the railing and appeared ready to jump. Officers were able to locate the man, who was, indeed, on the wrong side of the railing. They grasped his arms and were able to pull him back to safety.
- Officers arrested and charged a man with Unauthorized Entry Motor Vehicle and Attempted Unauthorized Entry Motor Vehicle after he was witnessed unlawfully entering and attempting to enter multiple vehicles on a residential street.
- Detectives followed up on an armed robbery complaint at a Corvallis gas station. Detectives located the vehicle from the surveillance video and contacted the driver, who admitted to the robbery. The 25-year-old man was charged with Robbery, Menacing, Coercion, Theft, and Unlawful Use of a Weapon.
- Detectives followed up on a burglary complaint where the suspect entered a self-service laundry facility, and broke into a change machine and stole the change. A search warrant was executed at the suspect's residence,

where evidence linking the suspect to the crime was seized. The suspect admitted to the Corvallis crime, as well as crimes in other cities. The 48-year-old man was charged with Burglary, Theft, and Criminal Mischief.

- A 22-year-old woman reported that someone was hacking into her computer and deleting photographs and posts from her Facebook and Instagram accounts. Detectives were able to determine the suspect was the victim's step-father. He was located and charged with Burglary, Identity Theft, Computer Crime, Coercion, Theft, and Criminal Mischief.
- Records staff processed 1,208 police reports, entered 554 traffic citations, and performed 167 background checks. Staff generated 110 incident reports – 18.9 percent of the total reports taken during the reporting period.
- Evidence staff received 684 items during January. An additional 505 items were returned, purged, or permanently transferred.

*9-1-1 Center Calls for Service*

- The Corvallis Regional Communications Center dispatched 2,448 calls for police, fire, and medical assistance this month as follows:

| **POLICE** | | **FIRE AND MEDICAL** | |
|---|---|---|---|
| Corvallis Police | 1,256 | Corvallis Fire/Ambulance | 490 |
| Benton County Sheriff | 569 | Other Fire/Medical | 37 |
| Philomath Police | 96 | | |
| **TOTAL** | 1,921 | **TOTAL** | 527 |

**B. Other**

- Officer Shawn Houck retired January 4, after more than 23 years of service.
- Lieutenant Keefer retired January 31, after 18 years of service.
- Stefanie Nash joined the Department January 17 as a Records Specialist. Stefanie was working in OSU Federal Credit Union's Fraud Department.
- Officer Maclean made a presentation to Old Mill School.
- Officer Gilder conducted a Greek Liaison presentation.
- Officer Bryant had a meeting/presentation at Phi Kappa Psi as part of the Greek Liaison Program.
- Officer Kantola presented at the Driving Under the Influence of Intoxicants (DUII) Victim Impact Panel.
- Lieutenant Van Arsdall participated in the Linn-Benton Vulnerable Populations exercise.
- Captain Henslee and Lieutenant Zessin attended the Executive Leadership Training Symposium in Seaside, Oregon.

- Detective Duncan attended Supervisory Leadership Academy Training at the Department of Public Safety Standards and Training (DPSST).
- Dispatchers Andy Thompson and Susan Moody attended the Association of Public-Safety Communications Officials - International (APCO) conference at the Salishan Lodge in Gleneden Beach, Oregon.

## IX. PUBLIC WORKS

### A. Department Highlights

*Administration Division*

- Began work with a Geospatial Information System (GIS) consultant to complete the necessary steps to allow the Department's new work order management system to use mapping information from the GIS system.
- Met with Pacific Power and Toyota of Corvallis to evaluate and propose a utility easement for electrical facilities to meet the increased electrical demand of the Toyota dealership expansion.
- Began site evaluation for the solar array project at the Wastewater Reclamation Plant. The project is funded with grants of $400,000 from Pacific Power/Blue Sky and $93,000 from the Energy Trust of Oregon.

*Engineering Division*

- Completed plans for the OSU and City collaborative SW 15th Street/ Washington Way Improvements project.

*Transportation Division*

- Staff attended OSU's Parking Task Force Meeting to provide input on ways to improve the efficiency of the OSU Shuttle system.
- Staff attended a First Student drivers' meeting to discuss the December storm event and other operational issues and met with First Student management to discuss a protocol for implementing inclement weather routes and schedules.

*Utilities Division*

- Filled three Water Distribution System Specialist positions, one Treatment Operator position, and one Equipment Maintenance Technician position. Recruitment is in progress for a Water Quality Analyst. These positions became vacant due to multiple retirements.
- Staff from the Rock Creek Treatment Plant and Technical Services worked to complete a pre-soda ash feed tank by repurposing an old lime solution tank from the Taylor Water Treatment facility. This will improve pre-treatment in storm events and will increase plant reliability.

- After-hours on-call supervisors toured representative water booster stations, reservoirs, and sanitary lift stations as part of ongoing efforts to enhance after-hours response. These facilities are integral components of the water distribution and wastewater collection systems. By periodically touring the facilities and reviewing response documentation, these supervisors are better able to coordinate an effective response and maintain utility services.

### B. Other

- Traffic Order No. 13-01 was approved by the City Manager, allowing staff to create a "No Parking" zone in front of 3720 and 3740 SW Western Boulevard.

## X. CITY MANAGER'S OFFICE

### A. Department Highlights

- No Tort Claim notices were received during January.
- The Economic Development Office responded to four start-up leads, five expansion leads, one retention lead, and two recruitment leads.
- The Economic Development Officer made five first-time visits to traded-sector businesses and followed up with five others.
- The Economic Development Office is coordinating logistics for the following events:
  - Monthly Pub-Talks for the Willamette Innovators Network
  - Monthly Willamette Innovators Network Board Meetings
  - Willamette Angel Conference
  - A Business Resource Workshop planned for March 13

## XI. MISCELLANEOUS

- Attached is the City Attorney's Office Report to the City Council for January.

James A. Patterson
City Manager

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

# CITY ATTORNEY'S OFFICE
# REPORT TO CITY COUNCIL: HIGHLIGHTS
## January 2014

**The following are highlights of the City Attorney's Office activities in January 2014**:

1. Memorandum to Mayor and City Council regarding labeling, sale & development of genetically modified organisms.

2. Participation in interviews of parties & City personnel involved in a citizen complaint regarding a code enforcement inspection.

3. Meetings with attorneys for City's insurance carrier regarding the *Sharp v. Roach, et al.*, civil rights complaint in the US District Court.

4. Meetings with Planning Department and participation in a conference call regarding Campus Crest.

5. Meeting with Planning Department regarding Whiteside Drive.

6. Meeting with Parks and Planning Departments regarding the Parks Master Plan.

7. Meeting with Engineering Department regarding Dixon Creek issues.

8. Meeting with Planning Department regarding the Timberhill property line.

**Ongoing/Future Matters:**

1. Enforcement actions re: code violations (building, rental housing, land development code).

2. Continued work on public records requests.

3. Continued assistance on internal investigations, employee grievances and other employment matters.

4. Assistance in preparing findings for land use decisions.

5. Enforcement of City ordinances and prosecution of offenses in Corvallis Municipal Court.

6. Representation of City in Benton County Circuit Court regarding Carrillo v. City Municipal Court Appeal.

7. Work on revisions to CMC 5.03.

**********

# COUNCIL REQUESTS

# FOLLOW-UP REPORT

# FEBRUARY 13, 2014

**********

1. Enterprise Zone Property Tax Revenue Foregone During Abatement Periods (Beilstein)

In response to Councilor Beilstein's request of the taxes abated due to Enterprise Zone exemption, I received the following information from Benton County:

| Year | Business | Assessed Value | Taxes Abated |
|---|---|---|---|
| 2012 | Gerding | $2,143,126 | $10,192 |
| | Natural Point | $1,843,792 | $23,966 |
| | Perpetua | | |
| | NuScale | | |
| 2013 | Gerding | $2,143,126 | $19,306 |
| | Natural Point | $1,367,690 | $24,367 |
| | Perpetua | | |
| | NuScale | | |

In addition for 2014, Benton County noted that it expected NuScale to receive abatement on $516,956 invested.

James A. Patterson
City Manager

CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS

| Council Request Item | Requested By | Date of Request | CR Report Due Date | Assigned to | Response in CR Rpt No. | Comments |
|---|---|---|---|---|---|---|
| Enterprise Zone property tax revenue foregone during abatement periods | Beilstein | 02-03-14 | 02-2-14 | Patterson | ccr 02-13-14 | |

**Corvallis / Benton County Economic Development Office**
**Monthly Business Activity Report to Corvallis City Council**
**December 6, 2013**

Start-ups:

- Fielded calls from a local entrepreneur (BBQ company) attempting to do a business start-up.
- Responded to a request for start-up information from a specialty clothing entrepreneur
- Responded to a request for start-up information from a consulting firm
- Met with client to review steps needed to develop a micro-brewery at the AIP

Retention / Expansion:

- Followed up on a development issue with a Benton County business seeking to expand, and potentially moving out of the area
- Followed up with a client looking for additional space
- Business visit with Amy and Sean Stevens to a local tech company to discuss expansion plans
- Business visit to a local agricultural company to discuss expansion plans
- Followed up meetings (14) with five existing expansion clients

Recruitment:

- Followed up with a California resident looking to move to Corvallis. He read our article in *Sunset* and looked me up on YesCorvallis. He is looking to buy investment property in the area and relocate.
- Responded to a Montana request for relocation information

| Assisted with | Past Month | Since July 1, 2013 |
|---|---|---|
| Start-up | 4 | 18 |
| Expansion | 5 | 14 |
| Retention | 1 | 5 |
| Economic Development Officer visits | 5 | 52 |
| Recruitment | 2 | 18 |
| | | |

**Monthly EDC Strategic Plan Update**

**<u>Big Ideas:</u>**

1. Provide critical financial assistance to growing businesses through tools such as (a) Urban Renewal Districts and (b) a local economic development loan program. Supports goals 1, 2a, and 3 (if URD covers one or more EZ locations).

- Responded to requests for information concerning financing alternatives
- Responded to requests for information concerning Enterprise Zone incentives

2. Leverage the OSU-Corvallis relationship and Memorandum of Understanding to provide unprecedented advantages to Corvallis-based startups, including research infrastructure access, incubator/accelerator resources, HR and purchasing infrastructure, and innovative community networking. Supports goals 1 and 2a.

- On-going meetings and participation with the Advantage Accelerator / RAIN team

3. Support business growth by providing properly zoned and serviced land and maintaining a timely and predictable development review process. Verify via benchmarking that Corvallis is best-in-class regarding comparable university towns across the U.S. Supports goals 2a, 2b, 3.

a. In particular, pursue opportunities to develop a research park for science intensive companies, ideally ones that have strong synergy with OSU research strengths. Consider public investment opportunities for such a park, ranging from public ownership to infrastructure development and business financing tools.

- Significant properties have been identified to address this idea
- The State has adopted a new database platform that we will use (OregonProspector.com)

b. An opportunistic, but nevertheless valuable, strategy is to recruit new tenants for vacant space in Enterprise Zone areas (HP campus, Sunset Research Park, Airport Industrial Park) as well as to invest in additional land and building resources designed to meet the needs of scientific- and technology-oriented business and industry.

- On-going referral to businesses seeking land and building space
- Worked with five new expansion projects
- Continue to coordinate and facilitate several expansion projects from prior months

4. Recognize that economic development must be a core/organic local government service as opposed to an entirely outsourced effort. Accordingly, create and staff a permanent city/county Economic Development Office, reporting to the city manager, to implement the above actions, manage business outreach and assistance; coordinate business lead responses and community and business asset promotion; and propose and implement new efforts to ensure Corvallis's competitiveness for business investment. Supports ALL goals.

- The Corvallis / Benton County Economic Development Office is fully staffed

**Smaller Steps:**

1. Develop a best-in-class information gateway portal that will provide resources to support business development with information about demographics and economics, technical and financial assistance programs, available land and building resources (Goals1, 2a, 2b, and 3).

- The City website continues to be updated with current demographic information, links for assistance, and upcoming events
- We are using Google Analytics to analyze activity on the site. We are also doing and Adwords project for the balance of the fiscal year.
- A Marketing Plan has been developed to keep the site current, and use it to address the primary focus of the strategy.
    - Assist with business start-ups
    - Leverage the OSU-Corvallis relationship and promote the OSU Advantage Accelerator
    - Promote business retention and expansion efforts
    - Promote "good" development in industrial areas
    - Promote Economic Development efforts to the community at large

2. Support programs sponsored by local and regional partners to facilitate innovation, entrepreneurship, and business investment. Examples include the Willamette Angel Conference and Willamette Innovators Network (Goals1and 2a).

- Coordinated WiN board meetings and planning meetings
- Coordinated the WiN Pubtalk – Shark Tank that had record attendance
- Attended and assisted with the coordination of first investors dinner for WAC 2014
- EDO is meeting regularly with WAC planning committee

3. Build a strong relationship with the local business community through the account manager concept, and an ongoing Business Visitation program involving government and community leaders (Goals 2a and 2b).

- EDO has had five new business visits the past month

4. Ensure that City has an effective and productive relationship with Business Oregon, the State's economic development agency, for access and response to business development leads (Goal 3).

- Regular meetings and coordination with Business Oregon concerning State leads

5. Pursue outside resources to fund expanded business development programs in Benton County (Goals 1, 2a, 2b and 3).

- Developed partnership and an IGA with the Small Business Development Center to provide business development services. (See attached report)

6. Provide a business-oriented welcoming program for key recruits of local employers (Goals 2a, 2b, and 3).

- Since we engaged Civic Outreach for this service in January/2013, 76 businesses, and 104 executives have been greeted.

**Quarterly Report**
**For the Partnership Between**
**The Corvallis Economic Development Department**
**And**
**The Small Business Development Center at Linn-Benton Community College**
**2013 Fourth Quarter**

## Accomplishments

In the fourth quarter, the SBDC focused on three areas: client advising, structured programs, and preparing for outreach to local businesses.

## Client Advising

The following table highlights key performance measurements for our partnership. We are significantly ahead of our partnership goals in overall advising, advising to long-term clients, and job creation. In addition, we have already met our annual goal for new business starts. Our focus going forward will be on surpassing these measurements.

Clear progress has been made on our capital infusion and revenue growth goals. These impacts most frequently arise out of long-term engagements with clients. We expect to capture additional impacts in these areas as our advisory relationships develop with long-term clients and as we launch an outreach into the business community in conjunction with the Economic Development Department.

| Performance Measurements | Targets | 4Q 2013 | 1Q 2014 | 2Q 2014 |
|---|---|---|---|---|
| Total number of advisory clients served | | 32 | | |
| Total client advisory sessions | 24-36/quarter | 61 | | |
| Total advising hours | | 123 | | |
| | | | | |
| Long-term clients (5+ hours) | 7-9 total | 16 | | |
| Long-term client advisory sessions | | 42 | | |
| Long-term client advising hours | | 86 | | |
| | | | | |
| New business starts | 2 | 2 | | |
| Jobs created/retained | 9 | 13 | | |
| Capital infusion | 300,000 | 12,700 | | |
| Increased revenue | 500,000 | 100,000 | | |
| Training events held | 3/quarter | 4 | | |

Included in these results are advisory engagements with several traded sector companies. Examples include:

- A Corvallis technology firm of 46 employees with whom we have been intensively involved in setting strategy, working around operational challenges, and establishing a capital plan for growth. This is a long-term client relationship that in 2013 resulted in eight new jobs with salaries ranging from $40,000 to more than $100,000.

- A Philomath manufacturer of construction materials with ten employees is another long-term client we continued advising in the fourth quarter. Our efforts have been focused at improving cash flow in part by penetrating new markets in Idaho, California, and other western states.
- A Corvallis clothing retailer with an established internet business and 40 employees continued their long-term advisory work with us to grow top line sales while cutting operating expenses.

**Structured Programs**

Four structured programs were conducted during the quarter:

- The Going Into Business seminar was presented in Corvallis with 11 attendees, 7 of whom were from Corvallis & Benton County
- The MicroEnterprise Explore program was conducted at LBCC's Benton Center with 10 Corvallis participants (plus 6 other participants). Two of the Corvallis participants started microenterprises (reported above in 'new business starts')
- A Guided Tour of QuickBooks was presented to 11 attendees, 2 of whom were from Corvallis
- 3 Corvallis businesses completed our Small Business Management Program

**Outreach to Businesses**

A major focus of the SBDC during the fourth quarter was on preparing for conducting an outreach to Corvallis/Benton businesses. We prepared for this effort by pulling together marketing collateral for each program, refreshing our website, and developing a newsletter. Our inaugural newsletter was just released. We plan to release newsletters monthly going forward.

Key to continuing the good progress made by this partnership will be a coordinated outreach effort. Recommended areas of collaboration for the first quarter of 2014 include:

- Planning and coordinating our outreach to Corvallis/Benton businesses.
- Providing ED with marketing materials to be shared when meeting with each business
- Coordinating tracking systems and distribution lists
- Cross-referencing programs on ED and SBDC websites
- Developing and launching a Business Financing seminar
- Coordinating project management for shared projects.

A top priority for the first quarter of 2014 is recruiting Corvallis and Benton County businesses into the Small Business Management Program. We look forward to discussing how we can work together to fill this high-impact program.

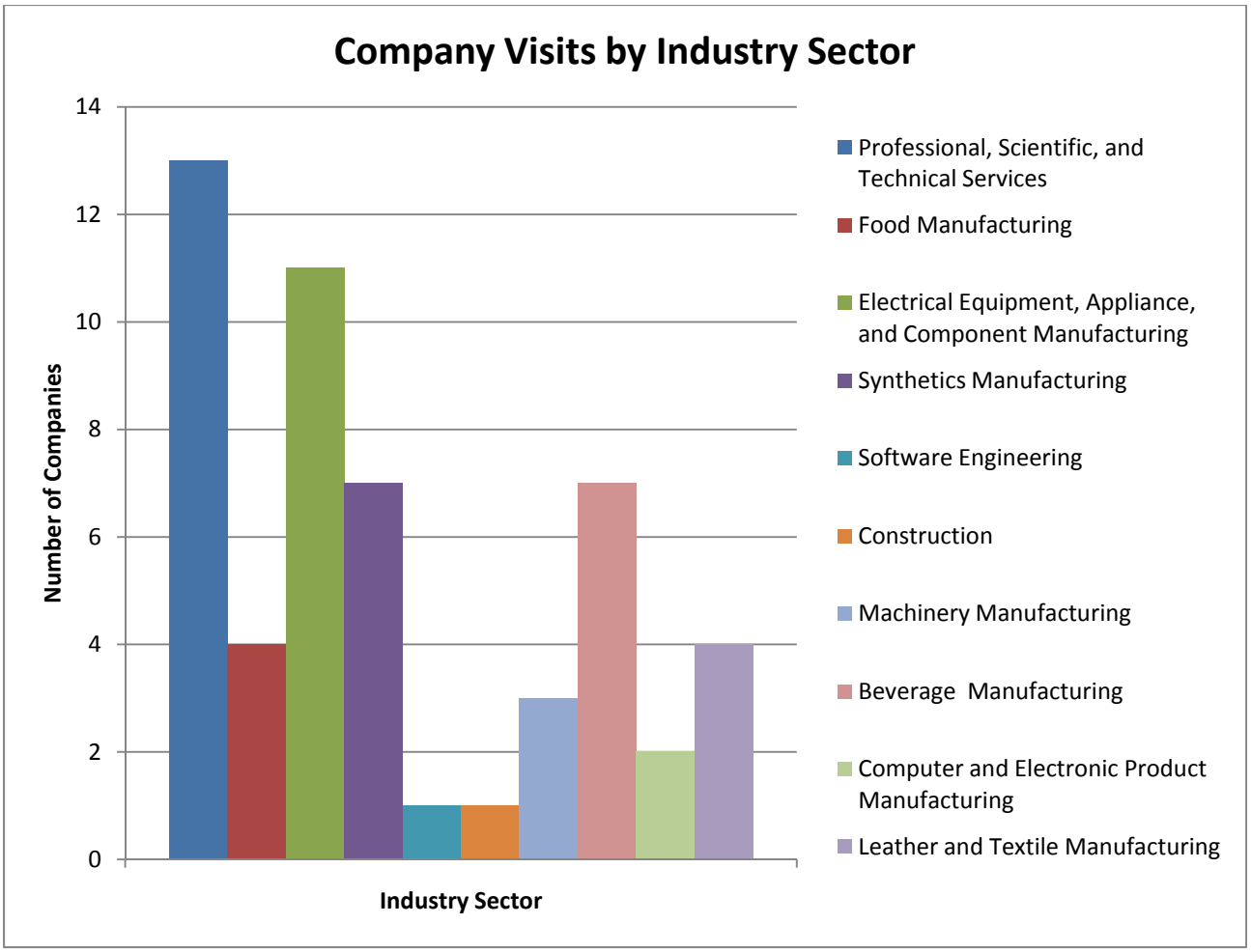
CORVALLIS BENTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

# EDO Company Visit Summary: July 1- February 10

| Industry Sector | Total | Company |
|---|---|---|
| Professional, Scientific, and Technical Services | 13 | CH2M Hill, Aptina Imaging, Spiral Elements Design, VDOS, Alsea GeoSpatial, Baker Group LLP, East Gate Industrial Park, InsightsNow!, MBI, Monroe Telephone Company, Polycom, SOS Employment Group, Eagle Digital Imaging, Samaritan Health Services |
| Food Manufacturing | 4 | Bursts Chocolates, Food Smart Foods, Living Earth Bakery, Stahlbush Island Farms |
| Electrical Equipment, Appliance, and Component Manufacturing | 11 | Carts and Tools, Hewlett & Packard, NaturalPoint, ONAMI, Perpetua Power, RelianceCM, ViewPlus, Inspired Light, OilExTech, Trimble, Juniper Systems |
| Synthetics Manufacturing | 7 | CSD Nano, Trillium Fiber Fuels, Valliscor, Inpria, Oregon Rubber, Gene Tools/Brain Tools/Onco Tools, EarthFort |
| Software Engineering | 1 | NSExtreme |
| Construction | 1 | Gerding Companies |
| Machinery Manufacturing | 3 | Korvis Automation, Ram-Z Fabrication, Corvallis Tool Company/Porter Tractors |
| Beverage Manufacturing | 7 | Oregon Ryegrass Spirits, 2Towns Cider, 4 Spirits Distillery, Mazama Brewery, Vivacity Spirits, Nectar Creek Honeywine, Oregon Trail Brewery |
| Computer and Electronic Product Manufacturing | 2 | Amorphyx, Zaps Technology |
| Leather and Textile Manufacturing | 4 | Soft Star Shoes, Footwise, Design.Christonium, Mitzlaff Scarves |

Company Visit Goals:

1. Establish relationships with the Benton County/Corvallis business community
2. Market the local and state EconDev resources that are available for traded sector business
3. Collect data around “reoccurring themes” in local business
    a. Challenges and successes
    b. Long-term BRE projects stemming from initial visits




**Long-Term BRE Projects**

- Project Porter
  - Retention and expansion segmented project with Benton County
  - Business Oregon connection
- Project Food Smart
  - Team Oregon Food Processing: NPE West booth share
- Project 2 Towns
  - AIP expansion
  - Business Oregon connection
- Project Spirits
  - Corvallis project management team approach
- Project Seed
  - Lease to purchase
- Project Salk
  - Major expansion

CORVALLIS BENTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

**Top Business Challenges**

- Difficult to work with the City of Corvallis/Benton County
  - "No" attitude
  - Historical perception

- Unmet industrial space needs
  - Plug and play industrial buildings
  - Temporary/rent-by-the-day office spaces
  - Warehouses
  - "Maker" incubator
  - Community commercial/incubator kitchen

- Services lacking in the Corvallis Industrial Park
  - Public transportation to AIP for employees
  - Lack of restaurants nearby for clients and employees
  - Daily shuttle plane to PDX

- Distance from Benton County to major metropolitan area/PDX
  - Distribution challenges by small manufacturers
  - Long commute for business people/clients/VC
  - No rail stop in Corvallis
  - No simple way of getting from Albany rail stop to Corvallis
  - No commuter flight from Corvallis Airport to PDX

- Lack of understanding by the community around the importance of primary jobs/traded sector

- Lack of venture capital access for Oregon/Corvallis start-ups

**Top Business Successes**

- Back to pre-2008 FTE numbers
- Expanding FTE, marketing efforts, and business outreach. (Plans to grow in the near future)
- Business friendliness at City level seems to be changing/improving
- CBC Econ Dev doing a lot to support and connect entrepreneurs/start-ups (NPE and WiN events)

# ADMINISTRATIVE SERVICES COMMITTEE
# SCHEDULED ITEMS

## February 13, 2014

| MEETING DATE | AGENDA ITEM |
|---|---|
| February 19 | No Meeting |
| February 25<br>***special meeting***<br>***5:00 pm***<br>***Library Main Meeting Room*** | • Neighborhood/Property Maintenance Code Program |
| March 5 | • Parks and Recreation Department Cost Recovery Update<br>• Council Policy Review and Recommendation:<br>  • 97-10.01 - 10.08, "Financial Policies"<br>• Second Quarter Operating Report<br>• Neighborhood/Property Maintenance Code Program |
| March 19 | • Council Policy Review and Recommendation:<br>  • 98-2.10, "Use of E-Mail by Mayor and City Council"<br>• Ambulance Rate Review<br>• da Vinci Days Loan and Annual Report<br>• Neighborhood/Property Maintenance Code Program |
| April 9 | • Visit Corvallis Second Quarter Report<br>• Downtown Corvallis Association Economic Improvement District Second Quarter Report<br>• Utility Rate Structure Review |
| April 23 | • Utility Rate Structure Review |
| May 7 | • |
| May 21 | • Visit Corvallis Third Quarter Report<br>• Downtown Corvallis Association Economic Improvement District Third Quarter Report<br>• Council Policy Review and Recommendation:<br>  • 95-4.10, "Public Library Gifts and Donations Policy" |
| June 4 | • Third Quarter Operating Report<br>• Board and Commission Sunset Review:<br>  • Economic Development Commission |
| June 18 | • Republic Services Annual Report |
| July 9 | • |
| July 23 | • |
| August 6 | • |
| August 20 | • |
| September 3 | • Visit Corvallis Fourth Quarter Report<br>• Downtown Corvallis Association Economic Improvement District Fourth Quarter Report |
| September 17 | • |
| October 8 | • Fourth Quarter Operating Report<br>• Council Policy Reviews and Recommendations:<br>  • 91-2.01, "Meeting Procedures"<br>  • 94-2.08, "Council Liaison Roles" |
| October 22 | • Utility Rate Annual Review |
| November 5 | • |
| November 19 | • |
| December 3 | • Visit Corvallis First Quarter Report<br>• Downtown Corvallis Association Economic Improvement District First Quarter Report<br>• Comprehensive Annual Financial Report<br>• First Quarter Operating Report |
| December 17 | • |

**ASC PENDING ITEMS**

- Comcast Franchise Renewal Update — Public Works
- Council Policy Review and Recommendation:
  - 96-6.03, "Economic Development Policies" — CMO
- Economic Development Policy on Tourism — CMO
- Municipal Code Review: Chapter 4.01, "Solid Waste Regulations" — Community Development
- Tax Incentive Program for Downtown Area — Community Development

**Regular Meeting Date and Location:**

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

# HUMAN SERVICES COMMITTEE
# SCHEDULED ITEMS

## February 13, 2014

| MEETING DATE | AGENDA ITEM |
|---|---|
| February 18 | • Social Services Semi-Annual Report<br>• Meeting Time Management |
| March 4 | • |
| March 18 | • |
| April 8 | • Council Policy Review and Recommendation:<br>  • 91-1.02, "Liquor License Approval Procedures"<br>• The Arts Center Annual Report<br>• Public Art Selection Commission Annual Report<br>• Council Policy Review and Recommendation:<br>  • 94-4.07, "City-Owned Art Objects on Private Property" |
| April 22 | • Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities" |
| May 6 | • Liquor License Annual Renewals<br>• Majestic Theatre Annual Report<br>• Council Policy Reviews and Recommendations:<br>  • 99-4.13, "Internet Access Policy for Corvallis-Benton County Public Library"<br>  • 92-5.04, "Hate/Bias Violence" |
| May 20 | • |
| June 3 | • Social Services Allocations -- Fiscal Year 2014-2015<br>• Boards and Commissions Sunset Reviews:<br>  • Arts and Culture Commission<br>  • Citizens Advisory Commission on Civic Beautification and Urban Forestry<br>  • Committee for Citizen Involvement |
| June 17 | • |
| July 8 | • Corvallis Farmers' Market Annual Report |
| July 22 | • |
| August 5 | • |
| August 19 | • Social Services Semi-Annual Report |
| September 2 | • |
| September 16 | • Rental Housing Program Annual Report |
| October 7 | • Council Policy Reviews and Recommendations:<br>  • 93-4.11, "Public Library Policy for Selecting and Discarding Materials"<br>  • 99-4.14, "Use of City Hall Plaza and Kiosk" |
| October 21 | • |
| November 4 | • Council Policy Review and Recommendation:<br>  • 95-4.08, "Code of Conduct on Library Premises" |
| November 18 | • |
| December 2 | • 2015-2016 Social Services Priorities and Calendar<br>• Council Policy Reviews and Recommendations:<br>  • 91-1.03, "Naming of Public Facilities and Lands"<br>  • 91-4.01, "Guidelines for Selling in Parks" |
| December 16 | • |

**HSC PENDING ITEMS**

| | |
|---|---|
| • Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) | Parks & Recreation |
| • Municipal Code Review: Chapter 9.02, "Rental Housing Code" | Community Development |
| • OSU/City Collaboration Project Recommendations (Action Items 4-1, 4-3, 4-4, 5-1) | Community Development |

**Regular Meeting Date and Location:**
Tuesday of Council week, 2:00 pm – Madison Avenue Meeting Room

# URBAN SERVICES COMMITTEE
# SCHEDULED ITEMS

## February 13, 2014

| MEETING DATE | AGENDA ITEM |
|---|---|
| February 18 | No meeting |
| March 4<br>***Downtown Fire Station*** | • Systems Development Charge Annual Review<br>• Residential Parking Districts |
| March 18<br>***Downtown Fire Station*** | • Residential Parking Districts |
| April 8 | • Council Policy Reviews and Recommendations:<br>  • 10-1.12, "Community Sustainability"<br>  • 91-7.04, "Building Permits"<br>  • 91-7.08, "Sidewalk Policy"<br>• Residential Parking Districts |
| April 22 | • Residential Parking Districts |
| May 6 | • |
| May 20 | • |
| June 3 | • Board and Commission Sunset Review:<br>  • Airport Commission<br>• Council Policy Review and Recommendation:<br>  • 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program" |
| June 17 | • |
| July 8 | • |
| July 22 | • |
| August 5 | • |
| August 19 | • |
| September 2 | No meeting |
| September 16 | • Council Policy Review and Recommendation:<br>  • 02-7.15, "Fee-in-Lieu Parking Program" |
| October 7 | • Council Policy Review and Recommendation:<br>  • 08-9.07, "Traffic Calming Program" |
| October 21 | • |
| November 4 | • Council Policy Review and Recommendation:<br>  • 98-9.06, "Transportation Corridor Plans" |
| November 18 | • |
| December 2 | • |
| December 16 | • |

**<u>USC PENDING ITEMS</u>**

- Council Policy Review and Recommendation:
  - 91-9.03, "Parking Permit Fees" — Public Works
- Municipal Code Review: Chapter 8.13, "Mobile Food Units" — Community Development
- NW Cleveland Avenue Traffic Update — Public Works

**Regular Meeting Date and Location:**
Tuesday of Council week, 5:00 pm – Madison Avenue Meeting Room

# UPCOMING MEETINGS OF INTEREST

## City of Corvallis

**FEBRUARY – MAY 2014**
(Updated February 13, 2014)

### FEBRUARY 2014

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 15 | | No Government Comment Corner | | |
| 17 | | City holiday - all offices closed | | |
| *18* | | *No City Legislative Committee* | | |
| 18 | 2:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 18 | | No Urban Services Committee | | |
| 18 | 5:00 pm | Housing and Comm Dev Cmsn | Madison Avenue Mtg Rm | |
| ***18*** | ***6:00 pm*** | ***City Council Executive Session*** | ***Downtown Fire Station*** | |
| **18** | **6:30 pm** | **City Council** | **Downtown Fire Station** | |
| ~~19~~ | ~~12:00 pm~~ | ~~Housing and Comm Dev Cmsn~~ | ~~Madison Avenue Mtg Rm~~ | |
| *19* | | *No Administrative Services Cmte* | | |
| 19 | 5:00 pm | Housing and Comm Dev Cmsn | Madison Avenue Mtg Rm | |
| 19 | 5:30 pm | Arts and Culture Commission | Parks and Rec Conf Room | |
| ~~19~~ | ~~7:00 pm~~ | ~~Planning Commission~~ | ~~Downtown Fire Station~~ | |
| 20 | 11:00 am | Public Participation Task Force | Madison Avenue Mtg Rm | |
| 20 | 6:30 pm | Parks, Natural Areas, and Rec Brd | Downtown Fire Station | |
| 22 | 10:00 am | Government Comment Corner | Library Lobby - Mike Beilstein | |
| *24* | *10:00 am* | *City Legislative Committee* | *City Hall Meeting Room A* | |
| 25 | 5:00 pm | Administrative Services Committee | Library Main Meeting Rm | special meeting |
| 25 | 5:15 pm | Cmsn for Martin Luther King, Jr. | ~~City Hall Meeting Room A~~ *Osborn Aquatic Center Conference Room* | |
| 26 | 5:15 pm | Watershed Management Adv Cmsn | Madison Avenue Mtg Rm | |

### MARCH 2014

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 1 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **3** | **6:30 pm** | **City Council** | **Downtown Fire Station** | |
| 4 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 4 | 2:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 4 | 4:00 pm | Downtown Parking Committee | ~~Downtown Fire Station~~ *Madison Avenue Mtg Rm* | |
| 4 | 5:00 pm | Urban Services Committee | ~~Madison Avenue Mtg Rm~~ *Downtown Fire Station* | |
| 5 | 3:30 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 5 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 5 | 7:30 pm | Library Board | Library Board Room | |
| 6 | 11:00 am | Public Participation Task Force | Madison Avenue Mtg Rm | |
| 7 | 7:00 am | Bicycle and Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 8 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 10 | 3:00 pm | Economic Development Cmsn | Madison Avenue Mtg Rm | |
| 11 | 8:20 am | Citizens Advisory Cmsn on Transit | Madison Avenue Mtg Rm | |
| 11 | *6:30 pm* | Historic Resources Commission | Downtown Fire Station | |
| 12 | 5:30 pm | Downtown Commission | Madison Avenue Mtg Rm | |
| 13 | 8:30 am | Citizens Advisory Cmsn on Civic Beautification and Urban Forestry | Parks and Rec Conf Room | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 15 | 10:00 am | Government Comment Corner | Library Lobby – Linda Modrell | |
| **17** | **6:30 pm** | **City Council** | **Downtown Fire Station** | |
| 18 | 2:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 18 | 5:00 pm | Urban Services Committee | ~~Madison Avenue Mtg Rm~~ *Downtown Fire Station* | |
| 19 | 12:00 pm | Housing and Comm Dev Cmsn | Madison Avenue Mtg Rm | |
| 19 | 3:30 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 19 | 5:30 pm | Arts and Culture Commission | Parks and Rec Conf Room | |
| 19 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 20 | 11:00 am | Public Participation Task Force | Madison Avenue Mtg Rm | |
| 20 | 6:30 pm | Parks, Natural Areas, and Rec Brd | Downtown Fire Station | |
| 22 | 10:00 am | Government Comment Corner | Library Lobby - Biff Traber | |
| 26 | 5:15 pm | Watershed Management Adv Cmsn | Madison Avenue Mtg Rm | |
| 29 | 10:00 am | Government Comment Corner | Library Lobby - Penny York | |
| *31* | *5:30 pm* | *City Council/County Board of Commissioners* | *County Sunset Center* | |

## APRIL 2014

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 1 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 1 | 4:00 pm | Downtown Parking Committee | Downtown Fire Station | |
| 2 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 2 | 7:30 pm | Library Board | Library Board Room | |
| 4 | 7:00 am | Bicycle and Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 5 | 10:00 am | Government Comment Corner | Library Lobby - Hal Brauner | |
| **7** | **6:30 pm** | **City Council** | **Downtown Fire Station** | |
| 8 | 8:20 am | Citizens Advisory Cmsn on Transit | Madison Avenue Mtg Rm | |
| 8 | 2:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 8 | 5:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 8 | *6:30 pm* | Historic Resources Commission | Downtown Fire Station | |
| 9 | 3:30 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 9 | 5:30 pm | Downtown Commission | Madison Avenue Mtg Rm | |
| 10 | 8:30 am | Citizens Advisory Cmsn on Civic Beautification and Urban Forestry | Parks and Rec Conf Room | |
| 10 | 11:00 am | Public Participation Task Force | Madison Avenue Mtg Rm | |
| 10 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 12 | 10:00 am | Government Comment Corner | Library Lobby - Julie Manning | |
| 14 | 3:00 pm | Economic Development Cmsn | Madison Avenue Mtg Rm | |
| 16 | 12:00 pm | Housing and Comm Dev Cmsn | Madison Avenue Mtg Rm | |
| 16 | 4:00 pm | Public Art Selection Commission | Parks and Rec Conf Room | |
| 16 | 5:30 pm | Arts and Culture Commission | Parks and Rec Conf Room | |
| 16 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 17 | 6:30 pm | Parks, Natural Areas, and Rec Brd | Parks and Rec Conf Room | |
| 17 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 19 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **21** | **6:30 pm** | **City Council** | **Downtown Fire Station** | |
| 22 | 2:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 22 | 5:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 22 | 5:15 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 22 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 23 | 3:30 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 23 | 5:15 pm | Watershed Management Adv Cmsn | Madison Avenue Mtg Rm | |
| 24 | 11:00 am | Public Participation Task Force | Madison Avenue Mtg Rm | |
| 24 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 26 | 10:00 am | Government Comment Corner | Library Lobby - Mike Beilstein | |
| 29 | 7:00 pm | Budget Commission | Downtown Fire Station | |

## MAY 2014

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| *1* | *7:00 pm* | *Budget Commission* | *Downtown Fire Station* | |
| *2* | *7:00 am* | *Bicycle and Pedestrian Adv Cmsn* | *Madison Avenue Mtg Rm* | |
| *3* | *10:00 am* | *Government Comment Corner* | *Library Lobby - TBD* | |
| ***5*** | ***6:30 pm*** | ***City Council*** | ***Downtown Fire Station*** | |
| *6* | *7:00 am* | *Airport Commission* | *Madison Avenue Mtg Rm* | |
| *6* | *2:00 pm* | *Human Services Committee* | *Madison Avenue Mtg Rm* | |
| *6* | *4:00 pm* | *Downtown Parking Committee* | *Downtown Fire Station* | |
| *6* | *5:00 pm* | *Urban Services Committee* | *Madison Avenue Mtg Rm* | |
| *6* | *7:00 pm* | *Budget Commission* | *Downtown Fire Station* | |
| *7* | *3:30 pm* | *Administrative Services Committee* | *Madison Avenue Mtg Rm* | |
| *7* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| *7* | *7:30 pm* | *Library Board* | *Library Board Room* | |
| *8* | *8:30 am* | *Citizens Advisory Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| *10* | *10:00 am* | *Government Comment Corner* | *Library Lobby - Penny York* | |
| *12* | *3:00 pm* | *Economic Development Cmsn* | *Madison Avenue Mtg Rm* | |
| *12* | *7:00 pm* | *City Council Quarterly Work Session* | *Madison Avenue Mtg Rm* | *tentative* |
| *13* | *8:20 am* | *Citizens Advisory Cmsn on Transit* | *Madison Avenue Mtg Rm* | |
| *13* | *6:30 pm* | *Historic Resources Commission* | *Downtown Fire Station* | |
| *14* | *5:30 pm* | *Downtown Commission* | *Madison Avenue Mtg Rm* | |
| *15* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| *17* | *10:00 am* | *Government Comment Corner* | *Library Lobby - TBD* | |
| ***19*** | ***6:30 pm*** | ***City Council*** | ***Downtown Fire Station*** | |
| *20* | *2:00 pm* | *Human Services Committee* | *Madison Avenue Mtg Rm* | |
| *20* | *5:00 pm* | *Urban Services Committee* | *Madison Avenue Mtg Rm* | |
| *21* | *12:00 pm* | *Housing and Comm Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| *21* | *3:30 pm* | *Administrative Services Committee* | *Madison Avenue Mtg Rm* | |
| *21* | *5:30 pm* | *Arts and Culture Commission* | *Parks and Rec Conf Room* | |
| *21* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| *24* | *10:00 am* | *Government Comment Corner* | *Library Lobby - TBD* | |
| *26* | | *City holiday - all offices closed* | | |
| *27* | *5:15 pm* | *Cmsn for Martin Luther King, Jr.* | *City Hall Meeting Room A* | |
| *31* | *10:00 am* | *Government Comment Corner* | *Library Lobby - TBD* | |

**Bold** type – involves the Council

~~Strikeout~~ type – meeting canceled

*Italics* type – new meeting

CIP – Capital Improvement Program

HRC – Historic Resources Commission

PC – Planning Commission

TBD – To be Determined

# MEMORANDUM

| | |
|---|---|
| **To:** | **Mayor and City Council** |
| **From:** | **Ken Gibb, Community Development Director** |
| **Date:** | **February 12, 2014** |
| **Subject:** | **Campus Crest - Planning Commission Recommendation and Additional Testimony Regarding Conditions of Approval to be Applied to the Planned Development and Subdivision Requests (PLD13-00003 and SUB13-00001)** |

Attached to this memorandum is the corrected Notice of Disposition which captures the Planning Commission's recommendation regarding Conditions of Approval and Development Related Concerns that should be applied to the Campus Crest Planned Development and Subdivision requests **(Exhibit A).** The Planning Commission met in a special meeting on January 29, 2014, deliberated, and voted to recommend this set of conditions and development related concerns for your consideration. To inform the Planning Commission's discussion on January 29, 2014, a staff report was prepared, which included staff's analysis of the applicant's Planned Development and Subdivision requests, from the August 23, 2013, Planning Commission Staff Report; staff's proposed conditions of approval; and issues identified by the Planning Commission during their deliberations on the application on October 16, 2013 **(Exhibit B).** A prior version of the Notice of Disposition was distributed, but upon receipt and review of the draft Planning Commission meeting minutes, it was evident that staff notes differed slightly from the actual wording of motions made at the meeting. The corrected Notice of Disposition was prepared with reference to staff notes, draft minutes, and the recording of the meeting to ensure accuracy. The Planning Commission Chair has reviewed and signed the corrected Notice.

Also, attached to this Memorandum you will find additional public testimony, including a letter received on February 11, 2014, from the applicant **(Exhibit C).** Staff have not excluded any additional testimony received regarding the Campus Crest application after the close of record on December 10, 2013. Because the Council will be re-opening the public hearing to allow testimony only regarding appropriate conditions of approval to be applied to the Planned Development and Subdivision, Councilors will need to determine which portions of the submitted testimony are relevant to the question of conditions of approval, and will need to consider only that portion of the testimony in your deliberations.

Following the public testimony, you will find an email with questions asked of staff by Councilor Sorte on February 10, 2014, along with staff's responses **(Exhibit D)**. Also attached are the draft minutes from the Planning Commission's January 29, 2014, special meeting **(Exhibit E)**.

At the February 18, 2014, City Council meeting, the Council is asked to re-open the public hearing to hear testimony regarding the Planning Commission's recommended conditions of approval, then to close the hearing, deliberate, and make preliminary decisions regarding the Planned Development and Subdivision requests, subject to adoption of formal findings to

support the City Council's decisions at a subsequent City Council meeting. Motions for consideration are provided below:

**Requested Action – Conceptual and Detailed Development Plan (Planned Development)**

**Motions for Consideration:**

**Option A:**
**I move to uphold the Planning Commission's decision to deny the Planned Development request (PLD13-00003) based on the City Council's findings in deliberation on the Planned Development request, subject to the adoption of Formal Findings at a subsequent City Council meeting.**

**Option B:**
**I move to approve the Planned Development request (PLD13-00003) brought forth by the applicant on appeal, consistent with the City Council's decision to approve the Comprehensive Plan Amendment (CPA11-00002) and Zone Change (ZDC11-00005), and upon the City Council's findings on this matter. This motion is based on findings and proposed conditions of approval in the August 23, 2013, staff report to the Planning Commission, as modified by the Planning Commission's recommended Conditions of Approval and Development Related Concerns (Order # 2014-004), and findings presented by the City Council during their deliberations, subject to the adoption of Formal Findings at a subsequent City Council meeting.**

**Option C:**
**I move to approve the Planned Development request (PLD13-00003) brought forth by the applicant on appeal, consistent with the City Council's decision to approve the Comprehensive Plan Amendment (CPA11-00002) and Zone Change (ZDC11-00005), and upon the City Council's findings on this matter. This motion is based on findings and proposed conditions of approval (as modified by the City Council) in the August 23, 2013, staff report to the Planning Commission, and findings presented by the City Council during their deliberations, subject to the adoption of Formal Findings at a subsequent City Council meeting.**

**Requested Action – Subdivision**

**Motions for Consideration:**

**Option A:**
**I move to uphold the Planning Commission's decision to deny the Subdivision request (SUB13-00001) based on the City Council's findings in deliberation on the Subdivision request, subject to the adoption of Formal Findings at a subsequent City Council meeting.**

**Option B:**
**I move to approve the Subdivision request (SUB13-00001) brought forth by the applicant on appeal, consistent with the City Council's decision to approve the Comprehensive Plan Amendment (CPA11-00002) and Zone Change (ZDC11-00005), and upon the City Council's findings on this matter. This motion is based on findings and proposed conditions of approval in the August 23, 2013, staff report to the Planning Commission, as modified by the Planning Commission's recommended Conditions of**

**Approval and Development Related Concerns (Order # 2014-004), and findings presented by the City Council during their deliberations, subject to the adoption of Formal Findings at a subsequent City Council meeting.**

**Option C:**
**I move to approve the Subdivision request (SUB13-00001) brought forth by the applicant on appeal, consistent with the City Council's decision to approve the Comprehensive Plan Amendment (CPA11-00002) and Zone Change (ZDC11-00005), and upon the City Council's findings on this matter. This motion is based on findings and proposed conditions of approval (as modified by the City Council) in the August 23, 2013, staff report to the Planning Commission, and findings presented by the City Council during their deliberations, subject to the adoption of Formal Findings at a subsequent City Council meeting.**

**Exhibits:**

**A.** Planning Commission's Corrected Notice of Disposition, containing recommended Conditions of Approval and Development Related Concerns, signed February 10, 2014

**B.** January 22, 2014, Planning Commission Staff Report regarding Planned Development and Subdivision Requests

**C.** Additional public testimony received after the close of record on December 10, 2013

**D.** February 10, 2014, email questions from Councilor Sorte, along with staff's responses

**E.** Draft Planning Commission meeting minutes from the January 29, 2014, Special Meeting

Review and Concur:

Jim Patterson, Corvallis City Manager

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

# CORVALLIS PLANNING COMMISSION
# CORRECTED* NOTICE OF DISPOSITION

**ORDER 2014-004**

**CASE:** **Campus Crest / The Grove - Conceptual and Detailed Development Plan and Subdivision (PLD13-00003, and SUB13-00001)**

**REQUEST:** The applicant requests approval of a Conceptual and Detailed Development Plan to develop a 296-unit apartment complex. As part of the development plan, the applicant requests approval of a Major Replat/Subdivision of Parcel 1 of Partition Plat 2001-04, to create three development parcels, two private street tracts, seven open space tracts, three stormwater drainage tracts, and right-of-way dedications for existing and proposed streets.

On January 6, 2014, the City Council requested that the Planning Commission prepare a recommendation regarding Conditions of Approval for the Planned Development and Subdivision decisions referenced above. The Planning Commission met on January 29, 2014, and prepared a recommendation regarding these Conditions of Approval. This Notice of Disposition is not a land use decision, but rather, memorializes the Planning Commission's recommendation to the City Council.

*On February 3, 2014, the Planning Division issued a Notice of Disposition (Order # 2014 – 004) containing what staff believed to be an accurate summary of the Planning Commission's recommended conditions; however, upon receipt of the draft minutes from the Planning Commission's January 29, 2014, meeting, it became evident that there were some differences between what had been captured in Order # 2014 – 004, and some of the specific language in motions that were approved. This corrected Notice of Disposition identifies the motion language as captured by the Minutes Recorder, and identifies the differences between Order # 2014 – 004 and the recorded minutes with double underline indicating new language, and ~~strikeout~~ for language that should be eliminated.

| **OWNER:** | **APPLICANT:** |
|---|---|
| SA Group Properties, Inc.<br>Attn. David Casty<br>3121 Michelson Drive, Suite 500 LM-CA-DI6P<br>Irvine, CA 92612 | Campus Crest Communities<br>Attn. Chris Russ<br>2100 Rexford Rd., Ste. 414<br>Charlotte, NC 28211 |

**LOCATION:** The subject property is located north of NW Harrison Blvd., about 0.4 miles east of SW 53rd Street, and south of the terminus of NW Circle Blvd. The site is to the north of the OSU Dairy Barn on Harrison Blvd. The site is comprised of tax lots 1000, 1100, and 1101 of Benton County Assessor's Map 11-5-33 and tax lot 2300 0f Benton County Assessor's Map 11-5-28.

**DECISION:** The Planning Commission held a special public meeting on January 29, 2014, to prepare recommended Conditions of Approval for the Campus Crest Planned Development and Subdivision proposals, which are currently under consideration on appeal by the City Council. Because the record of decision was closed by the City Council, no additional public testimony was heard or received by the Planning Commission at the January 29, 2014, meeting.

The Planning Commission's recommended Conditions of Approval and Development Related Concerns are attached to this Notice of Disposition.

Because the Planning Commission's recommendation on this matter is not a decision, the recommendation is not appealable. Because the Planning Commission's recommendation to the City Council may be considered new information, the City Council will consider the Planning Commission's recommendation in a re-opened public hearing with the limited scope of the Planning Commission's recommended Conditions of Approval. Once the City Council makes a final decision on this land use application, that decision may be appealed to the State Land Use Board of Appeals (LUBA).

Jennifer Gervais, Chair
Corvallis Planning commission

Signed this 3rd day of February, 2014

**Recommended Conditions of Approval Recommended by the Planning Commission:**

| Cond# | CONDITION |
|---|---|
| 1 | **Consistency with Plans** – Development shall comply with the narrative and plans identified in **Attachment N**, except as modified by the conditions below, or unless a requested modification otherwise meets the criteria for a Minor Planned Development Modification. Such changes may be processed in accordance with Chapter 2.5 of the LDC. |
| 2 | **Lighting** – Prior to issuance of building permits for on-site lighting, and issuance of Public Improvement Under Private Contract (PIPC) Permits for development, the applicant shall submit lighting plans which demonstrate that site or public street lighting shall comply with the site and street lighting requirements of LDC Section 4.2.80. |
| 3 | **Signage** – All future signage on the site shall comply with the requirements of LDC Chapter 4.7 – Sign Regulations. Sign permits shall be obtained, where required. |
| 4 | **Landscaping** – The following landscaping provisions shall apply to overall development of the site:<br>Landscape and Irrigation Plans – Prior to issuance of building permits, and concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit landscape construction documents for this site to the Development Services Division, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Required landscaping shall be consistent with the Conceptual Landscape Plan submitted with this application (applicant's **Attachment N**).<br>Submitted Landscape Plans shall include the following elements:<br>a. The applicant's requested variation to the LDC's street tree spacing requirements to accommodate fire access needs, resolve conflicts with necessary utility locations, and address landscape requirements adjacent to streets through protected resource areas is approved, as generally depicted on Sheets P9.1 – P9.3 from **Attachment N**. As a compensating benefit for the requested variation, the applicant shall provide at least 696 trees to be planted on the site, to be generally consistent with locations shown on the Conceptual Landscaping Plans in **Attachment N**. Trees shall be a minimum 2-inch caliper size and submitted landscape plans shall number trees to demonstrate compliance with this requirement.<br>b. Landscape plans shall show that portions of streets that will pass through protected vegetation, wetland, and riparian areas will be constructed with curbside sidewalks with no planted area to the outside of |

the sidewalk (unless approved through a future restoration plan reviewed by Community Development Staff).

c. Landscape plans shall demonstrate that outdoor components associated with heat pumps and similar equipment are screened in accordance with the requirements of LDC 3.6.30.k, where applicable.

d. Landscape plans shall demonstrate compliance with the Green Area requirements of LDC Section 3.6.50.

e. Within one year of issuance of an occupancy permit for the first residential building on the site, the applicant shall re-vegetate the 420 lineal feet along the riparian corridor within the site that is currently without adequate vegetation. Prior to installation, the applicant shall submit a re-vegetation plan to Development Services Staff to ensure consistency with LDC Section 4.13.50.d. Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, for a period of five years, and consistent with the procedures identified in LDC Section 4.2.20.

f. Landscape plans shall be coordinated with PIPC plans and other improvements through the development of a "streetscape plan" as a component of applicable PIPC permits. Landscape plans shall be consistent with LDC Section 4.2.30.b –Areas Where Trees May Not be Planted.

Installation – All required landscaping and related improvements on the 24.6 acre apartment development site shall be installed as illustrated on the approved Landscape and Irrigation Permit, and shall be completed prior to issuance of a final Certificate of Occupancy. The applicant's submitted landscape plans shall include a phasing plan for landscape improvements associated with each building, to be reviewed and approved by City Staff, to ensure that all required landscaping is in place with each phase and throughout the development site. The installation will be inspected and approved by the Development Services Division, and shall occur prior to or concurrent with final inspections for site construction permits.

Three-Year Maintenance Guarantee – Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, as specified in LDC 4.2.20.

Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years.

Three-Year Maintenance Guarantee Release - The developer shall provide a report to the Development Services Division just prior to the end of the three year maintenance period, as prescribed in
Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

| | |
|---|---|
| 5 | **Development Size** – As requested by the developer, the approval of the DDP is limited to a maximum of 296 dwelling units as stated on Page 2 of the application for the CPA and ZDC. This requested condition serves to limit potential off-site traffic impacts consistent with OAR 660-012-0060 (2) (e) and (3). |
| 6 | **Issuance of Building Permits** – Consistent with LDC section 4.0.20 and council policy CP91-7.04, no building permits for foundations or structures shall be issued until all public improvements required for the approved development are complete and accepted by the City Engineer. |
| 7 | **Sidewalk Improvements** – Sidewalks shall be installed consistent with the applicant's plan and LDC section 4.0.30 including timing of installation. In order to ensure safe and convenient pedestrian passage, and to satisfy the City's "to and through" policies, necessary connections to existing sidewalks, including the sidewalk along the north side of NW Harrison Boulevard, shall be extended and connect with the proposed pedestrian facilities within and along the site frontages. |
| 8 | **Marked Crosswalks in the Public ROW** - The City has a Council Policy (CP91-9.01) on when crosswalks should be marked. Any crosswalks shown not meeting that policy in the public ROW will need to be removed from the PIPC construction plans. |
| 9 | **Multi-use Paths** – All multi-use paths identified on the plans shall be paved and 12-feet wide. Paving materials for public multi-use paths shall be concrete Per LDC section 4.10.70.03. |
| 10 | **Sidewalk maintenance** - Maintenance of all private sidewalks and multi-use paths, and sidewalks within public access easements, shall be the responsibility of the property owner. |
| 11 | **Transit Facilities** – Prior to issuance of an occupancy permit for the first residential building on the site, transit shelter easements and standard concrete shelter pads shall be provided along NW Circle Boulevard. The exact locations and dimensions of transit shelter pads shall be determined as part of the public improvement plan review. All right-of-way dedications or easements for transit facilities shall be shown on the final plat. |
| 12 | **Witham Hill Dr. and Circle Blvd. 4-way Stop** - The intersection of Witham Hill Dr. and Circle Blvd. shall be reviewed after construction of NW Circle Blvd. and prior to the end of the warranty period for public improvements including Circle Blvd. The developer's traffic engineer shall provide an update to the Mitigation Alternative Study for Circle Blvd. and Witham Hill Dr. intersection based on MUTCD standards for multi-way stop applications. If upon review of the study, the City Engineer determines stop signs should be installed, City Crews will install the stop signs and associated striping and the developer will be billed for the cost of installation. |
| 13 | **Private Streets** - A private maintenance agreement with enforcement provisions to ensure maintenance for this facility shall be established in accordance with LDC section 4.0.60.d. |
| 14 | **NW Harrison Boulevard Street Improvements** - A permit for public improvements will be required from the County for improvements to NW |

| | |
|---|---|
| | Harrison Blvd. Typically the County will default to City Standards within the UGB. City and County staff have discussed the improvements along NW Harrison Blvd. and improvements proposed by the applicant are consistent with City and County standards. Improvements to NW Harrison should include: 12-foot travel lanes, a 12-foot continuous center turn lane, 6-foot bike lanes, standard curb and gutter on the north side, a 12-foot planter strip on the north side (except where curbside due to natural features), and a 12-foot wide multiuse path. A turn lane shall be provided for east bound traffic at NW Circle Blvd. The Applicant shall install a continuous center median allowing for site accesses and street intersections on Harrison Blvd., as approved by Benton County. |
| 15 | **NW Circle Boulevard Street Improvements** - NW Circle Boulevard shall be constructed to full City standards from its terminus at the site's northern property boundary, south through the site, to the intersection with NW Harrison Boulevard. Proposed cross-sections are shown on sheet P5.5 and generally include: a 5-foot sidewalk and a 12-foot planter strip on the west side (except where there are curbside sidewalks due to natural features), 6-foot bike lanes, 10-foot travel lanes, and a 12-foot planter strip and a 12-foot multi-use path on the east side. A 10-foot wide turn lane shall be provided on Circle Blvd at Street 'A', and at Harrison Blvd. Where access is needed adjacent to the storm drainage tract H, parking for maintenance vehicles is provided. Any proposed re-alignments of NW Circle Boulevard shall be considered a **Major Modification** due to potential infringement on existing wetlands. |
| 16 | **Local Street Improvements** - All local streets shall be constructed to City standards, unless otherwise approved with this application. The East-West local street has been approved to be constructed to a local connector street standard. |
| 17 | **Street Lights** – Consistent with LDC section 4.0.60.r, the applicant shall provide an engineered design for street light installation, obtain appropriate electrical permits from Development Services Division, and install the street light system concurrent with public improvements. See also Condition #2. |
| 18 | **Public Improvements** – Public improvements shall be constructed in a single phase. In accordance with LDC 4.0.60.e and LDC 4.0.70, all development sites shall be provided with access to a street, public water, sanitary sewer, storm drainage, and street lights. 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 by private contract (PIPC) from the City's Engineering Division per LDC section 4.0.80. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Street signs and curb markings will be reviewed and approved with the PIPC plans. Final utility alignments that maximize separation from adjacent utilities |

| | |
|---|---|
| | and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations. As part of the public improvement plans, the applicant shall include a "streetscape" plan that incorporates the following features: composite utility plan; street lights; proposed driveway locations; vision clearance triangles for each intersection; street striping and signing (in conformance with the MUTCD); and proposed street tree locations. Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80. |
| 19 | **Slopes Adjacent to the ROW** – Slopes adjacent to the ROW shall not exceed the slopes shown in the City's Standard Detail 101, Typical Street Sections, from the City of Corvallis Standard Construction Specifications. Retaining walls in or adjacent to the ROW will not be allowed unless approved by the City Engineer. |
| 20 | **2nd Level Waterline** - The applicant shall install a minimum 16-inch waterline within the NW Circle Blvd. extension and new local street 'A'. The 16-inch line in public street 'A' shall extend to the western property line. A 12-inch second level waterline shall loop from the 16-inch waterline in NW Circle Blvd. to the existing 2nd level waterline in NW Elizabeth. The final location of the waterlines will also need to account for tree plantings to avoid conflicts.<br><br>If appropriate easements are not available to loop the 2nd level NW Circle Boulevard waterline to the NW Elizabeth Place waterline, the applicant shall extend the NW Circle Boulevard waterline south to the intersection with the existing City easement adjacent to the Beit Am property, and a flushing station shall be installed at this terminus that contains a meter service, a backflow prevention system, and connection to the public sewer system on NW Harrison Boulevard. The looping of the waterline and/or installation of the flushing station shall be constructed concurrent with development as determined by the City Engineer. |
| 21 | **Private Storm Drainage and Sanitary Sewer** - Installation of the private storm drainage system and sanitary sewer will be subject to permitting through the City's Development Services Division. It will also need to be shown on the PIPC plans to evaluate how the public and private systems work together. A private maintenance agreement with enforcement provisions to ensure maintenance of private storm drainage and sanitary sewer facilities shall be established in accordance with LDC sections 4.0.70.f and 4.0.60.d prior to permitting these improvements or submitting the final plat. The private storm drain sanitary sewer lines shall have a private "joint and several" maintenance easement that will allow lot owners access for maintenance purposes over the entire line. |
| 22 | **Sewer Extension in NW Harrison Blvd.** – To comply with LDC 4.0.70.c and 4.0.70.d, with development of the property it shall be demonstrated that the extension of sewer through the property provides adequate depth to provide service to the adjacent property to the west (OSU). If the sewer shown in |

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| | public street 'A' is not adequate to serve the entire property (especially the existing structures) a minimum 8-inches diameter sewer shall be extended from the current sewer in NW Harrison Blvd. If the adjacent property is served by an extended sewer in Harrison, sewer in public street 'A' would not need to provide service to the adjacent property. |
| 23 | **Maintenance Access to Public Facilities** - Access structures and appropriate access easements shall be provided for all public sewer and stormwater manholes, detention, and water quality facilities not located in public right-of-way. Access structures shall be all-weather, minimum 15' wide, and capable of supporting 60,000 pound maintenance vehicles. The access structures shall extend to within 10' of all manholes, with no more than a 15' back-up length, unless otherwise approved by the City Engineer. |
| 24 | **Off-site Stormwater Drainage and Easements** - Development-generated stormwater runoff from the site shall not be allowed to cross private property without appropriate easements from impacted property owners. OSU owns property downstream of the proposed development site which is located in Benton County outside the City limits. The following procedure shall be followed for off-site drainage easements:<br><br>Applicants Shall Describe the Existing Drainage Situation. A physical description of drainage features from the development site downstream to the first existing public facility should be provided. Information on the presence or absence of a defined channel, the extent of the presence of water in the system, the type of vegetation and its tolerance for hydrological changes, the type of land uses being employed, groundwater characteristics, and any other relevant physical characteristic should be provided. (A known hydrological change caused by development is an increase in dry season flows due to irrigation and/or intercepted groundwater.)<br><br>A discussion of the existing drainage legal situation should also be provided. A list of downstream property owners and any known storm drainage easements or other access rights should be provided. Any previous disputes should be documented.<br><br>Applicants Shall Make a Good Faith Effort to Obtain Easements. Written and personal contact should be made with affected downstream property owners and documentation furnished to the City. If objections are raised, resolution alternatives should be considered. Compensation offers should be made based upon easement fair market value established by professional appraisals. Physical improvements to the drainage system could be considered. Benefits associated with an established public drainage system in the area could be discussed. Existing drainage problems could be resolved.<br><br>If it is demonstrated that easements cannot be obtained as described above, the following conditions shall be met: |

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| | Applicants Shall Engineer Solutions to Minimize Downstream Impacts. Features such as detention, infiltration, water conserving landscaping (no automatic irrigation systems), minimal impervious area, commitments to low impact weed and pest control, water quality treatment, or other applicable solutions should be considered. These solutions shall be prepared by a registered professional engineer and conform as closely as possible to criteria contained in the City of Corvallis Stormwater Master Plan and King County Surface Water Design Manual.<br><br>Drainage Facilities Shall Remain Private. Any drainage facility installed under this process without public easements shall remain private in perpetuity.<br><br>Applicants Shall Indemnify the City of Corvallis. The applicant shall provide an indemnification and hold harmless agreement acceptable to the City Attorney's Office protecting the City of Corvallis, its officers, employees, volunteers and agents against any drainage related action, claim for injury or damage and all loss, liability, cost or expense, including court costs and attorney fees, growing out of or resulting directly or indirectly from construction, installation, operation and maintenance of the land division and subsequent development. This indemnification shall be a covenant running with the land, and shall be binding upon the Owner and Owner's heirs, executors, administrators, successors, assigns, lessees, sub-lessees, tenants and sub-tenants forever.<br>Applicant's Attorney Shall Provide Legal Opinion. The applicant's attorney shall provide a written legal opinion that the proposed approach is consistent with Oregon water law.<br><br>City May Consider Condemnation. On a case-by-case basis, City staff may present the Corvallis City Council with a recommendation to pursue condemnation of the public drainage easements. It is expected that this would be an unusual situation based on a demonstrated high degree of public benefit and/or risk. |
| 25 | **Franchise Utilities** - Prior to issuance of public improvement permits, the applicant shall submit, as part of the public improvement plan set, an overall site utility plan that shows existing and proposed franchise utility locations, including vaults, poles and pedestals. The proposed franchise utilities shall conform to requirements outlined in the LDC section 4.0.90 including provision of appropriate utility easements. The applicant shall provide confirmation the franchise utilities have reviewed these plans prior to review by the City. |
| 26 | **Franchise Utility Easements** - According to LDC Section 4.0.100.b, a minimum 7-foot Utility Easement (UE) is required adjacent to all street ROWs and shall be shown on the plat. |
| 27 | **Right-of-Way Dedication** - The applicant shall dedicate additional right-of-way as needed along the south and east edges of the property to construct |

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| | Circle Boulevard and NW Harrison Boulevard as proposed in the plans. Approval for the right-of-way dedications for NW Circle Boulevard and NW Harrison Boulevard shall be obtained prior to authorization of plans for public improvements. The applicant shall also dedicate a minimum of 50 feet of right-of-way along all public local streets. The final plat shall include all right-of-way dedications. As part of the Public Improvements process, the applicant shall demonstrate that the proposed right-of-way widths will be feasible to construct all streets as proposed in the plans without impinging on adjacent properties or impacting wetlands beyond what is necessary to provide a functional transportation system. |
| 28 | **ROW Dedication/Easements** - Per LDC Section 4.0.100.f, any easements or ROW dedications shall be shown on the plat. Easements for water, sewer, and storm drainage shall be provided for facilities located outside the ROW. Minimum easement width shall be per LDC section 4.0.100.a. An environmental assessment for all land to be dedicated must be completed in accordance with LDC Section 4.0.100.g. |
| 29 | **Storm Water Quality and Detention Design** - All storm water quality and detention facilities shall be designed consistent with criteria outlined in Appendix F of the City's Storm Water Master Plan, and criteria outlined in the King County Surface Water Design Manual. As per King County criteria, if side slopes steeper than the standard 3H:1V are proposed, or if embankment heights exceed 6 feet, they shall be designed by a licensed geotechnical engineer. As part of the plans for public improvements, the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that all storm drainage facilities are designed to match pre and post development flows up to the 2, 5, and 10-year storm events. Design of all detention and water quality facilities shall be performed by a qualified licensed professional engineer and shall be subject to the review and approval of the City Engineer. |
| 30 | **Storm Water Quality and Detention Facility Landscaping** - The design for the storm water quality and detention facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the detention and water quality facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. The applicant shall see that all associated functional landscaping associated with the storm water quality and detention facilities be installed, or that appropriate erosion and sediment control measures are in place, prior to any paving activity on the development site. All detention and water quality facilities landscaping shall be consistent with City and King County criteria, and shall be designed prior to acceptance of the public improvement plans. All water quality and detention landscaping shall be designed and approved by a qualified landscape architect. |
| 31 | **Maintenance of Storm Water Quality and Detention Facilities** - The applicant shall provide a stormwater maintenance plan (in accordance with City and King County criteria), and a stormwater facilities agreement (in accordance with City criteria) for the realigned portion of the NW Circle |

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| | Boulevard drainageway. Because the water quality facilities are an integral component of the wetland preservation plan and the detention facilities are in close proximity and/or located within wetland mitigation areas, the warranty period shall be coincident with the wetland mitigation monitoring plan time frame, or two years from acceptance, whichever is longer. |
| 32 | **Private Stormwater Detention** - Concurrent with development, stormwater detention shall be implemented. The storm water detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual, and should be designed to capture and release run-off so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. Installation of the private storm drainage system will be subject to permitting through the City's Development Services Division. The use of pervious pavements may reduce the contributing area used in the detention volume calculations. A private maintenance agreement with enforcement provisions to ensure maintenance for this facility shall be established in accordance with LDC sections 4.0.70.f and 4.0.60.d. |
| 33 | **Standards for Off-street Parking and Access** – Per LDC section 4.1.40, a permit from the Development Services Division will be required to construct parking, loading, and access facilities and installation of the parking lot will need to be consistent with the City's Off-Street Parking and Access Standards. |
| 34 | **NW Circle Boulevard Drainageway** - As part of the plans for public improvements, the applicant shall include a detailed plan for realignment of the NW Circle Boulevard drainageway where it conflicts with the NW Circle Blvd. extension consistent with the Stormwater Maintenance Plan and the King County criteria. At a minimum, this plan shall address re-establishment of vegetation, shading, facilitation of drainageway migration, and water quality protection for the wetlands consistent with DSL requirements and approval. The sidewalk in this area may be located curbside to avoid creek crossings and to minimize impacts to the drainageway and grading. |
| 35 | **Drainageway Easements and Maintenance** - As part of the plans for public improvements, the applicant shall provide a drainageway easement along the entire length of the NW Circle Boulevard drainageway, except where it is public ROW. The drainageway easement shall be consistent with Land Development Code criteria in table 4.13-2 and the City's Drainage Master Plan. The applicant shall provide a stormwater maintenance plan (in accordance with King County criteria), and a stormwater facilities agreement (in accordance with City criteria) for the realigned portion of the NW Circle Boulevard drainageway. Because preservation of this drainageway is an integral component of the wetland preservation plan, the warranty period shall coincident with the wetland mitigation monitoring plan time frame, or two years from acceptance, whichever is longer. The drainageway easement shall be recorded with the final plat for the first phase of development. |
| 36 | **Drainageway signs** - Public improvement plans shall delineate the |

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| | drainageway easement and shall denote locations for installation of the City's standard "Riparian Area" protection/informational signs. The signs shall be purchased and installed by the developer concurrent with the installation of the public improvements. |
| 37 | **Other Agency Permits** – All other agency permits necessary to determine final design of the PIPC Plans such as Department of State Lands, Corps of Engineers, and Department of Environmental Quality shall be obtained and a copy provided to the City prior to authorization of the PIPC plans. Substantial revisions to the plans due to State requirements may require a Planned Development Modification as determined by the Community Development Department. |
| 38 | **Unassigned Parking** – In accordance with LDC Section 4.1.20.k, the applicant shall maintain at all times at least 113 unassigned automobile parking spaces (15% of required) and 96 unassigned bicycle parking spaces (15% of required), located such that they are available for shared use by all occupants within the development. If necessary, signage, striping, or other means shall be used to differentiate unassigned parking from assigned parking areas. |
| 39 | **Windows and Doors** – The applicant shall demonstrate, at the time of building permit submittal, that all facades of all proposed buildings facing streets, sidewalks, and multi-use paths on the site shall contain a minimum area of 15 percent windows and/or doors, consistent with the requirements of LDC Section 4.10.60.01.c. Adjustments to submitted building designs are allowed to the extent necessary to comply with this requirement. |
| 40 | **Recesses and Extensions** – The applicant shall demonstrate, at the time of building permit submittal, that all buildings comply with the standards in LDC Section 4.10.60.04.b.2. Adjustments to submitted building designs are allowed to the extent necessary to comply with this requirement. |
| 41 | **Conservation Easement** – In conjunction with final plat approval, the applicant shall record a conservation easement, consistent with the requirements of LDC Section 4.12.60.a.2, to protect the trees within all Highly Protected Significant Vegetation Areas on the site that will not be impacted by the extension of Circle Blvd. |
| 42 | **Geotechnical Report** – Prior to issuance of Excavation and Grading Permits on the site, for either public or private improvements, the applicant shall submit a geotechnical report addressing all issues raised in the applicant's Preliminary Site Assessment Report. |
| 43 | **Final Plat** – To finalize ROW Dedication and ensure the establishment of necessary easements, tracts, and lots within the development, the applicant shall record the Final Plat for the requested subdivision prior to issuance of building permits for any apartment building on the subject site. The plat shall include all proposed trail easements, conservation easements, and other elements, as proposed by the applicant. |
| 44 | **Fire Sprinkler Systems** – Per developer's proposal and agreement, all of the structures on this project will have a NFPA 13D or 13R fire sprinkler system as an AM&M in lieu of OFC compliant Fire Dept. access. |

**Development Related Concerns**

A. NW Circle Blvd. & NW Harrison Blvd intersection and adjacent Driveway Conflicts - City access standards require that driveway accesses be located a minimum of 150' from any other access or collector and/or arterial street intersection. The two adjacent properties to the east of the site have side-by-side driveways within 100 feet of the proposed intersection of NW Circle Boulevard and NW Harrison Boulevard. The driveway closest to the intersection (approximately 50 feet to the east) belongs to a site (Beit Am) that has not yet been developed, and is currently under County jurisdiction. An alternate access off of NW Circle Boulevard is shown in the applicant's plans and is the City's preferred solution. There has been some initial dialogue with Beit Am about this possibility and submitted testimony **(Attachment O)** from Beit Am indicates support for this southerly point of access. The second adjacent driveway to the east belongs to the LDS church, and is one of two site accesses to Harrison. The applicant shows a new driveway cut on the future NW Circle Blvd which would provide a second access for the LDS site if an appropriate easement could be obtained across the strip of land owned by Beit Am. Benton County and the City have an interest in working with the developer, LDS Church, and Beit Am to relocate the westerly LDS driveway on NW Harrison Blvd to NW Circle Blvd. with the construction of NW Circle Blvd.

B. Mailbox Locations - As part of the plans for public improvements, the applicant shall show proposed mailbox locations, with approval from the Post Office, as well as any sidewalk transitions required by City Standards.

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

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

E. SDC Reimbursement - Where it is anticipated that there will be System Development Charge (SDC) reimbursements from City funds to the developer for qualifying extra-capacity facilities built by the developer, the developer shall obtain a written agreement with the City regarding the monetary amount of the requested reimbursement as well as the anticipated construction time line for the

qualifying improvements, prior to initiating construction of these facilities. A written request for SDC reimbursement may be directed to the City Engineer, who will review and forward the request to City Council.

F. ZOB Applications - Zone of Benefit (ZOB) cost recovery may apply for the NW Harrison Boulevard and NW Circle Boulevard street improvements . The applicant may apply for ZOB cost recovery for improvements that benefit other property owners adjacent to the improvements as outlined in chapter 2.16 of the Corvallis Municipal Code. The applicant must submit a written request within one year from the acceptance of the public improvements in order to be considered for reimbursement.

G. Infrastructure Cost Recovery - Infrastructure cost recovery charges may apply to the NW Harrison Boulevard sewer and water lines, and the Dale Drive sewer lines serving or adjacent to the site. The determination of applicable charges will be evaluated during the public improvement review process. Where it is determined that there will be Infrastructure Cost Recovery charges, the developer shall pay their required share of the costs prior to making any connection to any infrastructure system, in accordance with Corvallis Municipal Code 2.18.040.

H. Irrigation Plans - Prior to issuance of public improvement permits, the applicant shall submit, and obtain approval of, irrigation plans for associated landscaping.

I. Tree Plantings - Tree planting locations shall not block street signs, or traffic signals. In addition, trees should not be planted in areas outlined in LDC section 4.2.30.b.

J. Signing & Striping Plans - As part of the public improvement plans, the applicant shall include a plan for street striping and signing. All striping and signing shall conform to the MUTCD and City standards and policies. All costs associated with striping and signing shall be borne by the developer.

K. Street Names & Assigning Street Addresses - All street names need final approval from the Development Services Division prior to filing of the final plat. Street addresses are assigned by the Development Services Division. Requests for street addresses are to be submitted in writing to the Development Services Division accompanied by a copy of the approved tentative or final subdivision plat with the approved street names. The scale of the drawing shall be 1" to 100'. Street addresses will be assigned within 15 working days of receipt of a complete request.

~~L. Access Easement – The applicant should consider providing a public access easement from the north side of the western end of Public Street A, to provide access to the area proposed for Parks dedication in the northwest corner of the site from the new public street.~~

L ~~M~~. Traffic Calming – Transit-friendly traffic calming measures shall be considered in the final design of Circle Blvd. between Dale Drive and Harrison Blvd.

M ~~N~~. Multi-Use Path – The City should work with OSU and Benton County on development of: (1) a multi-use path from Harrison Blvd. to Campus Way or 35th St., and (2) the addition of sidewalks along the south side of Harrison Blvd.

N ~~O~~. Removal of Ditches – The ~~existing ditches on the south side of Harrison Blvd. should be removed, as they are dangerous to bicyclists~~. The drainage ditches along the north side of Harrison Boulevard in front of the LDS Church and Arnold Park should be covered at some point in the future.

O ~~P~~. Bike Lane Widening – The bike lanes on Harrison Blvd., between Witham Drive and 35th St. ~~and 36th St.~~ need to be widened as much as possible, and intruding landscaping and other impediments, such as the old guardrail on the south side and the log on the north side need to be removed or cut back.

P ~~Q~~. Access to Park – The Applicant should consider including access from the Campus Crest site to the City park property to the north. Also, a connection from Buildings 1 and 2 to the multi-use trail to the south should be considered.

Q ~~R~~. Maintenance of Existing Multi-Use Path – Repair and/or resurfacing of the existing multi-use path should be addressed by the City.

R ~~S~~. Open Space Maintenance – In collaboration with the Parks and Recreation Department, the Applicant is encouraged to provide the City with plans for the land to be classified as natural areas/wetland which will not be transferred to the City, including clarification of public access, restoration plans and timetables, and acceptance of responsibilities for assuring that garbage accumulation or illegal camping activities are the Applicant's responsibility.

S ~~T~~. Shielding of Lighting – The Applicant should consider shielding on-site lighting that abuts natural areas, so that light trespass into those areas is minimized.

# MEMORANDUM

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| **To:** | **Planning Commission** |
| **From:** | **Kevin Young, Planning Division Manager** |
| **Date:** | **January 22, 2014** |
| **Subject:** | **Campus Crest / The Grove (CPA11-00002, et. al.) – City Council Request for Recommendation regarding Conditions of Approval for Planned Development and Subdivision** |

At the January 6, 2014, City Council meeting, the City Council deliberated on the Campus Crest application and made a tentative decision (subject to the adoption of formal findings) to approve the requested Comprehensive Plan Amendment and Zone Change requests. However, prior to making a tentative decision on the requested Conceptual and Detailed Development Plan and Subdivision requests, the Council decided to ask the Planning Commission to make a recommendation to the City Council regarding any conditions of approval that would be necessary to ensure that the Conceptual and Detailed Development Plan and Subdivision proposals comply with all applicable decision criteria. A special meeting of the Planning Commission has been scheduled for January 29, 2014, to consider this matter and to forward a recommendation to the City Council.

In addition to the materials presented to the Planning Commission during the Commission's consideration of the application, the Planning Commission is asked to review the additional information in the record that has been provided to the City Council. That information has been provided to you in the form of a compact disc that has been delivered with this Memorandum. Those materials include:

a) The November 22, 2013, Memorandum from the Community Development Director to the Mayor and City Council regarding the Comprehensive Plan Amendment and Appeal of the Zone Change, Planned Development, and Subdivision decisions, along with Exhibits, including the Planning Commission's Notice of Disposition, Planning Commission meeting minutes, the Applicant's appeal, the staff report to the Planning Commission, an index of written testimony received, additional written testimony received after the record was closed for the Planning Commission's decision, staff responses to questions from Planning Commissioners, and, under separate cover, a compact disc with all testimony received by the Planning Commission.

b) Additional public testimony received by the City Council prior to close of record on December 10, 2013. The complete public testimony received by the City Council can be found in the following locations: As an Exhibit to the November 22, 2013, Staff Report to the City Council (if received prior to completion of the staff report), the November 27, 2013, Memorandum from Kevin Young to the Mayor and City Council (containing testimony received after completion of the Council staff report, but prior to 11:30 am

on November 27, 2013), testimony received from November 27, 2013, through the December 2, 2013, City Council public hearing (included as Attachments to the December 2, 2013, Council meeting minutes), and testimony received after the December 2, 2013, public hearing, but prior to the extended close of record on December 10, 2013 (testimony received between 12/2 and 12/10).

c) Dec. 31 Memo that includes motions for consideration; the Applicant's final written argument, received December 17, 2013; and staff responses to questions asked by City Councilors, and

d) City Council meeting minutes from the December 2, 2013, public hearing (and associated Attachments, including received written public testimony) and the January 6, 2014, deliberations.

Because the Planning Commission's review and recommendation is limited to information that is already in the record, the Planning Commission meeting will not include a public hearing or an opportunity for the public to provide additional testimony beyond testimony that is already in the record. When the City Council meets again to consider the Planning Commission's recommendation, they will conduct a public hearing with the limited scope of considering testimony regarding the Planning Commission's recommendation and appropriate conditions of approval that should be placed on the Planned Development and Subdivision. The City Council is tentatively scheduled to consider the Planning Commission's recommendation at a public hearing on February 18, 2014.

To facilitate the Planning Commission's review, staff have provided in this memorandum a complete excerpt of staff's analysis of compliance with all applicable decision criteria for the Planned Development and Subdivision requests from the August 23, 2013, Planning Commission Staff Report, along with staff-recommended conditions of approval and development related concerns from the Staff Report, and a list of the issues identified by the Planning Commission in their deliberations on the application on October 16, 2013. Because there was not an opportunity to fully evaluate the issues raised at the October 16, 2013, meeting, staff will be prepared to discuss these issues, and potential associated conditions of approval, during the Planning Commission's discussion at the January 29th meeting.

It will be important in the Planning Commission's discussion to make sure that all recommended conditions of approval are deemed necessary by the Planning Commission to ensure compliance with applicable criteria for the Planned Development and Subdivision. Applicable criteria are identified by staff and evaluated in detail in the Planned Development and Subdivision portions of the August 23, 2013, Staff Report to the Planning Commission. Commissioners should contact Planning Manager Kevin Young if they have any questions about these materials, applicable criteria, or the recommendation process prior to the meeting on January 29th. Kevin can be reached by phone, at (541) 766-6572, or via email, at kevin.young@corvallisoregon.gov.

**Complete Staff Analysis of Compliance with Applicable Planned Development and Subdivision Criteria (from the August 23, 2013, Planning Commission Staff Report):**

# PLANNED DEVELOPMENT

## FINDINGS OF FACT (LDC 2.0.50.10) AND APPLICABLE LDC REVIEW CRITERIA

**Request** – The applicant requests Conceptual and Detailed Development Plan approval for the development of a 296-unit apartment complex ("The Grove") intended to provide housing primarily for Oregon State University students on the 24.6 acre portion of the site proposed for Medium-High Density Residential development.

Corvallis LDC Section 2.5.50.04 contains the following review criteria which must be satisfied for this application to be approved. Because the Planned Development and Subdivision applications were received on February 19, 2013, after the adoption of Land Development Code Amendments that were adopted on December 13, 2012, this portion of the application is subject to the Land Development Code that was adopted on December 13, 2012. Code criteria are written in **bold, 10 point font** and are followed by findings, conclusions, and conditions where needed to meet criteria.

### APPLICABLE LDC REVIEW CRITERIA

**2.5.50.04 - Review Criteria for Determining Compliance with Conceptual Development Plan**

**Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification.**

### FINDINGS OF FACT

1. Currently there is no approved Conceptual Development Plan for the subject site. As was noted previously, the previously approved Conceptual and Detailed Development Plan for the Witham Oaks development (PLD06-00012, et. al.) (under the current Comprehensive Plan Designations and Zoning) has expired **(Attachment G-2)**. Consequently, the applicant has submitted a request for approval of a Conceptual and Detailed Development Plan for the site. Because the desire is to build the Detailed Development Plan as a comprehensively planned development in a single phase, the Conceptual and Detailed Development Plans for the site are the same.

CONCLUSIONS

Because the Conceptual and Detailed Development Plans for The Grove development are the same, the plans will be precisely consistent with one another. Consequently, the Detailed Development Plan will be consistent with the Conceptual Development Plan, per LDC 2.5.50.04.

**2.5.40.04 - Review Criteria**

**Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:**

FINDINGS OF FACT

1. The following table summarizes the density requirements for the 24.6 acre, RS-12-Zoned, portion of the site. The required density range for development in the RS-12 Zone is 12 – 20 dwelling units per acre. There is no density requirement for the C – OS portion of the site.

| | Size of Development Site | Total Dwelling Units |
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| Minimum Density = 12 dwelling units/acre | 24.6 acres | 295 dwelling units |
| Proposed Density of The Grove | 24.6 acres | 296 dwelling units |
| Maximum Density = 20 dwelling units/acre | 24.6 acres | 492 dwelling units |

2. The adoption of the 2006 Land Development Code fully implements the Comprehensive Plan, as acknowledged by the Oregon Department of Land Conservation and Development (DLCD). Therefore, Comprehensive Plan Policies will be addressed in this portion of the staff report only to the extent that they clarify any ambiguities regarding LDC standards, or where specific variations to LDC standards have been requested.

CONCLUSIONS

Based on the above findings, the proposed development is within the allowed density range of the RS-12 Zone, but very close to the minimum allowed density for the 24.6 acre RS-12 area. Because the Land Development Code fully implements the Comprehensive Plan, compliance with Land Development Code requirements will ensure consistency with the Comprehensive Plan. However, where LDC standards are unclear, Comprehensive Plan policies may be consulted to inform the interpretation of the code, and where variations to LDC standards are requested, Comprehensive Plan policies may be consulted to ensure that variations to the LDC remain consistent with the Comprehensive

Plan. Based on this analysis, and subsequent analyses of requested LDC variations in this staff report, the proposed development is found to be consistent with the Comprehensive Plan and other applicable policies and standards adopted by the City Council.

**a. Compatibility Factors -**

**1. Compensating benefits for the variations being requested;**

VARIATION 1 - FINDINGS OF FACT

1. The first variation which is requested is a request to exceed the 28-foot local street pavement width standard of Table 4.01 for the proposed local streets. The standard for local connector streets is variable between 28 and 34 feet, according to this table. The widths of the proposed public local connector street and three proposed private streets are proposed to be 32-feet where parking on both sides is to be permitted. No variation is necessary for the local connector street width, but a variation is necessary for the private local streets. The requested additional road width for these streets is proposed in order to assure that the City of Corvallis Fire Department will be provided with at least 26-feet of unobstructed pavement so as to allow them to use their ladder trucks in these areas adjacent to the three-story buildings, while also allowing for a 6-foot wide parking lane on the opposite side of the street. The minimum 26-foot unobstructed width standard is taken from the Guidelines for the Application of Oregon's Fire and Life Safety Regulations within Linn and Benton Counties.

   In addition to the increase in local street width, street tree varieties adjacent to the proposed 3-story buildings have been selected to allow for better Fire Department ladder access to the adjacent buildings. The proposed 32-foot pavement width has been held throughout the proposed local streets except at choked intersections. In order to compensate for the increase in pavement width for the local streets, the applicant asserts that the increased width of these streets will provide for much-desired on-street parking in an area which will be occupied by students, thereby seeking to avoid parking spill-over into other areas. The applicant also notes that preserving the majority of the site in protected open space will help compensate for the increase in impervious road surface which would result from the increased street widths. Finally, the applicant notes that the increased safety for the residents of the buildings which will be able to be served by the ladder trucks due to the increased street widths should be viewed as the chief compensating benefit to offset the increase in the widths of the streets as compared to the City's maximum local street width standard of Table 4.0-1.
2. Staff concur with the applicant's analysis. From a community-wide perspective, the only significant negative impact of streets that would be wider than the City's standards would be the creative of additional impervious surface area, and the

related generation of additional stormwater from the larger streets. However, detention and water quality measures will be required for the stormwater that comes from these streets, which will ensure that all stormwater leaving the site meets City standards. Additionally, the applicant is proposing to intensively develop 24.6 acres of the site, and to set aside the remaining 70 acres of the site to be preserved. The net effect of this change will be to preserve more of the natural stormwater system on the site, and to reduce overall impervious surface areas from that which would be developed in conjunction with a much larger area of single family residential development.

CONCLUSIONS

The compensating benefits of providing additional on-street parking areas on the development site, allowing adequate fire ladder truck access to the site, and consequently, providing better fire safety for residents of the development justify the development of local streets within the development that would exceed the City's standard width of 28 feet.

VARIATION 2 - FINDINGS OF FACT

1. The applicant explains the second requested variation as follows:

"The second requested variation is a request to vary from the building orientation to a public or private street requirement of Section 4.10.60.01.a, as it relates to proposed Buildings 4 and 5 in the southern portion of the apartment site. Further, the variation also relates to the further requirement of this section that primary building entrances be directly accessed from a public or private street by a sidewalk or path less than 200 feet long. The remainder of the proposed buildings meets both portions of the requirements of Section 4.10.60.01.a.

The Building No. 4 units accessed by the breezeway closest to the private street in proposed tract L will be accessed by sidewalks with a distance of less than 200 feet from that private street; access to the units accessed by the breezeway further to the west in Building 4 will exceed that distance. Similarly, the Building No. 5 units accessed by the breezeway closest to public street A will be accessed by sidewalks with a distance of less than 200 feet from that street; access to the units accessed by the breezeway further to the east in Building 5 will exceed that distance. A variation to the primary building entrance orientation/distance from a street standard of Section 4.10.60.01.a is requested for the 24 affected units in Buildings 4 and 5.

It is pointed out that the breezeways providing access to the affected unit are located less than 262 feet from the nearest streets (See Block Perimeter and Pedestrian Circulation Plan, **Attachment Q** - Sheet P8.2). In addition, the breezeways and unit entrances are located within 25 feet of the driveway aisle through the parking area to the south. This driveway aisle will function much like a street on its north side in that it includes a paralleling sidewalk with a planter

strip; parallel parking spaces; and is straight. The development team looked at making this drive aisle into a private street, but the City requirement that this function like a public street would have required the removal of the head-in parking on the south side of this drive aisle and would also have required a sidewalk on the south side. Those changes would have resulted in pushing the parking spaces to the south further towards the proposed multi-use pathway resulting in a reduction in landscaping; a reduction in the size of the community garden; and placement of the parking area closer to the path and to the wetlands to the south. It was determined, therefore, that the best course was to present the current design and request a variation from the standard of Section 4.10.60.01.a. The primary compensating benefit of the proposed orientation of Buildings 4 and 5 is the positive effects of keeping the parking area as far as possible from the community trail and wetlands."

2. The reason a variation is needed to the building orientation standard cited above is because the applicant is not proposing to construct a public or private street to the south of Buildings 4 and 5. In order to meet the standard, access to a street, built to public or private street standards, must be available within 200 feet of the primary building entrances. The applicant does not wish to construct a street in this location because a standard street does not allow for 90-degree parking spaces, and would provide much fewer opportunities for parking and access to the apartments to the north. Since the area to the south of Buildings 4 and 5 is designed primarily as a parking lot to serve residents of the proposed development, and this area is not anticipated to provide public access for any other users, it is unclear what public purpose would be served by requiring a street to be built to the south of Buildings 4 and 5. Adequate pedestrian connections are provided to all dwelling units, which will connect to parking areas, multi-use paths, transit stops, and other areas on the site. On-site vehicle circulation will be adequately provided for. Therefore, there does not appear to be a community need for a street, either public or private, in this location. Additionally, requiring a street to be built in this location would further separate residents from the parking area serving their units, would increase impervious surface area on the development site, would reduce the amount of green space and recreational areas on the development site, and would potentially reduce landscape buffering between the parking area and the wetland area to the south.

<u>CONCLUSIONS</u>

For the reasons cited above, a variation is warranted to the building orientation standard in LDC Section 4.10.60.01.a. Because requiring a street in the subject location would not provide a significant public benefit, and would have negative impacts on the site and adjacent natural areas, the compensating benefit of allowing the variation is to minimize negative impacts to the site and surroundings.

VARIATION 3 - FINDINGS OF FACT

1. The applicant explains the third requested variation as follows:

   "A related third variation is a request to allow proposed Buildings 2, 4, and 5 to exceed the maximum 25-foot building setback from a street standard of LDC Section 3.6.30.e.1. Like the requested variation to the building orientation/main building entrances standard addressed above, this variation became necessary by the decision to not have proposed private drive C extends southward as a private street in front of building 2 or to have a private street extend east-west to the south of buildings 4 and 5. While having these vehicle access ways be developed to street standards would have eliminated the needs for requesting these variations, development of these access ways to street improvement standards would have either reduced the amount of parking that could be provided and/or pushed the proposed parking areas into areas which are used as open space and close to the wetlands to the south. The proposed access ways will have 26-foot wide travel ways and will have parallel parking adjacent to the proposed buildings affected by the requested variations and will therefore act much like streets, but for the head-in parking or parking area drive aisle intersections on the opposite side of these access ways."

CONCLUSIONS

For the same reasons cited in response to Variation #2 above, a variation is warranted to the maximum setback standard in LDC Section 3.6.30.e.1. Because requiring a street in the subject location would not provide a significant public benefit, and would have negative impacts on the site and adjacent natural areas, the compensating benefit of allowing the variation is to minimize negative impacts to the site and surroundings.

VARIATION 4 - FINDINGS OF FACT

1. The applicant explains the fourth requested variation as follows:

   "The fourth requested variation is to allow 100 percent of the apartments' site to be graded whereas Code Section 4.14.70.04.c.3.b allows a maximum of 75 percent of a site within the RS-12 zone to be graded. The compensating benefits to allowing a variation to this standard are to: 1) allow intensive development of site for a needed housing type without requiring the site to be larger in order to provide the same amount of housing while meeting the standard; and 2) provide more open space protected area than would be possible if the development site needed to be enlarged in order to meet the standard. In addition, it is pointed out that the grading on the C-OS portion of the site is limited to what is necessary for public street and trail construction."
2. Staff concur with the applicant's arguments. Given the size of the 94.6 acre parent site, the applicant could proposed to create a developable parcel of RS-12 Zoned land that would allow the same amount of development as is currently shown, but which would meet the 75 percent gradable area standard. However,

that approach could result in development or alteration of a greater portion of the 94.6 acre site, because the remaining ungraded areas could be improved with recreational amenities or other improvements that would not require grading, but would impact additional natural areas on the site. Additionally, if the applicant expanded the developable land area on the site, the minimum density requirement would have to be adjusted accordingly, resulting in the need for additional dwelling units on the site.

CONCLUSIONS

For the same reasons cited above, a variation to the gradable area standard in LDC Section 4.14.70.04.c.3.b is warranted. As noted, requiring the applicant to meet this standard with the proposed development plan would lead to additional impacts to natural areas on the site. Rather than expanding the developable area on the site to meet the standard, there is a public benefit to allowing the applicant to more intensively grade only the portion of the site intended for development. As discussed later in this staff report, the applicant shall comply with all other grading requirements, including staying within maximum cut and fill parameters.

VARIATION 5 - FINDINGS OF FACT

1. The applicant explains the fifth requested variation as follows:

   "A fifth variation is requested to allow street trees within the development site to vary from the minimum 30-to 50-foot minimum street tree spacing standard (depending upon mature tree size) of Land Development Code Section 4.2.30.a.5. There are several items which cause the development plan to not be able to provide the required street trees in certain areas of the site. First, the City of Corvallis Fire Department informed the project design team that it would be necessary that no street trees be planted in certain areas along the proposed public street and the private streets in order to provide enhanced ladder truck access to the buildings. Second, there are locations along the proposed streets where streetlight and fire hydrant conflicts have also caused street trees to have greater separations than would normally be required. Third, the site includes wetland areas. The Code allows the elimination of planter strips adjacent to wetland areas, but does not also state that street trees can be omitted in these areas. Together, these factors cause the proposed development plan to be unable to fully satisfy the street tree requirements of the Code.

   A total of 135 medium canopy street trees and 105 large canopy trees are provided along the public and privates streets within the project, including along NW Circle Boulevard and along NW Harrison Boulevard. Based upon the total lineal footage along these streets (not including areas where planter strips and street trees were not provided due to presence of adjacent natural resources that would otherwise be impacted), the proposed development's landscape plan

provides 26 fewer street trees than would normally be required under the Code's street tree separation standards, if not for the fire lane and utility conflict restrictions. The preliminary landscape plan has placed street trees at a greater density than required along the street frontages that have street trees to try and mitigate for the lack of street trees adjacent to the on-street fire access lanes, street lights, and fire hydrants. However, it was not practical to crowd the trees enough to fully compensate for the trees that were omitted next to the fire lanes and utility conflict areas.

The compensating benefits that would result from the approval of a reduction of otherwise required street trees on the development site include: 1) enhanced fire/life safety because the fire department will be better able to access the upper floors of buildings adjacent to the fire lane areas; 2) enhanced fire/life safety where street trees were omitted near fire hydrants; 3) enhanced vehicular and pedestrian safety where trees were omitted or spaced further from streetlights; and 4) protection of wetlands resources where street trees were omitted adjacent to existing wetlands areas. In addition, it is pointed out that the overall site landscaping plan provides for a total of 696 trees to be planted on the site, which is 345 more trees than would normally be required as either street trees or landscaping trees. Together, these benefits to fire/life safety, resource protection, and the general benefits of trees should more than compensate for the reduction of street trees by 26 trees."

2. There is an inherent conflict between current Fire Department Ladder Truck Access Requirements and Street Tree spacing requirements in the Land Development Code. It is anticipated that this conflict will be resolved through a future LDC Update; however, at the current time, current regulations require compliance with Fire Access and Street Tree requirements. As noted, the applicant has provided street trees in some locations at a greater density than is required, to partially compensate for the area where Fire Access needs preclude the placement of street trees. It is also true that the current LDC requires the construction of curbside sidewalks for streets that encroach into natural feature areas, but does not specifically exempt the applicant from providing street trees in these locations (although doing so in a location behind the sidewalk would likely impact the natural areas that are meant to be protected, and so would not be advisable). The applicant has worked with staff to develop a plan that strikes a balance between these competing concerns, providing street trees where feasible, but allowing for fire access, light pole locations, and un-impacted natural areas where necessary. Given the number of trees to be provided on the site (696) above and beyond the minimum requirement (351), Staff find the proposed landscaping is reasonable and provides a compensating benefit for the requested code variation. A condition of approval is recommended to ensure this compensating benefit is completed **(Condition 4)**.

CONCLUSIONS

For the reasons cited above, and subject to the recommended condition of approval, a variation to the street tree spacing requirements in LDC Section 4.2.30.a.5 is warranted.

**2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);**

FINDINGS OF FACT

1. The proposed Detailed Development Plan will result in an efficient use of land and a smaller development site. No development is proposed on the east side of the realigned Circle Boulevard, providing a substantial buffer between the proposed development and existing single family development to the east and north.
2. The proposed development plan provides for approximately 600 feet of physical separation between the northeastern-most multi-family building (building 19) and the closest existing single-family residence. There are no opportunities for developing any other single-family residences any closer to the subject site than currently exist.
3. Access to and from the site will come from the extension of Circle Boulevard, a Neighborhood Collector street, which will connect to Witham Hill Drive, a Collector street, and to Harrison Boulevard, an Arterial street. No significant impacts to local streets are anticipated. Given the circuitous nature of Dale Drive, it is not anticipated to attract significant vehicular travel from the proposed development.
4. Residents of the development will be able to utilize a number of trail and street connections that will facilitate pedestrian, bicycle, and transit usage.
5. The proposed development is consistent with pedestrian oriented design principles, with buildings fronting public and private streets, and parking areas behind the buildings. On-site pedestrian circulation will be well accommodated by multiple pedestrian walkways connecting each dwelling unit to automobile and bicycle parking areas, recreational facilities, transit facilities, and public streets and trails.

CONCLUSIONS

Based on the above findings, the site design of the proposed development will be compatible with neighboring development and will function well for future residents of the development.

**3. Visual elements (scale, structural design and form, materials, etc.);**

FINDINGS OF FACT

1. The area proposed for development is located at the center of a larger property with buffer areas to the east, north, south, and west that will remain as open space. The development area is on a relatively flat portion of the site and at a lower general elevation than existing single family development to the east and

north. Consequently, development on the site will not “tower” over any adjacent residential neighbors. Additionally, the physical separation of the development site, and the preservation of existing buffering vegetation will help to mitigate the scale and mass of the proposed development.

2. The maximum allowed building height, and the maximum height for structures proposed in the development, is 35 feet. The maximum allowed building height for adjacent low density residential areas is 30 feet. Therefore, the difference in building height between the proposed development and nearby residential development is not expected to be great, especially given the physical separation of the development site from nearby neighbors.
3. The proposed multi-family development project will result in more and larger parking areas than would be anticipated with single-family development on the project site. However, Pedestrian Oriented Design Standards (PODS) require the parking areas to be located behind buildings, which will reduce the visibility of these parking areas. Additionally, parking lot landscaping requirements require landscape buffers between parking lot areas and adjacent streets, as well as requiring trees to be planted within parking lot areas. The project’s landscape plan provides for landscape islands and substantial numbers of trees to be planted in the parking areas in order to reduce the visual impacts of the parking areas, as well as to slow runoff and reduce parking area temperatures.
4. The development plans for the Grove provide for 29 different residential buildings of different sizes and forms. All residential buildings will be 3-stories tall. The smaller buildings within the development are located closer to NW Circle Boulevard and to the single-family neighborhood to the east than are the larger multi-family buildings on the site. The proposed buildings will use combinations of various widths and types of concrete siding, trim materials, and asphalt shingle roofs that would be typically found in suburban-style multi-family and single-family development, based upon recent development trends in Corvallis. All buildings on the site must comply with the PODS, which include requirements to enhance the visual compatibility of new developments, including pedestrian features and design variety, screening of service areas and roof-mounted equipment, and pedestrian circulation requirements.
5. The proposed multi-family development will occur as a single project with coordinated building designs, colors, and coordinated landscaping. Together, these aspects of the proposed development should result in an attractive development which will be visually compatible with neighboring residential development, and will not be incongruous with agricultural uses to the south and west that are associated with Oregon State University.

CONCLUSIONS

Based on the above findings, the proposed development will be visually compatible with adjacent development and will include harmonious design elements throughout the development.

**4. Noise attenuation;**

FINDINGS OF FACT

1. Typical multi-family development, as is proposed, has similar noise impacts as typical single-family development. Noises which would be associated with the proposed multi-family project include car-related noises, laundry exhaust, lawn care equipment noise, and occasional music and other resident-related noises.
2. While the anticipated student tenants of the proposed multi-family development on the subject site might typically be characterized as noisier than typical single family residents in terms of voice and music loudness, the proposed development site is well separated from neighboring land uses. The proposed Plan and zoning map redesignations and the development plan for The Grove will provide an open space buffer between the development site from existing developments and from neighboring agricultural operations. This separation between low density, agricultural open space, and medium-high density land uses should provide for fewer noise conflicts arising between future development on site and existing neighboring uses.
3. Campus Crest Communities include tenant behavior requirements in its lease agreements, including quiet hours. Frequent and/or excessive noise or other behavior issues which could bother neighbors or fellow tenants can result in termination of a tenant's lease.
4. Campus Crest Communities' projects have on-site managers to help enforce the requirements of leases. On-site managers live on the project site and are available to deal with noise issues or other tenant issues. Management consists of a general manager and a sales manager, which is supplemented with community advisors ("CA") who are upper class students living on the site. There is generally one CA per building. There is also a full-time maintenance manager who may or may not live on site.

CONCLUSIONS

Based on the findings above, the proposed development will include physical and programmatic elements that will ensure that noise compatibility impacts will be appropriately mitigated.

**5. Odors and emissions;**

FINDINGS OF FACT

1. Typical multi-family development, like what is proposed, has similar odor and emission impacts as typical single-family development as exists to the east of the proposed development site. Typical odors and emissions associated with these development types are car exhaust, laundry exhaust, barbecuing odors, and construction and lawn care equipment exhausts and odors.
2. Per the proposed development plan, development will be located further from odors generated by the neighboring OSU dairy operations and bird research facilities, as compared to the separation of typical single-family development on the site under the existing designations from these neighboring odor producing uses. This, therefore, should reduce the potential for odor complaints from future residents of the subject property about operations at these existing neighboring land uses.

3. The area on the site proposed for development will be located some distance from neighboring developed areas, which will help to mitigate for any undesirable odors produced on the subject site.

CONCLUSIONS

Based on the findings above, odors and emissions from the proposed development are not anticipated to be significant and will be well separated from neighboring developed areas.

**6. Lighting;**

FINDINGS OF FACT

1. The applicant has submitted conceptual site lighting plans for the development area and related rights-of-way (**Attachment Q** - Sheets P9.4 – P9.6). These plans generally appear to be consistent with City of Corvallis lighting standards.
2. The proposed development's lighting plan calls for reasonable amounts of outdoor lighting for the type and intensity of use proposed. Residents will need to be able to walk out into a well lit parking lot at any time for the safety of the residents.
3. LDC Section 4.2.80 addresses the requirements for site and street lighting within the City. Among the requirements of this section are the following provisions:

   **a. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property. Compliance with this provision shall be demonstrated by ensuring that, when evaluated from a point four ft. above the ground, bulbs of light fixtures are not visible from adjacent property.**

   **b. All new Subdivision street lights and future street-light luminaire replacements within the existing street-light system shall be flat-lens fully shielded luminaires.**

   A condition of approval **(Condition 2)** is recommended to ensure that lighting for the development and associated streets is consistent with the City's standards.

CONCLUSIONS

As conditioned, lighting on the subject site will comply with Corvallis' lighting standards, and will be compatible with adjacent areas.

**7. Signage;**

FINDINGS OF FACT

1. No signage is currently proposed for the proposed apartments. It is anticipated that project identification signage will be requested and provided along NW Circle Boulevard and along NW Harrison Boulevard. Sign permits will be obtained prior to any signage being erected.
2. To ensure that future signage for the site complies with applicable requirements, a condition of approval is recommended that sign permits will be required for future signage on the site, in compliance with the Corvallis Land Development Code **(Condition 3).**

CONCLUSIONS

As conditioned, signage on the subject site will comply with Corvallis' sign standards, and will therefore be compatible with adjacent areas.

**8. Landscaping for buffering and screening;**

FINDINGS OF FACT

1. The applicant has submitted conceptual landscape plans for the subject development site and for rights-of-way abutting or within the 94.6 acre site (Sheets P9.1 – P9.3). The applicant has also requested a variation in some areas to the LDC's street tree spacing requirements to accommodate fire access needs, resolve conflicts with necessary utility locations, and address landscape requirements adjacent to streets through protected resource areas. That request is discussed in more detail in the portion of this staff report addressing LDC Section 2.5.40.04.a.1. In summary, Staff's analysis finds that the variation is warranted and recommend approval of the requested variation. As a compensating benefit for the requested variation, the applicant notes that the proposed overall site landscaping plan provides for 696 trees to be planted on the site, whereas the LDC would only require 351 trees to be provided. A condition of approval is recommended to ensure that this compensating benefit is provided **(Condition 4).**
2. To ensure that all other LDC requirements relating to landscape buffering and screening are met, a condition of approval is recommended to ensure that detailed landscape plans are submitted and reviewed for compliance with applicable requirements prior to the issuance of building permits for the site, as well as ensuring that financial security is provided for the installation and/or maintenance of the required landscaping **(Condition 4).**

CONCLUSIONS

As conditioned, landscaping on the subject site will comply with Corvallis' landscaping standards, with the exception of the requested variation to street tree spacing, and will therefore be compatible with adjacent areas. Given the substantial vegetated area that will be preserved outside the 24.6 acre apartment site on the parent 94.6 acre site, no additional landscape buffering will be necessary between the proposed development and nearby neighbors.

**9. Transportation facilities;**

**10. Traffic and off-site parking impacts;**

These review criteria, along with the applicable Land Development Code Chapter 4.0 requirements, are listed below.

FINDINGS OF FACT

1. The applicant's conceptual and detail development plan proposal is for 24.6 acres with 296 apartment units. The remainder of the parcel is proposed conservation-open space with appropriate infrastructure through the open space to serve the development and comply with City master plans. To ensure that

transportation impacts from the development do not exceed those anticipated by the applicant's Traffic Impact Analysis, a condition of approval is recommended to limit the development to the proposed 296 apartment units **(Condition 5).**

2. The subject site currently has access to NW Circle Blvd., NW Harrison Blvd. and NW Dale Drive. The subject site as shown in the application will be accessed from the extension of NW Circle Boulevard between Witham Hill Drive and NW Harrison Boulevard. Dale Drive will be connected to Circle Blvd. A dead-end street connection to the adjacent OSU property to the west has also been proposed to provide for future connectivity.

**Circle Blvd.**

3. Any significant development on the site will need to provide public improvements to serve the site including the extension of Circle Blvd. The extension of NW Circle Blvd. will change traffic distribution patterns in the area.
4. The Corvallis Transportation Plan identifies NW Circle Blvd. as a neighborhood collector street that traverses the site in a north/south alignment from Witham Hill Drive down to NW Harrison Blvd. A portion of NW Circle Blvd. was constructed from Witham Hill Drive south approximately 1,125 feet with a 2002-2003 Capital Improvement Project. This section was improved to City standards with 10-foot travel lanes , 6-foot bike lanes, 12-foot planting strips, a 5-foot sidewalk on the west side, and a 12-foot multi-use path on the east side. The remaining extension of NW Circle Blvd. is expected to be constructed with development of this property.
5. There is an existing 80 foot wide ROW for Circle Blvd through the undeveloped site with a 12-foot wide multi-use path, and sewer line. The applicant shows an alternative alignment for Circle Blvd. in their development plan which appears to lessen impacts to wetlands.

**Harrison Blvd.**

6. NW Harrison Blvd. is designated as an arterial street in the Transportation Plan. The section of NW Harrison Blvd. along the subject site's frontage is under Benton County jurisdiction, and not improved to City standards. It currently lacks appropriate right-of-way width, travel lane widths, planter strips, sidewalks, curb and gutter, and enclosed drainage on both sides. There are 10-foot travel lanes and 6-foot bike lanes. Harrison was widened in 2002 to provide the bike lanes in a cooperative effort between the City and County. The posted speed by the site is 45 mph.
7. Bike lanes and a sidewalk on the north side of Harrison are located along the LDS Church frontage.
8. City Standards for arterial streets listed in LDC table 4.0-1 include: 12-foot travel lanes, a 12-foot continuous center turn lane, 6-foot bike lanes, standard curb and gutter, and 5-foot sidewalks separated from the street by 12-foot planter strips on each side, all located within an 82-foot right-of-way. The draft NW Harrison Corridor Study suggested that this section of NW Harrison Blvd. adjacent to the site incorporate 10-foot travel lanes. Typically the County will default to City

Standards within the UGB. Benton County engineering staff have indicated this is an acceptable improvement scenario.

**Dale Drive**

9. NW Dale Drive is a local street with a 50-foot ROW. Improvements consist of a 34-foot wide paved street with curb and gutter and curbside sidewalks. Currently it does not connect with the existing NW Circle Blvd. improvements just north of NW Dale Street. It does abut the existing unimproved Circle Blvd. ROW. A single lane access to the parcel south of Dale Street is separated from the multi-use path by an extruded curb.

**Section 4.0.20 - TIMING OF IMPROVEMENTS**

**a. All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:**

**1. Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.**

**2. Where a Land Division is not proposed, the site shall have required public and franchise utility improvements installed or secured prior to occupancy of structures, in accordance with the provisions of Section 2.4.40.12 of Chapter 2.4 - Subdivisions and Major Replats.**

**b. Where specific approval for a phasing plan has been granted for a Planned Development and/or Subdivision, improvements shall be phased in accordance with that plan.**

FINDINGS OF FACT & CONCLUSIONS

Prior to final plat the applicant will need to install or secure the public improvements. On page 10 of the applicant's narrative, they state all necessary public improvement will be constructed in a single phase. Building permits cannot be issued for the site until street and water has been extended to the site **(Condition 6).** City Council policy CP91-7.04 provides additional clarity on when building permits may be issued. As conditioned the application is consistent with LDC criteria.

**Section 4.0.30 - PEDESTRIAN REQUIREMENTS**

**a. Sidewalks shall be required along both sides of all streets, as follows:**

**1. Sidewalks on Local, Local Connector, and Cul-de-sac Streets - Sidewalks shall be a minimum of five ft. wide on Local, Local Connector, and Cul-de-sac Streets. The sidewalks shall be separated from curbs by a tree planting area that provides at least six ft. of separation between the sidewalk and curb, except that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.**

**2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks**

**where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.**

**3. <u>Sidewalk Installation Timing</u> - The timing of the installation of sidewalks shall be as follows:**

**a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.**

**b) Except as noted in "c," below, construction of sidewalks along Local, Local Connector, and Cul-de-sac Streets may be deferred until development of the site and reviewed as a component of the Building Permit. However, in no case shall construction of the sidewalks be completed later than three years from the recording of the Final Plat. The obligation to complete sidewalk construction within three years will be outlined in a deed restriction on affected parcels and recorded concurrently with the Final Plat.**

**d) Where sidewalks on streets abut common areas, drainageways, or other publicly owned areas, or where off-site street extensions are required and sufficient right-of-way exists, the sidewalks and planted areas shall be installed with street improvements.**

**b. Safe and Convenient Pedestrian Facilities - Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:**

**1. For the purposes of this Section, safe and convenient means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.**

**2. The following types of pedestrian walkways shall have a minimum 5-ft. paved width, and five ft. of landscaping provided on both sides of the facility, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Pedestrian walkways that are either more than 220 ft. long or serve more than 10 dwelling units shall have a wider paved width as specified in Section 4.0.40.c.**

**b. Pedestrian walkway required to comply with the block perimeter requirements in Section 4.0.60.o.; and**

**c. Other pedestrian walkways connecting two public rights-of-way, including multi-use paths and trails.**

**c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.100.d.**

**d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).**

***[Section 4.0.30 amended by Ordinance 2012-18, effective December 13, 2012]***

<u>FINDINGS OF FACT</u>

1. The applicant's plans show sidewalk connections throughout the site consistent with the above LDC requirements. With development of the site, sidewalks will need to be installed consistent with LDC code section 4.0.30 (**Conditions 7 & 18)**.

2. The applicant's traffic study included a section on pedestrians and bicycles on page 7. On page 6, they have a table with the surrounding roadway network including bicycle and pedestrian facilities. The traffic study recommends construction of City standard sidewalks and bicycle lanes on Circle and Harrison to and through the site providing connectivity with existing sidewalks and bike lanes on Harrison.
3. It is expected that apartments marketed to OSU students would have pedestrian and bicycle traffic to OSU campus. The most direct route available would be down Harrison to 35th Street, or to 29th Street.
4. Consistent with LDC 4.0.30, final locations of sidewalks and planter strips may be modified based on final surveyed locations of wetlands based on any applicable state permits. LDC allows sidewalks to be curbside where there are natural features.
5. There will need to be a sidewalk transition and connection to the existing sidewalk along Harrison with the extension of NW Circle Blvd. This sidewalk connection is across the Biet Am frontage. Those details will be completed with the plans for public improvements **(Condition 7)**
6. The applicant shows marked crosswalks on the site plan (P5.1 & P5.2). The City has a Council Policy (CP91-9.01) on when crosswalks should be marked. Any crosswalks shown not meeting that policy in the public ROW will need to be deleted from the PIPC construction plans **(Condition 8).**
7. A multi-use path is identified in the CTP figure A-4 west of the existing multi-use path on the north side of Harrison **(Attachment K).** It is shown eventually connecting to the multi-use path along SW 53rd / Walnut Blvd.
8. The Parks and Recreation trails plan **(Attachment L)** shows several trails through the site: one to the east boundary (Arnold Park) and one to the west boundary (OSU). There is a Public Access Easement and a City Dedication on Partition Plat 2001-004 that provides a corridor for this facility.
9. Existing and proposed easements for pedestrian facilities are labeled as public access easements on the applicant's sheet P5.3. The preliminary site plans (sheet P5.0) show the proposed multi-use paths **(Condition 10)**.
10. The application shows a 12-foot multi-use path on the north side of Harrison Blvd., a 12-foot multi-use path on the east side of the Circle Blvd. extension, a 12-foot multi-use path on the south side of the development between the existing Circle Blvd. multi-use path and the western property line, a 12-foot multi-use path between the Circle Blvd. extension and Arnold Park (along the southern edge of the Beit Am property), and an easement across the open space through the wetland for a future path providing a more direct connection between the existing Circle Blvd. path and the new Circle Blvd. extension path to Arnold Park.
11. The multi-use paths will need to be paved. According to LDC section 4.10.70.03, the paths need to be concrete **(Condition 9)**
12. Although the submitted letter from Beit Am **(Attachment O)** requests that the path connecting the extension of Circle Blvd. to Arnold Park, through an easement on the southerly edge of the Beit Am property, not be constructed, that

easement was secured to provide a portion of the trail connection between Arnold Park and Walnut Blvd. identified in the Parks and Recreation Facilities Plan **(Attachment L).** Consequently, per LDC Section 4.0.30.c, the trail segment should be constructed at this time.

13. A direct extension of the Arnold Park trail between the proposed Circle Blvd. alignment and the current alignment would necessitate crossing the Locally Protected Wetland in this area. Given that there is some question regarding the necessity of routing planned trails through natural resource areas (which is expected to be addressed as part of the upcoming update to the Parks and Recreation Facilities Plan), the applicant proposes to dedicate an easement through the wetland area to allow construction of this trail segment if deemed necessary in the future. As an alternative to this alignment, the applicant has proposed to construct a 12-foot multi-use path on the north side of Harrison Blvd., between the current and future Circle Blvd. alignments, as well as constructing a 12-foot multi-use path on the east side of the relocated extension of Circle Blvd. Staff are satisfied that this approach provides an acceptable alternative alignment for the path, but does not preclude development of the trail through the wetland area, if deemed necessary in the future.
14. The applicant's proposed multi-use path along the north side of Harrison Blvd., from the current Circle Blvd. alignment to the western boundary of the site is consistent with the multi-use path called for in the Trails Plan included in the Transportation Plan **(Attachment K). Condition 43** is recommended to ensure that all necessary easements for planned trail improvements are provided on the plat.

CONCLUSIONS

Provisions exist to install City standard landscaping strips and sidewalks. This code standard will be addressed per LDC standards at the time of building permits for Local Street 'A', and with the public improvement plans for a neighborhood collector (Circle) and arterial (Harrison) streets. The applicant has proposed to provide acceptable alignments and improvements for all planned trails on the site. The application, with conditions, is consistent with LDC criteria for pedestrian requirements.

**Section 4.0.40 - BICYCLE REQUIREMENTS**

**a. On-street Bike Lanes - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.**

**b. Safe and Convenient Bicycle Facilities - Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:**

1. **For the purposes of this Section, safe and convenient means bicycle facilities that are free from hazards and provide a direct route of travel between destinations.**
2. **Bicycle/pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. Maintenance of the paved improvement shall be the responsibility of adjacent**

**property owners. Additionally, a minimum of five ft. of landscaping shall be provided on either side of these bicycle/pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.**

**c. Widths for Pedestrian/Bicycle Facilities - Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:**

**1. Where long term bicycle and pedestrian usage is expected to be relatively low, such as in a neighborhood rather than a community-wide facility, multi-use paths shall be eight ft. wide and aligned to ensure adequate sight distance.**

**2. The standard width for two-way multi-use paths shall be 10 ft.**

**3. In areas with projected high bicycle volumes or multiple use by bicyclists, pedestrians, and joggers, multi-use paths shall be 12 ft. wide.**

**d. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).**

**e. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

FINDINGS OF FACT

1. Bicycles share the road surface on local streets with vehicles. On neighborhood collectors, collectors, and arterial streets City standards require separate bike lanes.
2. The applicant shows bicycle facilities consistent with LDC criteria on sheet P5.0, and street sections on sheet P5.5.
3. The applicant's traffic study included a section on pedestrians and bicycles on page 7. On page 6, they have a table with the surrounding roadway network including bicycle and pedestrian facilities. The traffic study recommends construction of City standard sidewalks and bicycle lanes on Circle and Harrison to and through the site providing connectivity with existing sidewalks and bike lanes.
4. It is expected that apartments marketed to OSU students would have pedestrian and bicycle traffic to OSU campus. The most direct route available would be down Harrison to 35th Street, or to 29th Street.
5. A multi-use path is identified on the north side of Harrison in the CTP figure A-4 **(Attachment K)** west of the existing Circle multi-use path. It is shown eventually connecting to the multi-use path along SW 53rd / Walnut Blvd.
6. The Parks and Recreation trails plan **(Attachment L)** shows several trails through the site: one to the east boundary (Arnold Park) and one to the west boundary (OSU). There is a Public Access Easement and a City Dedication on Partition Plat 2001-004 that provides a corridor for this facility.
7. Existing and proposed easements for pedestrian facilities are labeled as public access easements on the applicant's sheet P5.3. The preliminary site plans (**Attachment Q** - Sheet P5.0) shows the proposed multi-use paths.

8. The application shows a 12-foot multi-use path on the north side of Harrison Blvd., a 12-foot multi-use path on the east side of the Circle Blvd. extension, a 12-foot multi-use path on the south side of the development between the existing Circle Blvd. multi-use path and the western property line, a 12-foot multi-use path between the Circle Blvd. extension and Arnold Park, and a easement across the open space through the wetland for a future path providing a more direct connection between the existing Circle Blvd. path and the new Circle Blvd. extension path to Arnold Park.

CONCLUSIONS

Provisions exist to install City standard bicycle facilities. This code standard will be addressed per LDC standards at the time of building permits for local street 'A' where bikes share the road surface, and with the public improvement plans for neighborhood collector (Circle) and arterial (Harrison) streets which have bike lanes. Public multi-use paths will be built with the public improvement (PIPC) plans. The application with conditions is consistent with LDC criteria for pedestrian requirements.

**Section 4.0.50 - TRANSIT REQUIREMENTS**

**a. Development sites located along existing or planned transit routes shall, where appropriate, incorporate transit stops and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System.**

**b. Development sites at or near existing or planned transit stops shall provide safe, convenient access to the transit system, as follows:**

**2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of Section 4.0.30.b.**

**c. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

FINDINGS OF FACT

1. City transit service is available in the general vicinity of the site. Route C3 runs down NW Harrison Blvd., route C1 and route 1 run along NW Witham Hill Drive. City transit services have expressed interest in providing transit service to the site if Circle Blvd. is extended.
2. Per conversations with the City Transit, the applicant shows a new transit facility located north of Drive C on NW Circle Blvd (Sheet P5.0). Sidewalks constructed with development of the site will provide connectivity with the proposed transit facility. Final location of the transit facility will need to be determined with the public improvements **(Condition 11).**

CONCLUSIONS

The application with conditions is consistent with LDC criteria for transit requirements.

**Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS**

**a. Traffic evaluations shall be required of all development proposals in accordance with the following:**

**1. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.**

**2. If the traffic evaluation identifies Level of Service (LOS) conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrently with a development proposal.**

**b. Location of new Arterial, Collector, and Neighborhood Collector Streets shall conform to the Corvallis Transportation Plan.**

**c. Although through-traffic movement on new Local Connector and Local Streets usually is discouraged, this may not be practical for particular neighborhoods. Local Connector or Local Street designations shall be applied in newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. The decision regarding which of these designations will be applied is based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic. Street network plans must provide for connectivity within the transportation system to the extent that, generally, both Local Connector and Local Streets will be created within a development. Identified traffic calming techniques, such as bulbed intersections, etc., can reduce traffic speeds and, where included, are to be constructed at the time of development. To further address traffic speeds and volumes on Local Connector and Local Streets, the following street designs, along with other designs intended to reduce traffic speeds and volumes, shall be considered:**

**1. Straight segments of Local Connector and Local Streets should be less than .25 mile in length, and include design features such as curves and T intersections.**

**2. Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units.**

**3. Street designs that include traffic calming, where appropriate, are encouraged.**

**d. Private streets, though discouraged in conjunction with Land Divisions, may be considered within a development site provided all the following conditions are met:**

**1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;**

**2. The development site remains in one ownership, or adequate mechanisms are established, such as a homeowners' association with the authority to enforce payment, to ensure that a private street installed with a Land Division will be adequately maintained;**

**3. Where a private street is installed in conjunction with a Land Division, development standards, including paving standards, consistent with City standards for public streets shall be used to protect the interests of future homeowners; and**

**4. The private street is located within a separate tract.**

**e. Development sites shall be provided with access from a public street or a private street that meets the criteria in "d," above, both improved to City standards in accordance with the following:**

**1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private**

**street is allowed per the criteria in "d", above, the abutting street shall meet all the criteria in "d", above and be improved to City standards along the full frontage of the property concurrently with development.**

**2. Half-width street improvements, as opposed to full-width improvements, are generally not acceptable. However, these may be approved by the Planning Commission or Director where essential to the reasonable development of the property. Approval for half-width street improvements may be allowed when other standards required for street improvements are met and when the Planning Commission or the Director finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-width street is developed.**

**3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities, the Planning Commission or Director may require off-site street improvements concurrently with development.**

**f. To provide for orderly development of adjacent properties, public streets and private streets that meet all the criteria in "d", above, shall be installed concurrently with development of a site and shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:**

**1. Temporary dead-ends created by this requirement may be installed without turn-arounds, subject to the approval of the Fire Marshal.**

**2. Drainage facilities shall be provided to properly manage storm water run-off from temporary dead-ends.**

**g. The Planning Commission or Director may require the extension of public and private street improvements through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a Land Division incidental to the development, a land partition shall be completed concurrently with the development, in accordance with Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.**

**k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:**

**1. Grading plans are required and shall demonstrate that the proposal does not contain any grade changes (cuts or fills) that are inconsistent with the provisions of Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Cut and fill is measured vertically from natural grade. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Streets shall be designed along natural contours.**

**2. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Corvallis Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.**

**3. Grades shall not exceed six percent on Arterial Streets, 10 percent on Collector and Neighborhood Collector Streets, and 15 percent on Local, Local Connector, and Cul-de-sac Streets.**

**4. As far as practicable, Arterial, Collector, and Neighborhood Collector Streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in T intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way.**

**5. Local street intersections shall be located a minimum of 125 ft. from any other street intersection.**

6. **Centerline radii of curves shall not be less than 500 ft. on Arterial Streets; 300 ft. on Collector and Neighborhood Collector Streets; and 100 ft. on Local, Local Connector, and Cul-de-sac Streets.**
7. **Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:**
   a) **The intersection of an Arterial, Collector, or Neighborhood Collector Street with another Arterial, Collector, or Neighborhood Collector Street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection;**
   b) **The intersection of a Local, Local Connector, or Cul-de-sac Street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection;**
   c) **Where right-angle intersections are not possible, exceptions may be granted by the City Engineer provided that intersections have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle; and**
   d) **All intersections shall have a minimum curb corner radius of 20 ft.**
8. **Right-of-way and improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System.**
9. **Where streets must cross protected Natural Resources or Natural Hazards,streetwidths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street. Parking bays may be allowed, provided they do not exceed one space per dwelling unit and provided they do not cause the development to exceed the amount of development allowed by the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

| Table 4.0-1- Street Functional Classification System[1] | | | | | | |
|---|---|---|---|---|---|---|
| | Arterial Highway | Arterial | Collector | Neighborhood Collector | Local Connector | Local |
| Auto amenities (lane widths)[2] | 2-5 Lanes (11 - 14 ft.) | 2-5 Lanes (12 ft.) | 2-3 Lanes (11 ft.) | 2 Lanes (10 ft.) | 2 Lanes (10 ft.) | Shared Surface |
| Bike amenities[3] | 2 Lanes (6 ft.) | 2 Lanes (6 ft.) | 2 Lanes (6 ft.) | 2 Lanes (6 ft.) | Shared Surface | Shared Surface |
| Pedestrian amenities | 2 Sidewalks (6 ft.) Ped. Islands | 2 Sidewalks (5 ft.) Ped. Islands | 2 Sidewalks (5 ft.) | 2 Sidewalks (5 ft.) | 2 Sidewalks (5 ft.) | 2 Sidewalks (5 ft.) |
| Transit | Typical | Typical | Typical | Typical | Permissible/not typical | Permissible/not typical |
| Managed speed[4] | 20 mph - 55 mph | 25 mph - 45 mph | 25 mph - 35 mph | 25 mph | 25 mph | 15-20 mph |
| Curb-to-curb width[5] (two way) | | | | | | |
| No on-street parking | 34 ft - 84 ft.* | 34 ft.-72 ft. | 34 ft.-45 ft. | 32 ft. | 20 ft.* | 20 ft.* |
| Parking one side | 42 ft. - 84 ft. | NA | NA | 40 ft. | 28 ft. | 25 ft.* |
| Parking both sides | 50 ft. - 84 ft. | NA | NA | 48 ft. | 28-34 ft. | 28 ft. |
| Traffic calming[6] | | No | Permissible/ not typical | Typical | Permissible | Permissible |
| Preferred adjacent land use | High Intensity | High Intensity | Med. to High Intensity | Medium Intensity | Med. to Low Intensity | Low Intensity |
| Access control | Yes | Yes | Some | No | No | No |
| Turn lanes | | Continuous and/or medians with ped. islands | Typical at intersections with Arterials or Collectors | Not typical | Not typical | Not typical |
| Planting strips[7&8] | Two - 12 ft. Except across areas of Natural Features | Two - 12 ft. Except across areas of Natural Features | Two - 12 ft. Except across areas of Natural Features | Two - 12 ft. Except across areas of Natural Features | Two - 6 ft. Except across areas of Natural Features | Two - 6 ft.[7] Except across areas of Natural Features[7&8] |
| Through-traffic connectivity | | Primary function | Typical function | Typical function | Permissible function | Permissible function |

1. These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.

2. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On Arterial and Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width.

3. An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.

4. Arterial Highway speeds in the Central Business or other Commercial zones in urban areas may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.

5. Street design for each development shall provide for emergency and fire vehicle access. Street widths of less than 28 ft. shall be applied as a development condition through the Subdivision process in Chapter 2.4 - Subdivisions and Major Replats and/or the Planned Development process in Chapter 2.5 - Planned Development. The condition may require the developer to choose between improving the street to the 28-ft. standard or constructing the narrower streets with parking bays placed intermittently along the street length. The condition may require fire-suppressive sprinkler systems for any dwelling unit more than 150 ft. from a secondary access point. * To be applied in RS-9 and lesser zones.

6. Traffic calming includes such measures as bulbed intersections, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials and is addressed in the Transportation Plan.

7. Through the Planned Development Review Process, the planting strip along Local Streets and around the bulbs of Cul-de-sacs may be reduced or eliminated.

8. Where streets must cross protected Natural Features, street widths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street.

**o. Block Perimeter Standards - The following block perimeter standards apply to development projects, as described below. The block perimeter standards do not apply to development**

**projects that are two acres or less in size, and situated in areas where the street patterns are established. However, the other street connectivity requirements in LDC Section 4.0.60 do apply.**

**1. <u>Residential Standards</u> -**

**a) <u>Complete Blocks</u> - Developments shall create a series of complete blocks bound by a connecting network of public or private streets with sidewalks.**

**b) <u>Maximum Block Perimeter</u> - The maximum block perimeter shall be 1,200 ft. Block faces greater than 300 ft. shall have a through-block pedestrian connection.**

**c) Multi-dwelling Development of 20 or More Units on a Single Parcel of Land (underline) - Multi-dwelling development projects on a single parcel of land, and which have at least 20 dwelling units, shall create a series of complete blocks bound by either streets with sidewalks or by walkways. For blocks bound only by walkways, the walkways shall be contained within a public access easement and maintained by the adjacent property owner.**

**d) <u>Variations Allowed Outright</u> - The distances specified in "b," above, may be varied by up to 50 percent to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or development patterns, and/or access management considerations, as determined by the City Engineer**

**r. Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:**

**1. The developer shall coordinate with the City Engineer to determine the location of future street light poles.**

**2. The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.**

**3. The standard street light installation is a wood pole.**

**The developer shall install such facilities and make the necessary arrangements with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.**

***[Section 4.0.60 amended by Ordinance 2012-18, effective December 13, 2012]***

<u>FINDINGS OF FACT</u>

1. Consistent with LDC Requirements, the applicant submitted a Transportation Impact Analysis (**Attachment N**, Appendix I). The TIA for the detailed development plan assumes 296 apartment units for the project. To ensure that traffic impacts do not exceed those anticipated by the TIA, a condition of approval is recommended to limit the development to 296 dwelling units **(Condition 5).** The TIA anticipates the following Trip Generation:

**Table 1: Proposed Project Trip Generation**

| *Land Use* | *ITE Code* | *Size (DUs*)* | *Daily Rate* | *Daily Trips* | *AM Rate* | *AM Trips (In/Out/Total)* | *PM Rate* | *PM Trips (In/Out/Total)* |
|---|---|---|---|---|---|---|---|---|
| Apartments | 220 | 296 DUs | 6.65 | 1,968 | 0.51 | 30/121/151 | 0.62 | 119/64/183 |

*DU's = Dwelling Units
Source: ITE Trip Generation Manual, 9th Edition, 2012.

2. The transportation Impact Analysis had the following principal findings and recommendations:

### Principal Findings

All study intersections continue to operate within the City's standard level of service D through 2033, with the exception of Witham Hill Drive/Circle Boulevard, which degrades below LOS D with the addition of the Circle Extension and/or the proposed project in both 2015 and 2033. Signal warrants were found to be met for all future scenarios in 2033. In 2033, peak hour warrants would be met with the Circle Extension in place, either with or without the proposed project. The proposed signal at this location is currently listed on the City's SDC program, indicating that the signal has been identified, although no timeline has been established. The proposed project is expected to contribute approximately five percent of the total intersection traffic at Witham Hill Drive/Circle Boulevard in 2033, during the PM peak hour.

### Recommendations and Conclusions

The following mitigation measures are recommended as a result of the development of the proposed project:

- EB Left Turn Lane (150 ft storage) – Harrison Boulevard at Circle Boulevard (assumed as part of the project)
- SB Left Turn Lane (75 ft storage) – Circle Boulevard at Harrison Boulevard
- NB Left Turn Lane (75 ft storage) – Circle Boulevard at South Project Access Road
- Contribution toward the future need for a traffic signal at Witham Hill Drive/Circle Boulevard, as well as overall system impacts, through payment of transportation system development charges (SDCs).
- Site frontage improvements should be constructed to meet City of Corvallis design standards and should include pedestrian and bicycle facilities

- Circle Boulevard extension should be constructed to meet City of Corvallis design standards and should include pedestrian and bicycle facilities

3. According to the Traffic Impact Analysis **(Attachment N)**, all studied intersections are expected to function at an acceptable level of service in both 2015 and 2033, except the intersection of Witham Hill Dr. and Circle Blvd. Below is a summary of intersections analyzed. All build scenario w/project assume the extension of Circle Blvd.

**Table 9: Future Intersection Level of Service (AM Peak Period)***

| Intersection | Agency Standard | Existing 2013 | 2015 | | 2033 | | |
|---|---|---|---|---|---|---|---|
| | | No Build | No Build | w/Project | No Build | Circle Ext | w/Project |
| ***Signalized*** | | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** |
| 53rd St/Walnut Dr/Harrison Blvd | LOS D | B 0.52 | C 0.55 | B 0.59 | C 0.59 | B 0.64 | B 0.65 |
| 36th St/Harrison Blvd | LOS D | B 0.46 | B 0.47 | B 0.48 | C 0.55 | C 0.50 | C 0.55 |
| 35th St/Harrison Blvd | LOS D | B 0.52 | B 0.53 | B 0.55 | C 0.69 | B 0.63 | C 0.69 |
| 29th St/Harrison Blvd | LOS D | D 0.89 | D 0.92 | C 0.92 | D 0.97 | D 0.93 | D 0.96 |
| ***All-Way-Stop*** | | | | | | | |
| Witham Hill Dr/Grant Ave** | LOS D | A 0.38 | A 0.39 | A 0.36 | B 0.48 | A 0.43 | A 0.44 |
| ***Unsignalized*** | | LOS (Major Street Left Turn/Minor Street Left Turn) | | | | | |
| Circle Blvd/Harrison Blvd | LOS D | | | A/C | | A/A | A/C |
| Witham Hill Dr/Circle Blvd | LOS D | A/C | A/C | **A/F** | A/C | **A/F** | **A/F** |
| Merrie Dr/Harrison Blvd | LOS D | A/B | A/B | A/B | A/B | A/B | A/B |
| Witham Dr/Harrison Blvd | LOS D | A/B | A/B | A/B | A/B | A/B | A/B |

**Table 10: Future Intersection Level of Service (PM Peak Period)***

| Intersection | Agency Standard | Existing 2013 | 2015 | | 2033 | | |
|---|---|---|---|---|---|---|---|
| | | No Build | No Build | w/Project | No Build | Circle Ext | w/Project |
| ***Signalized*** | | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** | ***LOS V/C*** |
| 53rd St/Walnut Dr/Harrison Blvd | LOS D | C 0.74 | C 0.77 | C 0.79 | D 0.91 | C 0.96 | C 0.96 |
| 36th St/Harrison Blvd | LOS D | B 0.44 | B 0.46 | B 0.46 | B 0.58 | B 0.52 | B 0.57 |
| 35th St/Harrison Blvd | LOS D | B 0.39 | B 0.39 | B 0.41 | B 0.49 | B 0.44 | B 0.49 |
| 29th St/Harrison Blvd | LOS D | C 0.75 | C 0.77 | C 0.75 | D 0.88 | C 0.82 | D 0.84 |
| ***All-Way-Stop*** | | | | | | | |
| Witham Hill Dr/Grant Ave** | LOS D | B 0.40 | B 0.41 | B 0.39 | B 0.55 | B 0.52 | B 0.53 |
| ***Unsignalized*** | | LOS (Major Street Left Turn/Minor Street Left Turn) | | | | | |
| Circle Blvd/Harrison Blvd | LOS D | | | A/C | | A/B | A/C |
| Witham Hill Dr/Circle Blvd | LOS D | A/B | A/C | **A/E** | A/C | **A/F** | **A/F** |
| Merrie Dr/Harrison Blvd | LOS D | A/B | A/B | A/B | A/C | A/B | A/B |
| Witham Dr/Harrison Blvd | LOS D | A/B | A/B | A/B | A/B | A/B | A/B |

* Intersections not meeting City Standards are indicated in **Bold.** ** Intersection conservatively analyzed as an all-way-stop controlled intersection.

4. If Circle Blvd. is extended, a signal will likely be warranted at some time in the future for Witham Hill Dr. and Circle Blvd. Signal warrants are not met in 2015, but are met in 2033. The need for signal was identified in the development of the SDC program and is listed as SDC project number 121.
5. The applicant also provided an interim mitigation analysis for Witham Hill Drive and Circle Blvd. prior to signal warrants being met. The intersection currently is a two-way stop with stop signs on Circle Blvd. The interim mitigation would be a 4-way stop controlled intersection. This mitigation would allow minor street movements (Circle Blvd.) by stopping Witham Hill. While this would help Circle Blvd. movements, it would delay Witham Hill movements. It is recommended that the intersection be looked at after the extension of Circle Blvd. prior to

installing this mitigation. Installation of stop signs would be accomplished by City Crews through the traffic order process and the developer billed for the cost of installation **(Condition 12).**

6. Per LDC section 4.0.60.b, location of new Neighborhood Collector Streets shall conform to the City of Corvallis Transportation Plan. The extension of Circle Blvd. will change traffic patterns in the area which is consistent with the intention of the recommendation in the Corvallis Transportation Plan.
7. Consistent with LDC 4.0.60.d, the proposed private local street section is consistent with City standards as imposed by the Fire Department for access to structures. Private street tract B is only needed to provide access to the proposed development site and does not provide access to any other property. The applicant will be required to establish a maintenance agreement for the private street and it shall be located in a separate tract per LDC 4.0.60.d **(Condition 13)**.
8. Consistent with 4.0.60.e, the applicant is proposing a street network improved to City standards providing access to each development site, streets are shown through the property frontages per LDC 4.0.60.f.
9. Per LDC table 4.0-1, Harrison as an arterial street should have12-foot-wide travel lanes, a 12-foot continuous center turn lane, 6-foot-wide bike lanes, standard curb and gutter, and 5-foot-wide sidewalks separated from the street by 12-foot-wide planter strips on each side, all located within an 82-foot-wide right-of-way. Sidewalks are to be curbside through natural feature areas.
10. The 1997 NW Harrison Corridor Study suggested that this section of NW Harrison Blvd. adjacent to the site incorporate 10-foot wide travel lanes, and 5-foot bike lanes. The drawings showing lane width are label conceptual. The study notes on page 7 under step one to build the roadway to urban standards with 10-foot travel lanes and 5-foot bike lanes. It also recommends under step two, Benton County add 6- foot shoulder bike lanes to 53rd, and a bicycle and pedestrian facility on the north side from the City limits to SW 53rd. Table 4.0-1 of the LDC was adopted subsequent to the Harrison Corridor study, and existing development does not restrain the ability to install standard Arterial street improvements. The applicant's property was annexed subsequent to the Harrison Corridor study.
11. Since Harrison is under Benton County jurisdiction, a permit for public improvements will be required from the County for improvements to SW Harrison Blvd. Typically the County will default to City Standards within the UGB. City and County staff have discussed the improvements along NE Harrison Blvd. and improvements proposed by the applicant are consistent with City and County standards. Improvements to NW Harrison should include: 12-foot-wide travel lanes, a 12-foot continuous center turn lane, 6-foot-wide bike lanes, standard curb and gutter on the north side, a 12-foot planter strip on the north side (except where curbside due to natural features), and a12-foot wide multiuse path **(Condition 14, 19, 37).**
12. Consistent with City standards in LDC table 4.0-1, the applicant is proposing extending NW Circle Blvd. from its current terminus north of Dale Drive south to Harrison Boulevard. The proposed alignment has been shifted from the existing

ROW to avoid impacts to the wetlands. Cross-sections are shown on P5.5 and generally include: a 5-foot sidewalks and a 12-foot planter strip on the west side(except where there are curbside sidewalks due to natural features), 6-foot bike lanes, 10-foot travel lanes, and a 12-foot planter strip and a 12-foot multi-use path on the east side. A 10-foot wide turn lane shall be provided on Circle Blvd at Street 'A' and at Harrison Blvd. Variations in the cross-sections are shown on sheet P5.5. Where access is needed adjacent to the storm drainage tract H parking for maintenance vehicle is provided. **(Condition 15, 19, 37)**

13. The applicant has not indicated they will be pursuing vacating any portion of the existing Circle Blvd ROW. If they wish to vacate any portion of the existing ROW, an application for vacation may be submitted for consideration per LDC chapter 2.8.
14. Due to Fire Department access concerns, the applicant has proposed a 32-feet wide local street with no parking where the Fire department would stage a ladder truck.
15. Local street sections are shown on sheet P5.5. **(Condition 16, 19)** The street width is reduced and sidewalks are curbside where Public Street 'A' crosses natural feature areas. No parking will be allowed in the 24-foot wide section.
16. LDC Table 4.0-1 identifies a local connector street as having pavement widths of 28-34 feet, and adjacent land uses of medium to low intensity. Planting strips and sidewalks are the same as a local street. The Corvallis Transportation Master Plan discusses local and local connector streets on page 3-8. Local connectors generally provide more through street movements and connect local street networks with the collector and arterial street network. LDC 4.0.60.c states the decision regarding which of these designations will be applied is based on a number of factors, including density of development anticipated traffic volumes and the potential for through traffic. Designation as local connector based on these criteria seems appropriate for the main local street through a RS-12 development site connecting to a neighborhood collector. This finding supports the variation listed by the applicant on page 29 of the CDP/DDP for exceeding the 28-foot maximum local street width for street 'A'.
17. The application addresses block perimeter standards on sheet P8.2 and page 80 of the application. Per LDC section 4.0.60.o.1.c), blocks for multi-dwelling properties may be formed by walkways or streets. The applicant has formed many of their blocks by walkways to meet standards. These walkways have less paved area than streets would. The plat shows 8-foot wide public access easements (PAE) for these walkways.
18. Per LDC sections 4.0.60.r and 4.0.70.a, the applicant is required to install street lights with development. There are existing street lights on NW Harrison Blvd. east of the site frontage and the improved section of NW Circle Blvd. The applicant proposes installing new street lights as shown on Sheet No's. P9.4, P9.5, and P9.6. The location and installation of the street lights will need to meet City constructions requirements outlined in the City of Corvallis Standard Construction Specifications. Final design of the street lights will be reviewed with the PIPC construction plans **(Conditions 17 & 18).**

19. At the time of building permits, System Development Charges based on an estimate of a development's impact are collected to fund City wide extra capacity improvements.

Conclusions on Transportation Facilities, Traffic impacts, off-street parking, and associated Land Development Code Criteria

Based on the above findings and conditions, the application is compatible with the existing and proposed transportation facilities including traffic impacts and off-street parking standards for site zoned RS-12. Additionally the applicant had demonstrated consistency with applicable Land Development Code criteria pertaining to transportation facilities and traffic impacts.

**Applicable Land Development Code Requirements:**

**CHAPTER 4.1 - PARKING, LOADING, AND ACCESS REQUIREMENTS**

**Section 4.1.20 - GENERAL PROVISIONS**

**k. Unassigned Parking in Residential Zones -**

**1. Vehicles - Multi-dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants within the development.**

**2. Bicycles - Multi-dwelling units with more than 10 required bicycle parking spaces shall provide bicycle shared parking. The shared parking shall consist of at least 15 percent of the total required parking spaces, to be located such that they are available for shared use by all occupants within the development.**

**l. Bedroom Size Determination - Multi-dwelling units having a bedroom in excess of 160 sq. ft. shall provide added vehicle and bicycle parking of 0.5 parking spaces per oversized bedroom.**

**o. Maximum Parking Allowed - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30, below, except as provided in "p," below, and in Section 4.1.30.g.3.b.**

**Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS**

**Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.**

**a. Residential Uses Per Building Type -**

**3. Single Detached with more than one dwelling unit on a single lot, Duplex, Attached, and Multi-dwelling -**

**a) Vehicles -**

| | | | |
|---|---|---|---|
| **1)** | **Studio or Efficiency Unit** | **-** | **One space per unit.** |
| **2)** | **One-bedroom Unit** | **-** | **One space per unit.** |
| **3)** | **Two-bedroom Unit** | **-** | **1.5 spaces per unit.** |

**4) Three-bedroom Unit - - 2.5 spaces per unit.**
**5) Four-bedroom Unit - 3.5 spaces per unit.**
**6) Five-bedroom Unit - 4.5 spaces per unit.**

**b) Bicycles -**

**1) Studio or Efficiency Unit - One space per unit.**
**2) One-bedroom Unit - One space per unit.**
**3) Two-bedroom Unit - 1.5 spaces per unit.**
**4) Three-bedroom Unit - Two spaces per unit.**
**5) Four-bedroom Unit - Three spaces per unit.**
**6) Five-bedroom Unit - Four spaces per unit.**

**The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.**

**LDC Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**

**All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.**

**Section 4.1.50 - MODIFICATION TO PARKING REQUIREMENTS**

**Vehicle parking requirements may be modified as follows:**

**4.1.50.01 - Compact Car Spaces**

**Up to 40 percent of the required parking spaces may be reduced in size to accommodate compact cars. Compact car spaces should be located near the entrance to any lot or parking aisle.**

FINDINGS OF FACT

1. The following tables summarize the automobile and bicycle parking required by the Corvallis LDC and the parking provided by the proposed site plan:

On-Site Automobile Parking Spaces Required

| Parking Spaces Required per MFR Unit | Number of Units Proposed | Auto Parking Spaces Required |
|---|---|---|
| 1.5 spaces/2-bedroom unit | 60 | 90 |
| 2.5 spaces/3-bedroom unit | 164 | 410 |
| 3.5 spaces/4-bedroom unit | 72 | 252 |
| 0.5 space addl. parking for each bedroom over 160 sq. ft. | [8 bedrooms] | 4 |
| **Total MFR Units/Spaces Required** | **296 units** | **756 spaces** |

On-Site Automobile Parking Spaces Provided

| Type of Parking Space | Onsite Parking Spaces Provided |
|---|---|
| Surface parking – standard-sized | 425 |
| Surface parking – compact | 294 (37% of total) |
| ADA surface parking | 20 |
| **Total Parking Spaces Provided** | **796 On-site Parking Spaces** |

Bicycle Parking Required

| Parking Spaces Required per MFR Unit | Number of Units | Bicycle Parking Spaces Required |
|---|---|---|
| 1.50 bicycle spaces/2-bedroom unit | 60 | 90 |
| 2 bicycle spaces/3-bedroom unit | 164 | 328 |
| 3 bicycle spaces/4-bedroom unit | 72 | 216 |
| 0.5 space addl. bicycle parking space for each bedroom over 160 sq. ft. | 8 bedrooms | 4 |
| **Total MFR Units/Bike Spaces Required** | **296 units** | **638 spaces** |

Bicycle Parking Provided

| Type of Bicycle Parking Space | Bicycle Spaces Provided |
|---|---|
| In uncovered bike racks | 379 |
| In covered bike racks | 379 (50% of total) |
| **Total Bicycle Parking Spaces** | **758 spaces** |

As can be seen from the tables above, the proposed development will provide on-site parking in excess of the minimum required by the LDC. Per the LDC, 756 on-site automobile parking spaces are required and the applicant proposes to provide 796 spaces. Similarly, the LDC requires 638 bicycle parking spaces on the site and the applicant proposes to provide 758 bicycle parking spaces. The amount of on-site automobile parking proposed does not exceed the 130% maximum allowed by the LDC, which would be 983 spaces. Additionally, less than 40% of the on-site automobile spaces will be compact spaces, in compliance with LDC Section 4.1.50.01. A condition of approval is recommended to ensure that the amount of required unassigned vehicle and bicycle parking is provided on the site, per LDC Section 4.1.20.k **(Condition 38).**

2. The applicant notes that, in addition to the on-site parking provided within the development, approximately 56 on-street parking spaces will be available along the new local connector street to be built to serve the development. It is anticipated that most of these spaces would be utilized by guests or residents of the development, as there are no other nearby destinations of interest, other than adjacent open space areas.
3. The applicant proposes an off-street parking lot shown on Sheets P5.0, P5.1 and P5.2. A permit from the Development Services Division will be required to construct parking, loading, and access facilities. Installation of the parking lot will

need to be consistent with the City's Off-Street Parking and Access Standards (**Condition 33**). As conditioned, the application is consistent with applicable Land Development Code requirements.

CONCLUSIONS

Based on the above findings and conditions, the proposed development, and associated public infrastructure, will be consistent with applicable requirements and will result in development with compatible transportation and traffic impacts. Additionally, the proposed development will comply with applicable on-site parking requirements for development in the RS-12 zone.

**11. Utility infrastructure;**

This review criterion, along with the applicable Land Development Code Chapter 4.0 requirements, are listed below.

**Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)**

**a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.**

**b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.**

**c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.**

**d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).**

**e. All required public utility installations shall conform to the City's adopted facilities master plans.**

**f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:**

**1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;**

**2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and**

**3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.**

**g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

FINDINGS OF FACT

1. Consistent with LDC section 4.0.70.a, the application has shown how the development site will be provided with public water, sewer, storm drainage, and street lights on sheets P7.0, P7.1, P7.2, P9.4, P9.5, and P9.6. On page 81, of the application, the narrative addresses LDC section 4.0.70.

**Water**

2. The site elevations ranging from approximately 270 feet along NW Harrison Blvd. to 450 feet in the NW corner encompass all three water service levels: first level

up to 290 feet, second level 290 feet to 410 feet, and third level 410 feet to 560 feet.

3. Existing first level water service is available from a 20-inch ductile iron waterline in NW Harrison Blvd., however, since most of the proposed development occurs in the second level area (290'-410' elevation); use of this line is not recommended. Second level water service is available from dead-end lines within the NW Circle Blvd. extension right-of-way (16-inch ductile iron), the NW Dale Drive right-of-way (6-inch cast iron), and off of NW Elizabeth Place (6-inch cast iron). All three of these second level lines were stubbed out with the intention that they would be looped with development on the site. Third level waterlines are available north of the site, west of Woodland Drive, and NW Witham Hill Drive (8-inch cast iron).
4. Per the Water Distribution System Master Plan a 16-inch second level waterline is to be extended down NW Circle Blvd. and to the eastern property line. A 12-inch second level waterline is identified extending from the 16-inch waterline easterly to NW Elizabeth Place. Per the Water Distribution System Master Plan (p. 5-5) the minimum waterline size for medium density is 10 inches.
5. The 12-inch waterline should run under any trail/path connecting to the park via the existing 15-foot wide easement shown in PP2001-04.
6. The application plans are consistent with city standards for waterlines and the master plan required extensions with the exception of the label for the waterline sizes. Per LDC section 4.0.20 and consistent with the Corvallis Water Distribution Facility Master Plan, prior to approval of the final plat/occupancy, the applicant shall install a minimum 16-inch waterline within the NW Circle Blvd. extension and new Local Street 'A'. The 16-inch line in Public Street 'A' shall extend to the western property line. A 12-inch second level waterline shall Loop from the 16-inch waterline in NW Circle Blvd. to the existing 2nd level waterline in NW Elizabeth. The final location of the waterlines will also need to account for tree plantings to avoid conflicts.

   If appropriate easements are not available to loop the 2nd level NW Circle Boulevard waterline to the NW Elizabeth Place waterline, the applicant shall extend the NW Circle Boulevard waterline south to the intersection with the existing City easement adjacent to the Beit Am property, and a flushing station shall be installed at this terminus that contains a meter service, a backflow prevention system, and connection to the public sewer system on NW Harrison Boulevard. The looping of the waterline and/or installation of the flushing station shall be constructed concurrent with the first phase of development **(Condition 20)**.
1. New public water lines will be reviewed with the plans for public improvements **(Condition 18)**.

**Sewer**

1. The site is located within the Fillmore sewer basin. Sanitary sewer service is available to the site via the existing 12-inch sewer line in the existing NW Circle Blvd. ROW which extends south and connects to the 15-inch sewer line flowing

to the east in NW Harrison Blvd. The sewer master plan does not show any additional facilities in this area.

2. The applicant's utility plans show connection to an existing manhole located adjacent to the existing multi-use path. The proposed public sewer runs from the existing line through the parking lot, up private Drive B to the public Street 'A'. The sewer line in the public street and downstream to the connection with the existing public sewer will be a City sewer line. The sewer on private property under common ownership may remain private per 4.0.70.f. Private sewers allowed under LDC section 4.0.70 will be permitted by Development Services and maintenance agreement provided **(Condition 21).** Public sewers will be included with the plans for public improvement **(Condition 18).**
3. Per Land Development Code Section 4.0.70.d utilities are to be installed through the site to the edge of adjacent properties. This requirement is to allow adjacent properties to connect to the line and extend it for orderly development. The application shows a sanitary sewer extension in the new local street through the site to the OSU property. It is not clear that the elevation of this line will allow service to the OSU property. The applicant will need to demonstrate that this line can serve the adjacent property, or provide an 8-inch sewer line in NW Harrison Blvd. to the west edge of the Campus Crest apartment site frontage on NW Harrison Blvd **(Condition 22)**.
4. Sewer facilities such as manholes located outside the public street ROW will need to have maintenance access provided to them **(Condition 23)**.

**Storm**

5. The site is located within the Oak Creek drainage basin. There are currently no enclosed public storm drain lines adjacent to the site. The closest storm drain line in NW Harrison Blvd. to the east is near the intersection with NW Merrie Street. Storm drains east of the site have limited capacity to accept additional flows.
6. Storm water runoff from the site currently drains from north to south through the existing wetlands. There is an existing drainage way (approximately 5-foot wide) that runs roughly north to south through the site, paralleling and crossing the existing NW Circle Blvd. right-of-way for much of its length, and terminating into an existing channel (approximately 5-foot wide and 2-foot to 3-foot deep) that runs along the north side of NW Harrison Blvd. adjacent to the site's southern boundary.
7. There is an existing 18-inch culvert (Outfall 1) located at the southeast corner of the site that currently conveys some runoff from the site south onto the abutting OSU property. The majority of the collected runoff from the site is conveyed west via the NW Harrison Blvd. channel to an existing 18-inch culvert (Outfall 2) that crosses under NW Harrison Blvd. and into a drainage way that flows across the abutting OSU property south to Oak Creek. A portion of the runoff from the site continues further west along the NW Harrison Blvd. channel, eventually crossing NW Harrison Blvd. (Outfall 3) and also flowing south across OSU property to Oak Creek.
8. A preliminary storm water management report is provided in appendix 6 of the application. The report addresses sub basins within the site and how storm

water will be routed, treated and detained. Preliminary sizing data is also provided for the water quality and detention facilities. The water quality and detention facilities are shown on the utility plans. The applicant will need to provide water quality and detention as addressed in the section on LDC 4.0.130.

9. The applicant's plans show a series of private and storm drains serving the site. Private drainage serving the parking lots and private streets will not need to be extended to adjacent properties, and will be located on large lots under common ownership. The private storm drains will be permitted by development services and a maintenance agreement will be required **(Condition 21)**.
10. Storm drainage for public streets is shown on the applicable utility plan sheets. Final plans for the storm drainage system including sizing information will need to be submitted with the plans for public improvements **(Condition18)**.
11. To get storm drainage to Oak Creek the water must flow off-site and across a drainage channel on OSU's property. To demonstrate compliance with LDC 4.0.70.a, 4.0.70.b, and 4.0.70.c, an easement from OSU should be obtained. If an easement from downstream property owners cannot be obtained, the applicant shall demonstrate they have made a good faith effort, provide a legal opinion on Oregon drainage law for the site, and demonstrate their drainage system has minimum impact to the downstream property owners **(Condition 24)**.

**Street Lights**

12. Per LDC sections 4.0.60.r and 4.0.70.a, the applicant is required to install street lights with development. There are existing street lights on NW Harrison Blvd. east of the site frontage and the improved section of NW Circle Blvd. The applicant proposes installing new street lights as shown on Sheet No's. P9.4, P9.5, and P9.6. The location and installation of the street lights will need to meet City constructions requirements outlined in the City of Corvallis Standard Construction Specifications. Final design of the street lights will be reviewed with the PIPC construction plans **(Conditions 17 &18).**

Conclusions on Utility infrastructure and Public Utility Requirements

As conditioned the public utility requirements proposed in the application are consistent with LDC section 4.0.70. and the proposed public site utilities are compatible in the area of utility infrastructure.

**Section 4.0.80 - PUBLIC IMPROVEMENT PROCEDURES**

**It is in the best interests of the community to ensure that public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, before installing public water, sanitary sewer, storm drainage, streetlights, street, transit, bicycle, or pedestrian improvements, developers shall contact the City Engineer for information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements.**

**Whenever any work is done contrary to the provisions of this Code, the Director may order the work stopped via a written notice served on the persons performing the work or otherwise in charge of the work. The work shall stop until the Director authorizes that it proceed or authorizes corrective action to remedy existing substandard work.**

FINDINGS OF FACT AND CONCLUSIONS

Public improvements shall be constructed in a single phase. In accordance with LDC 4.0.60.e and LDC 4.0.70, all development sites shall be provided with access to a street, public water, sanitary sewer, storm drainage, and street lights. 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 by private contract (PIPC) from the City's Engineering Division per LDC section 4.0.80. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Street signs and curb markings will be reviewed and approved with the PIPC plans. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80 **(Condition 18)**.

**Section 4.0.90 - FRANCHISE UTILITY INSTALLATIONS**

**These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements that the City has with providers of electrical power, telecommunication, cable television, and natural gas services, hereafter referred to as Franchise Utilities.**

**a. Where a Land Division is proposed, the developer shall provide Franchise Utilities to the development site. Each lot in a Subdivision shall have an individual service available or secured prior to approval of the Final Plat, in accordance with Section 2.4.40 of Chapter 2.4 - Subdivisions and Major Replats.**

**b. Where necessary and in the judgement of the Director, Franchise Utilities shall be extended through the site to the edge of adjacent property(ies) to provide for orderly development of adjacent properties.**

**c. The developer shall have the option of choosing whether to provide natural gas or cable television service to the development site, provided that all of the following conditions exist:**

**1. Extension of Franchise Utilities through the site is not necessary for the future orderly development of adjacent property(ies);**

**2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and**

**3. The development is nonresidential.**

**d. Where a Land Division is not proposed, the site shall be provided with Franchise Utilities prior to occupancy of structures as required by this Section and in accordance with the provisions of Section 2.4.40.12 of Chapter 2.4 - Subdivisions and Major Replats.**

**e. All Franchise Utility distribution facilities installed to serve new development shall be placed underground except as provided below.**

**1. Poles for traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts; and**

**2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.**

**f. The developer shall be responsible for making necessary arrangements with Franchise Utility providers for provision of plans, timing of installation, and payment for services installed. Plans for Franchise Utility installations and plans for public improvements shall be submitted together to facilitate review by the City Engineer.**

**g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

FINDINGS OF FACT AND CONCLUSIONS

A franchise utility Plan is shown on **Attachment Q** - Sheet P7.3. On page 83 of the application, it is stated the developer will comply with franchise utility installation requirements in LDC section 4.0.90 **(Condition 25)**. Easements for franchise utilities are shown on P5.3 adjacent to local streets within the site. The preliminary plat does not show easements for franchise utilities along NW Circle Blvd. or NW Harrison Blvd. Utility Easements (UE) at least 7 feet wide shall be provided along all street frontages per LDC section 4.0.100.b with the plat **(Condition 26)**. At proposed in the application and conditioned, the application is consistent with LDC criteria for Franchise Utility Installation.

**Section 4.0.100 - LAND FOR PUBLIC PURPOSES**

**a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.**

**b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations. In areas where such a utility easement is not compatible with the existing development pattern, the Director may require that the utility easement be placed in an alternate location, as recommended by the City Engineer and affected utility companies.**

**c. Where a development site is traversed by a drainageway or water course, improvements shall be in accordance with the Corvallis Storm Water Master Plan and the Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

**d. Where a development site is traversed by, or adjacent to, a future trail linkage identified in the Corvallis Transportation Plan or the Trails Master Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, based on the appropriate standard for the type of trail facility involved.**

**e. Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.**

**f. Easements or dedications required in conjunction with Land Divisions shall be recorded on the Final Plat. For developments not involving a Land Division, easements and/or dedications shall be recorded on standard forms provided by the City Engineer.**

**g. Environmental assessments shall be provided by the developer (grantor) for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands, in accordance with the following:**

1. **The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of this information, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. If further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor, as described in "2," below.**
2. **Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and maps, interviews with current and available past owners of the site, and other data as appropriate.**
   **Site reconnaissance shall include a walking reconnaissance of the site to check for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a registered professional engineer.**
3. **If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.**

**h. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**

***[Section 4.0.100 amended by Ordinance 2012-16, effective December 13, 2012]***

FINDINGS OF FACT

1. LDC section 4.0.100 is addressed in the application on pages 84-87.
2. The preliminary plat (P5.3) shows most of the proposed easements and ROW dedications. The final plat will need to include all applicable easements for public facilities approved with the application; environmental assessments will be required per LDC 4.0.100.g **(Condition 27 & 28)**.
3. Final location of City easements cannot be determined until construction plans for public improvements are submitted and reviewed for final alignments. Permit conditions require appropriate easements and dedications are provided **(Condition 27 & 28)**.
4. The applicant shows Public Access Easements for the proposed multi-use path along the south side of the site and an easement through the wetland area between the existing Circle Blvd. ROW and the proposed Circle Blvd. ROW.

CONCLUSIONS

As proposed in the application and conditioned above the application is consistent with LDC requirements for land for public purposes.

**Section 4.0.110 - MAIL DELIVERY FACILITIES**

**a. Placement of mail delivery facilities shall consider locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements. Where mail delivery facilities are being installed in conjunction with a Land Division, their placement shall be indicated on the plans for public improvements and meet the approval of the City Engineer and the U.S. Post Office.**

**b. Where mail delivery facilities are proposed for installation in areas with an existing or future curbside sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.**

**c. Mail delivery facilities and associated sidewalk transitions, when sidewalk transitions are necessary, around these facilities shall conform with the City's standard construction specifications. Mailboxes shall conform with the U.S. Post Office standards for mail delivery facilities.**

**d. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.**

FINDINGS OF FACT AND CONCLUSIONS ON MAILBOXES:

The applicant has proposed mailboxes be located on the front of the club house building which is a central location to the development and is accessible through the onsite pedestrian facilities. The mailboxes are shown on sheet AA-3.0, the front elevation of building type 'A' (clubhouse). As part of the plans for public improvements, the applicant will need to show proposed mailbox locations, with approval from the Post Office (DRC B). The proposed mailbox locations are consistent with LDC criteria for Mail Delivery Facilities.

**12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**

This review criterion, along with the applicable Land Development Code Chapter 4.0 requirements, are listed below.

**4.0.130 - STORM WATER MANAGEMENT MEASURES**

**a. To reduce the risk of causing downstream properties to become flooded and to help maintain or restore the Properly Functioning Conditions of receiving waters, new development, expansions to existing development, or redevelopment shall be required to provide storm water detention and retention in accordance with "b," of this Section.**

**b. When Detention and/or Retention are Required - See also Section 4.2.50.04 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

**1. New development projects that create impervious surfaces in excess of 25,000 sq. ft. are required to implement storm water detention and/or retention measures as specified in the Corvallis Design Criteria Manual. Impervious surfaces include such elements as roads, driveways, parking lots, walks, patios, and roofs, etc. Detention facilities shall be designed to maximize storm water infiltration. Detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater. The riparian easement area is identified in Section 4.13.70 of Chapter 4.13 - Riparian Corridor and Wetland Provisions, and this standard shall apply regardless of whether or not an easement has been granted.**

**c. Use of water quality features shall be consistent with the Corvallis Design Criteria Manual. Water quality features within the regulated Riparian Corridor shall be located outside of the applicable riparian easement area. The riparian easement shall be re-vegetated consistent with Sections 4.13.50.d.1 and 4.13.50.d.2 of Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

***[Section 4.0.130 amended by Ordinance 2012-16, effective December 13, 2012]***

FINDINGS OF FACT

1. Typical multi-family development has similar air and water quality impacts as typical single-family development. Typical air quality impacts associated with these development types are car exhausts, barbecuing odors and pollutants, lawn care equipment exhaust, and construction equipment exhaust. Typical water quality impacts include short-term construction-related sediment and other pollutant runoff, long-term sediment, fertilizers and insecticide, and car–related grease and oil runoff, and increased stormwater runoff volume due to increased impervious surfaces. Stormwater management is proposed to be accommodated on-site, with the exception of facilities designed to handle stormwater from public streets, which must be public facilities.
2. With development of the site under either the existing or the proposed Plan and zoning designations, construction-related impacts would be similar in type, volume, and control and treatment methods. The City of Corvallis and the Oregon Department of Environmental Quality have erosion control permitting requirements for any construction related activities. The primary difference between the types of development relate to the typically lesser periods of time that multi-family development site surfaces are disturbed as compared to single-family developments which may involve different areas of a site being disturbed over a period of years while lots are being built upon. Also, the reduced areal extent of a typical multi-family development site typically results in fewer erosion control measures (ponds, vegetative strips, filter fabric fences) which need to be maintained and the lesser period of construction makes it easier to maintain these measures as compared to the greater numbers of erosion control measures and duration of use required for single-family development.
3. Long-term measures for water quality protection include storm drainage settling ponds or vegetative swales, grease traps in storm drainage catch basins, and vegetative buffers between developed areas and wetlands. Long-term storm drainage water quality measures within a typical multi-family development are the responsibility of the development owner. Public and private water quality facilities will be built to maintain the City's standards for water quality.
4. A preliminary storm water management report is provided in appendix 6 of the application. The report addresses sub basins within the site and how storm water will be routed, treated and detained. Preliminary sizing data is also provided for the water quality and detention facilities. The water quality and detention facilities are shown on the utility plans.
5. Detention is provided by ponds with open bottom to allow infiltration of storm water.
6. Water quality facilities proposed by the applicant are consistent with standards outline in Appendix F, Recommendation to Development Standards. As noted in appendix F water quality swales are an acceptable facility and should be designed to criteria outline for swales in King County Washington surface water design manual **(Condition 23, 29, 30, & 31)**.
7. In accordance with the LDC section 4.0.130.b, the requirement for detention is typically triggered when the proposed impervious area is more than 25,000 $ft^2$. The storm water detention facilities will be required to be designed consistent

with design standards outlined in Appendix F of the Storm Water Master Plan, and standards outlined in the King County, Washington, Surface Water Design Manual except were variances are approved as part of the planned development. Design shall capture storm water run-off so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. The facility design will need to safely pass a 100 year, 24-hour storm. A public storm drainage easement will be required for all public drainage facilities located outside the ROW **(Conditions 23, 29, 30, & 31)**.

8. Private storm water facilities serve the private areas of the site upstream of where public water (Street runoff) enters the system. These are to be constructed are to meet the same standards as a public facility **(Condition 32)**.
9. The detention and water quality facilities will be designed to City standards and meet requirements for water quality and detention. Multiple facilities are provided to serve the drainage sub basins located on the site. Discharge after being treated and regulated by the water quality and detention facilities is proposed to be routed through a flow spreader back to the wetland to address LDC section 2.4.30.04.b.4 in terms of water quantity and quality that supports the wetlands.

CONCLUSIONS

Given the requirement for facilities to maintain the City's standards for water quality, and the limited air quality impacts anticipated with the proposed development, the proposed development will be compatible in terms of its effects upon air and water quality.

**13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards[1]; and**

FINDINGS OF FACT

1. The applicant has not requested to vary from the Pedestrian Oriented Design Standards in Chapter 4.10 of the LDC. Consequently, the proposed development will comply with all applicable PODS. Analysis of compliance with those standards is provided later in this staff report.

CONCLUSIONS

Because the proposed development is required to comply with all applicable PODS, the proposed development is consistent with this criterion. Findings from the analysis of compliance with applicable PODS later in this staff report are incorporated here by reference.

**14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain**

[1] Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

**Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

**Applicable Land Development Code Requirements:**

**Section 4.12.70 - PROVISIONS LIMITING EXTENSIONS OF PUBLIC AND PRIVATE ROADWAYS AND UTILITIES ON SITES CONTAINING SIGNIFICANT VEGETATION**

**Location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Significant Vegetation areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the Significant Vegetation area.**

**Section 4.13.50 - USE LIMITATIONS AND EXCEPTIONS WITHIN HIGHLY PROTECTED RIPARIAN CORRIDORS AND RIPARIAN-RELATED AREAS**

**b. Building, Paving, and Grading Activities - The placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, are prohibited. Exceptions to the drainageway restrictions may be made for the purposes identified in items 1-7 of this Section, provided they are designed and constructed to minimize adverse impacts to Riparian Corridors and Riparian-related Areas.**

**2. The location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Highly Protected Riparian Corridors and Riparian-related Areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the subject area;**

**4.13.80.01 - Use Limitations and Exceptions Within Locally Protected Wetlands**

**c. Building, Paving, and Grading Activities - Within LPW areas, the placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, is prohibited, except as outlined below. Exceptions to the LPW restrictions may be made for the purposes identified in "1," and "2," below, provided they are designed and constructed to minimize adverse impacts to Wetland Functions.**

**2. Activities outlined in sections 4.13.50.b.2, 4.13.50.b.5, and 4.13.50.b.6.**

FINDINGS OF FACT

1. The proposed development minimizes impacts to the identified Natural Resource areas on the site. With the exception of the extension of necessary public infrastructure through Natural Resource areas, the proposed development avoids impacts to the Highly Protected Significant Vegetation, Locally Protected Wetlands, and Highly Protected Riparian Corridor areas on the site. The applicant has submitted a wetland delineation and letter of concurrence from DSL to precisely locate the Locally Protected Wetland on the site, and has designed the development to avoid impacts to the wetland. Although the

applicant notes, and staff concur, that field observations do not support the presence of a riparian corridor along the southeastern edge of the subject property, as is suggested by the City's Natural Features Inventory, proposed improvements in that area are limited to the extension of Circle Boulevard and associated public infrastructure, which is allowed in Highly Protected Riparian Corridors.

2. As noted above in Land Development Code Sections 4.12.70, 4.13.50.b.2, and 4.13.80.01.c.2, encroachments are allowed into Highly Protected Significant Vegetation, Highly Protected Riparian Corridors, and Locally Protected Wetlands for the extension of public infrastructure that is deemed necessary to maintain a functional system by the City Engineer. In the case of the proposed extension of Circle Boulevard and improvements to Harrison Boulevard, along with associated stormwater and infrastructure extensions, and the extension of multi-use paths and trails on the site identified from adopted City facility plans, the proposed public infrastructure is allowed in the subject Natural Resource areas. The alignment of Circle Boulevard has been moved to the east, away from the current alignment of the multi-use path on the property, to minimize impacts to wetland and riparian areas. Additionally, streets located within resource areas will be built with curbside sidewalks with no planting strips to narrow the profile of the street and minimize impacts to the adjacent natural resources.
3. Portions of the development site contain areas with slopes between 10 and 20%. Chapter 4.14 of the Land Development Code does not prohibit development in areas with such slopes, but instead identifies standards under which development may occur in these areas. Compliance with these requirements is evaluated later in this staff report in the Section entitled "Additional Applicable LDC Development Standards." Findings from that discussion are incorporated here by reference. In summary, the proposed development complies with those standards, with the exception of the requested variation to the gradable area standards, which is addressed below.

**b. Natural Resources and Natural Hazards Factors -**

**1. Any proposed variation from a standard within Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions shall provide protections equal to or better than the specific standard requested for variation; and**

**2. Any proposed variation from a standard within Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions shall involve an alternative located on the same development site where the specific standard applies.**

**3. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development**

**Permit Variance review criteria in Section 2.11.60.06 and, to the extent feasible, the base Floodplain Development Permit review criteria in Section 2.11.50.04.**

FINDINGS OF FACT

1. The only requested variation from the requirements of any of the above-listed chapters of the Community Development Code is a request to allow 100 percent of the apartments' site to be graded whereas Code Section 4.14.70.04.c.3.b. allows a maximum of 75 percent of a site within the RS-12 zone to be graded. The request provides better protection for the overall site than would occur with strict compliance with that standard because the requested variation allows the development site to be limited in area to 24.6-acres rather than needing to increase the site up to approximately 8 additional acres to house the same additional development while meeting the standard. Therefore, the requested variation frees up more area for long term protection as open space.
2. The requested variation to Code Section 4.14.70.04.c.3.b. will allow the proposed development to occur on the same site where the grading area limit would apply.
3. The site is not located within a floodplain. No variations from Floodplain Development Permit requirements are proposed.

CONCLUSIONS

The proposed development has been designed to avoid impacts to the many Natural Resource and Natural Hazard areas on the site. The private development does not encroach into any protected Natural Resource areas, but associated public infrastructure improvements will encroach into some resource areas. Public infrastructure improvements have been designed and located to minimize impacts to Natural Resource areas on the site. Natural Hazard areas on the site have been avoided to the extent practicable, but development is allowed on the portions of the developable area that contain slopes between 10% and 20%. The applicant's requested variation to gradable area will serve to minimize the development footprint on the site, in compliance with LDC Section 2.5.40.04.b. Findings from the discussion of the requested variation are incorporated by reference as findings under the above criterion. This criterion is met.

## ADDITIONAL APPLICABLE LDC DEVELOPMENT STANDARDS

In addition to the applicable Planned Development Compatibility Criteria discussed above, the application has been reviewed for conformance with applicable LDC development standards contained in Article III (the RS-12 zone), as well as applicable standards in Article IV. These criteria are applicable to Planned Development applications as "any other applicable policies and standards adopted by the City Council", per LDC Section 2.5.40.04. As discussed below, and except as noted in the discussion above under LDC 2.5.40.04.a.1 (Compensating benefits for the variations being requested), the proposal is consistent with the applicable LDC development standards in Articles III and IV.

## Consistency with Applicable Provisions of Chapter 3.6 of the City of Corvallis Land Development Code (RS-12 Zone).

**Section 3.6.20 – Permitted Uses**

**3.6.20.01 - Ministerial Development**

**a. Primary Uses Permitted Outright**

**1. Residential Use Types -**

**a. Family**

**2. Residential Building Types -**

**a. Single Detached**

**b. Single Detached - Zero Lot Line**

**c. Single Attached - Zero Lot Line, two units**

**d. Attached - Townhouse**

**e. Duplex**

**f. Multi-dwelling**

**g. Manufactured**

FINDINGS OF FACT

1. The intended primary use of the proposed development - rental apartments - is a family residential use type which is permitted outright in the RS-12 district. Family residential uses are defined as "[R]esidential occupancy of living units by an individual(s) or a family(ies)]" by Section 3.0.30.01 of the Community Development Code. The proposed multi-dwelling buildings and attached - townhomes are both permitted building types in the RS-12 district.

**b. Accessory Uses Permitted Outright**

**7. Model Dwelling Units**

**8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations**

FINDINGS OF FACT

1. The project developers will endeavor to complete at least one model dwelling unit in the clubhouse building early in the development of the project and have this model unit open while construction is ongoing.
2. The proposed clubhouse building with indoor and outdoor recreation facilities, pool, bike shelters, meeting areas, and offices for leasing and management are customarily provided as incidental uses to a large residential use.

**Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS**

**Table 3.6-1**

| | | Standard |
|---|---|---|
| **a.** | **Minimum Density** | **12 units per acre. Applies to the creation of Land Divisions.** |
| **b.** | **Maximum Density** | **20 units per acre. Applies to the creation of Land Divisions.** |
| **c.** | **Minimum Lot Area** | **2,200 sq. ft. per dwelling unit** |
| **d.** | **Minimum Lot Width** | **25 ft.** |

FINDINGS OF FACT

1. As noted previously, the proposed development will have a density of 296 dwelling units, just above the 295 dwelling unit minimum density for the site.
2. The proposed 296 units on a 20.48 net acre site (without associated streets and tracts) will result in an overall minimum lot area of 3,014 square feet per dwelling unit.
3. Parcel 1 will include 88 units on an approximately 217,364 sq. ft. site, or approximately 2,470 sq. ft. of lot area per unit.
4. Parcel 2 will include 44 units on an approximately 163,350 sq. ft. site, or approximately 3,713 sq. ft. per unit.
5. Parcel 3 will include 164 units on an approximately 508,345 sq. ft. site, or approximately 3,099 sq. ft. of lot area per unit.
6. The proposed development plan is therefore consistent with the minimum lot area per dwelling unit standard of the RS-12 district for each of the three proposed lots, as well as for the combined net development site.
7. The proposed development site will include three parcels. None of the parcels will have lot widths less than 100 feet. All parcels will therefore be consistent with the minimum lot width standard of the RS-12 district.

**e. Setbacks**

**1. Front yard: 10 ft. minimum; 25 ft. maximum**

**Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.**

**2. Rear yard and Side yards (Interior attached townhouses exempt from interior side yard setbacks.)**

| | | |
|---|---|---|
| **c.** | **Duplex and Multi-Dwelling** | **10 ft. minimum each side** |
| **d.** | **Abutting a more restrictive zone** | **10 ft. minimum** |

| | | |
|---|---|---|
| **3.** | **Exterior Side Yard and Rear Yard Abutting a Street** | **10 ft. minimum and vision clearance areas in accordance with Section 4.1.40.c** |

FINDINGS OF FACT

1. With the exception of Buildings 2, 4, and 5, for which the applicant has requested a variance from the standard, all proposed multi-family buildings will maintain a minimum 10-foot front yard and a maximum 25-foot setback from adjacent public or private streets consistent with the applicable standards. Setbacks are shown

on the site plan. All proposed buildings maintain at least a 10-foot side yard from property boundaries or a 10-foot side separation from other buildings on the same property. Buildings adjacent to public and/or private street corners are located consistent with the corner yard setback standards and vision clearance standards. All buildings will be located at least 15-feet from the nearest rear lot line, thereby exceeding the 10-foot minimum rear yard setback standard. All buildings will therefore be located consistent with the applicable setback standards.

**g. Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land. See also "k," and "l," below.**

**When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft. - wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.**

**The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.**

FINDINGS OF FACT

1. OSU Agricultural properties to the west and south are not located within the City Limits and are not currently zoned OS-AG. Therefore, these requirements do not apply. However, both properties would likely be zoned OS-AG once annexed into the City (they are designated for Open Space – Agriculture on the Comprehensive Plan Map. The Dairy facility to the south is located more than 100 feet to the south of the development site. The only portions of the development site within 100 feet of the OSU Poultry facility to the west contain parking spaces and a storm drainage facility, so the development would remain in compliance with this setback requirement after the OSU properties were annexed.

**h. Maximum Structure Height 35 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access**

FINDINGS OF FACT

1. All proposed buildings are within the 35 foot height limit and there has been no solar envelope approved under Chapters 2.18 or 4.6 that would affect development on the subject site.

**i. Maximum Lot/Site Coverage 70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green area is calculated per lot.**

FINDINGS OF FACT

1. The proposed lot coverage for the apartment development site will be approximately 48.9 percent – substantially less than the maximum coverage standard of this zone.

Proposed Site Coverage

| | | |
|---|---|---|
| **Net Site Area** | 889,669 sf (20.4 ac.) | |
| Building coverage | 168,375 sf | (18.9%) |
| Drive aisles and parking including bike and bbq shelters/trash & recycling enclosure | 266,621 sf | 30% |
| **Total Site Coverage** | 434,996 sf | 48.9% |

**k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures shall not be placed within required front yard setback area.**

**When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.**

**l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

FINDINGS OF FACT

1. Heat pumps will be located in interior yard areas between buildings and within front yards of building types C and D, but behind the minimum setback line or required minimum front yard area. This equipment in front yards, but outside of the required setback area, will be screened by landscaping as shown on the landscaping plan to assure compliance with this section, as applicable **(Condition 4).**

**Section 3.6.40 – Multiple Buildings on One Lot or Site**

**To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12 Zone:**

**a. Buildings with opposing windowed walls shall be separated by 20 ft.**

**b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.**

**c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b," above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.**

**d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.**

FINDINGS OF FACT

1. **Attachment Q** - Sheet P8.0, Minimum Separation Plan, illustrates minimum separations between multi-family buildings on the development site. A graphic on this sheet demonstrates the required minimum building separations which are required based upon the heights and presence of windows for all proposed residential building types. One can look at the types of adjacent buildings on the site plan; check that against the graphic for that sort of paired building types; and conclude that all proposed buildings separations satisfy the applicable minimum building separation standard. All of the larger proposed buildings will be separated from neighboring larger residential buildings by a minimum of 30-feet, regardless of whether the walls of the proposed buildings will have windows. All townhome buildings will be separated by a minimum of 26 feet. Uninhabitable fire closets on the townhome buildings were not considered to be part of the building walls for purposes of calculating building separations. No blank walls are proposed for any of the buildings facing streets, sidewalks or paths.

**e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.**

**f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.**

FINDINGS OF FACT

1. No buildings with courtyards are proposed. The plan has been designed with building separation standards in mind. All of the apartment buildings exceed 60-feet of length along their long axis and also exceed 30-feet of height noted in this section (although the buildings are consistent with the 35-foot maximum height standard of the RS-12 district). The townhomes also exceed the 30-foot of height mentioned in this standard (although the townhomes also are consistent with the 35-foot maximum height standard of the RS-12 district). Required minimum building separations shown on **Attachment Q** - Sheet P8.0 have been increased as needed to comply with this standard. All proposed building separations shown on the plan satisfy the applicable minimum building separation illustrated in the graphic on this plan sheet.

**g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of ground level.**

**1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.**

**2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.**

**3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.**

FINDINGS OF FACT

1. As illustrated on the site plan, all proposed driveways and parking areas will be separated from neighboring buildings and doorways by a minimum of 10 feet, regardless of whether the walls of the proposed buildings will have windows or whether there are living room windows on that building face. Similarly, all sidewalks and multi-use paths will be separated from all proposed building walls by a minimum of seven feet. Driveways and uncovered parking spaces will all be separated from doorways by at least 10-feet, as well.

**Section 3.6.50 – Green Area, Outdoor Space, Landscaping, and Screening**

**3.6.50.01 – Green Area**

**a. A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.6.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.**

FINDINGS OF FACT

1. Approximately 45.4 percent of the gross site area (apartment development site only) will be permanent Green Area (includes pool, pool deck, walkways and paths). Approximately 34 percent of the gross site will consist of landscape vegetation (does not include pool, pool deck, walkways and paths). Approximately 54.6 percent of the gross site will be covered by buildings, pavement, or other non-pedestrian or non-recreational impervious surfaces (also does not include pool, pool deck, walkways and paths).

**b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.**

FINDINGS OF FACT

1. All of the disturbed area on the site which will not be covered by buildings, pavement, sidewalks, or other impervious features will be covered with lawn, trees, shrubs, or other landscape materials. The landscaped area on the site is an important amenity for the residents of the apartments. Therefore, the owners of the apartments will provide regular maintenance of all of the site landscaping. **Condition of approval #4** will ensure that required landscaping is maintained in compliance with the standards of LDC Chapter 4.2.

**c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.**

FINDINGS OF FACT

1. The landscaped green area on the site has been designed to provide both active and passive recreation areas. Relatively large open areas are included for activities such as volleyball games, frisbee playing, etc. These larger areas are distributed throughout the site, but are most significantly represented by the lawn areas on either side of the swimming pool. In addition, the community garden will be a portion of the Green Area on the site. Other areas are improved for more passive recreational activities with trails with benches for wildlife observation, studying, sunbathing, and relaxing.

**3.6.50.02 – Private Outdoor Space per Dwelling Unit**

**a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.6.50.04.**

**b. Private Outdoor Space, such as a patio or balcony, shall have minimum dimensions of six-by-eight ft.**

**c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.**

**d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.**

**e. Private Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.6.50.01, if it is located on the ground. Upper story balconies cannot be counted.**

FINDINGS OF FACT

**1.** Each of the sixty townhomes will be provided with a ground level patio with dimensions of approximately 6-feet deep by 17-feet wide, or approximately 102 square feet. Patios will be accessible from inside each unit. Therefore, the minimum 48 square feet per unit private outdoor space standard will be satisfied for the 60 townhome units.

**2.** No individual private open space areas like decks or patios will be provided for the remaining 236 dwelling units within the apartment buildings. Instead the remaining required 11,328 square feet of required “private” outdoor space (236 units X 48 sq. ft.) will be combined with the required common outdoor space (82,800 sq. ft.) for a total requirement for 94,128 sq. ft. of combined private and common open space.

**3.6.50.03 – Common Outdoor Space per Dwelling Unit**

**a. In addition to the Private Outdoor Space requirements of Section 3.6.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:**

**1. Studio, one- and two-bedroom units: 200 sq. ft. per unit**

**2. Three or more bedroom units: 300 sq. ft. per unit**

FINDINGS OF FACT

1. The proposed 296 apartments (including townhomes) will include 60 2-bedroom units (20% of total units), 164 3-bedroom units (55% of total units) and 72 4-bedroom units (24% of total units). Using these numbers of units with the required common outdoor space per unit requirements above, results in a minimum requirement for 82,800 sq. ft. of common outdoor area, as shown below:

   200 sq. ft. x 60 2-bdrm units = 12,000
   300 sq. ft. x 236 3+ bdrm units = 70,800

   12,000 + 70,800 = 82,800 sq. ft.

**b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.**

**c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.**

**d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.6.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.**

FINDINGS OF FACT

1. The proposed development plan provides for 101,444 sq. ft. of common open space on the apartments' site, exceeding the required common outdoor space requirements for all of the 296 units on the site. Common open spaces included within this total include community garden (6,025 sq. ft.); multi-use path and adjacent landscape (22,620 sq. ft.); central recreation area – i.e., pool, volleyball and basketball courts, patios and pool decks (42,689 sq. ft.); and additional outdoor spaces (26,360 sq. ft.). See **Attachment Q** - Sheet P8.1, Outdoor Space Plan.
2. The common open space areas described above are included in the area described as part of the minimum 30 percent green area, as previously described. None of these common outdoor areas is included within a required buffer or perimeter yard area.

**e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds**

**f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and/or community gardens may combine them into larger playground areas or gardening areas.**

**g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.**

FINDINGS OF FACT

1. The proposed development plan provides for 101,444 sq. ft. of common open space on the apartments' site, exceeding the required common outdoor space requirements for all of the 296 units on the site. Common open spaces included within this total include community garden (6,025 sq. ft.); multi-use path and adjacent landscape (22,620 sq. ft.); central recreation area – i.e., pool, volleyball and basketball courts, patios and pool decks (42,689 sq. ft.); and additional outdoor spaces (26,360 sq. ft.). See Sheet P8.1, Outdoor Space Plan.
2. The proposed development plan provides for a 6,025 square foot community garden in the southern portion of the site. The proposed community garden will satisfy the 6,000 square foot minimum size standard for a community garden for the 296 proposed units (400 square feet minimum X 15). The community garden will be fenced with 8-foot tall fences to keep out wildlife. The community garden will include preliminarily prepared planting beds. Water faucets will be available at the community gardens.

3. The Grove Apartments are not intended for older persons as defined by ORS 659A. Therefore, the "tot lot" exception does not apply to this project.

**3.6.50.04 – Option to Combine Private and Common Outdoor Space**

**a. The private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.**

**b. The combined outdoor space may be covered, but it shall not be fully enclosed.**

FINDINGS OF FACT

1. The 82,800 sq. ft. of required common outdoor space combined with the 14,208 sq. ft. of required private outdoor space totals 97,008 sq. ft. of total required private and common outdoor space. 102,037 sq. ft. of common and private outdoor space is provided, exceeding the combined outdoor space requirements for the project.
2. None of the combined outdoor space is fully enclosed.

**3.6.50.06 – Location of Green Area**

**In determining where Green Areas should be placed on a development site, consideration shall be given to the following:**

a. **Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;**

b. **Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;**

c. **Enhancing park sites adjacent to the convergence of sidewalks and/or multiuse paths;**

d. **Enhancing recreational opportunities near neighborhood commercial activity centers; and**

e. **Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.**

FINDINGS OF FACT

1. In addition to the Green Area proposed for the 24.6 acre developable portion of the property, the applicant also proposed to set aside the remaining 70 acres of the site for Conservation – Open Space uses.
2. The proposed multi-use path and community garden area along the southern edge of the development will provide enhanced open space at the convergence of walkways and the multi-use path. This area will also provide enhanced opportunities for passive relaxation and recreation for residents and visitors to the site. The multi-use path will be a public path with a public access easement, and available to all for use.

**Section 3.6.80 – Mix of Housing Types**

**A mix of permitted Housing Types is encouraged in the RS-12 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.**

**Section 3.6.90 – Compliance with Chapter 4.10 – Pedestrian-Oriented Design Standards**

**The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-12 Zone:**

a. **All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;**

b. **Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and**

c. **Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.**

FINDINGS OF FACT

1. Compliance with the Housing Mix Requirements in LDC Chapter 4.9 and the Pedestrian Oriented Design Standards in LDC Chapter 4.10 is evaluated later in this staff report. Findings from those discussions are incorporated by reference as findings under the above criteria.

CONCLUSIONS

Based on the above findings of fact, and as conditioned, the proposed development will comply with all applicable development standards and requirements of the RS-12 Zone.

## CONSISTENCY WITH LDC 4.0.140 – ROUGH PROPORTIONALITY

**Section 4.0.140 - ROUGH PROPORTIONALITY**
**If an applicant intends to assert that it cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.**

FINDINGS OF FACT

1. The applicant did not submit a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.
2. The requirements of streets, paths, setback sidewalks, and planter strips which trigger the ROW dedication/easements are City standards and components of a safe transportation system that are taken into consideration when determining serviceability. The applicant benefits from additional ROW and setback sidewalks in the form of:
   - An enhanced aesthetic experience for pedestrians as the separation from motor vehicle traffic decreases road noise, prevents water from the roadway being splashed on pedestrians and provides an enhanced sense of security.
   - An enhanced environment for wheelchair users as the sidewalk can be kept at a constant slope with the steeper slopes for driveway approaches built into the planting strip.
   - An area for street trees, sign posts, utility and signal poles, mailboxes, fire hydrants, etc.
   - Mature street trees may reduce vehicle speed.
   - When wide enough, a place for a motor vehicle to wait out of the stream of traffic while yielding to a pedestrian crossing a driveway.
   - A break in hard surfacing with added pervious area.
   - Facilitating construction of commercial approaches by allowing adequate ROW to install the minimum radius on the approach of 8 feet or larger to accommodate smooth vehicular and truck turning movements.
   - A transit facility, if needed, can be installed in wider planter strips which benefits the adjacent property's tenants, employees and customers.

- With the proximity to OSU and the expectations of student housing, pedestrian and bicycle connections (paths, sidewalks and bike lanes) to OSU and other parts of the community will benefit the development.
- Streets to and through the site are needed to provide access to proposed buildings for construction, residents, visitors, and emergency services.

With multi-family residential development, in addition to the potential of being on bus routes, the site is expected to derive particular benefit from enhanced pedestrian and bicycle access facilities. This demand and above benefits support nexus and rough proportionality findings for incremental ROW increases associated with providing park strips and setback sidewalks. Development potential of the site as proposed is maintained. The proposed ROW increase is incremental because provision of standard street ROW and improvements are the minimum necessary to provide safe, functional multi-modal transportation and utility access to a RS-12 site located within biking and walking distance of OSU.
Given the above-cited benefits, Staff find the burden of right-of-way dedication/easements has nexus and is roughly proportional to the benefits received by the development.
Conclusions on rough proportionality: The construction of public improvements, as cited in the report, implements legislatively prescribed standards and improvements necessary to serve the site. Nexus and rough proportionality findings may not be required. However, given the benefits to the development of improvements, planting strips and setback sidewalks, Staff find that the requirements have nexus and are roughly proportional to the benefits received.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.2 – LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING

FINDINGS OF FACT

1. Consistency with requirements for street trees, parking lot trees, and parking lot and other site landscaping requirements is addressed in **Condition 4** and referenced previously in this staff report.

**4.2.50.02 - Service Facilities and Outdoor Storage Areas**

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

FINDINGS OF FACT

1. A 9-ft. tall brick wall will enclose the proposed trash compactor and recycling containers. Ground level air handling units will be screened as illustrated on the landscaping plans.

**4.2.50.03 - Swimming Pools**

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

FINDINGS OF FACT

1. A 4-foot tall aluminum fence is proposed around the pool area behind the clubhouse building. Gates to the pool area will be lockable self-latching gates.

**4.2.50.04 - Detention Facilities**

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

FINDINGS OF FACT

1. The side slopes of the proposed detention and stormwater treatment facilities have been designed with slopes of 3:1 or less. All such facilities are proposed to be landscaped with native plant materials which are intended to provide biofiltration of stormwater, as well as to control erosion within the facility **(Condition 30)**. Water quality and detention facilities will be fenced as directed by the City.

CONCLUSIONS

Based on the above findings of fact, and as conditioned, the proposed development will comply with all applicable requirements of Chapter 4.2 of the Land Development Code.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.3 – ACCESSORY DEVELOPMENT REGULATIONS

**Section 4.3.30 - Accessory Developments Subject to Controls**

**Accessory developments shall be subject to the same requirements as the Primary Uses within each zone, except as otherwise provided below:**

**e. An Accessory Structure shall not exceed a height of 14 ft. nor occupy more than 35 percent of a required yard;**

FINDINGS OF FACT

1. The proposed picnic pavilion building located to the west of the swimming pool will be 13-feet, 3/4 inches tall, consistent with this standard. The proposed bicycle parking and bicycle rest area/maintenance shelters will be 12-feet and

14-feet tall depending upon the footprint of the structure. The walls around the trash compactor will be 9-feet 6-inches tall.

CONCLUSIONS

Based on the above findings of fact, the proposed development will comply with all applicable requirements of Chapter 4.3 of the Land Development Code.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.6 – SOLAR ACCESS

**Section 4.6.20 – Exemptions**

**Residential buildings constructed or lots developed in locations noted below are exempt from the requirements of this Chapter:**

**c. On sites where density is concentrated because density is being transferred from an area on the same development site that is simultaneously being rezoned to Conservation - Open Space; or**

FINDINGS OF FACT

1. The proposed development qualifies for the exemption to solar access standards under LDC Section 4.6.20.c because the development proposal transfers residential density from the 57.7 acre low density residential development site to the proposed 24.6 acre medium-high density residential development site, and re-zones the remaining area to Conservation – Open Space.

CONCLUSIONS

Based on the findings above, the proposed development is exempt from the requirements of Chapter 4.6.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.9 – ADDITIONAL PROVISIONS

**Section 4.9.80 -HOUSING TYPE VARIATION REQUIREMENTS PER RESIDENTIAL ZONE**

**A variety of Housing Types shall be provided for residential developments, in accordance with the provisions this Section, including the provisions in Table 4.9-1 - Options A and B for Developments Five - 10 Acres, Table 4.9-2 - Options A and B for Developments Greater than 10 acres, and Table 4.9-3 - Allowed Housing Types by Zone.**

**b. RS-12, RS-12(U), RS-20, and MUR Zones - The lighter shading in the columns for these zones in Table 4.9-3 - Allowed Housing Types by Zone indicates permitted Housing and Building Types. The darker shading in the columns for these zones indicates "Option B" discussed in "2," and "3," below.**

**3. Developments Greater Than 10 Acres - Compliance is required with either Option A or Option B in Table 4.9-2 - Options A and B for Developments Greater Than 10 Acres.**

| Table 4.9-2 - Options A and B for Developments Greater Than 10 Acres |
|---|

| Option A | Option B |
|---|---|
| **Provide at least three Housing or Building Types from the lightly shaded choices in Table 4.9-3 - Allowed Housing Types by Zone.** | **Comply with both apartment building and bedroom requirements in the darkly shaded areas in Table 4.9-3 - Allowed Housing Types by Zone.** |
| **Each required Housing or Building Type shall be at least 20 percent of the total units.** | **Additionally, add a second Housing or Building Type that is at least 20 percent of the total units and that is chosen from the lightly shaded choices areas in Table 4.9-3 - Allowed Housing Types by Zone.** |

**EXCERPT FROM TABLE 4.9-3 – ALLOWED HOUSING TYPES BY ZONE**

| BUILDING TYPES, PER CHAPTER 1.6 - DEFINITIONS | ALLOWED HOUSING TYPES BY ZONE | | | HOUSING TYPE CHOICES TO SATISFY HOUSING VARIATION REQUIREMENTS |
|---|---|---|---|---|
| | RS-12 & RS-12(U) | RS-20 | MUR | |
| Detached Single-family | | | | 1. Detached Single-family ≤ 1,200 sq. ft. |
| | | | | 2. Detached Single-family > 1,200 sq. ft. |
| Detached Single-family (Zero Lot Line) | | | | 3. Detached Single-family 1,200 sq. ft. |
| | | | | 4. Detached Single-family 1,200 sq. ft. |
| Accessory Dwelling Unit | | | | 5. Accessory Dwelling |
| Attached Single-family (Zero Lot Line, two units) | | | | 6. Attached Single-family (two units) (each unit on an individual lot) |
| Duplex | | | | 7. Duplex units |
| Attached (more than two units) | | | | 8. Dwellings with three-five units (each unit on an individual lot or each unit individually owned within a multi-unit structure)*. Includes Townhouses, Rowhouses, Flats, Condominiums.<br><br>* RS-5 Zone limited to a maximum of three attached units per structure. |
| | | | | 9. Dwellings with five units (each unit on an individual lot or each unit with an individual ownership within a multi-unit structure). Includes Townhouses, Rowhouses, Flats, Condominiums. |
| Multi-dwelling | | | | 10. Triplexes and fourplexes (each unit not individually owned)*<br><br>* RS-5 Zone limited to triplexes |

| BUILDING TYPES, PER CHAPTER 1.6 - DEFINITIONS | ALLOWED HOUSING TYPES BY ZONE | | | HOUSING TYPE CHOICES TO SATISFY HOUSING VARIATION REQUIREMENTS |
|---|---|---|---|---|
| | RS-12 & RS-12(U) | RS-20 | MUR | |
| **Multi-dwelling, continued** | | | | **11. Apartment buildings with four units (each unit not individually owned)** |
| **OPTION B for RS-12, RS-12(U), and RS-20 Zones** | | | | **Minimum of three types of apartment buildings in terms of number of units per building (must vary by at least two units). Each type shall comprise at least 10 percent of the buildings (e.g., may have a combination of buildings with 8, 10, and 12 units/building, etc.)** |
| | | | | **Minimum of two types of units in terms of number of bedrooms and each type shall comprise at least 25 percent of the total number of units:**<br>**Dwelling units with ≤ one bedroom**<br>**Dwelling units with two bedrooms**<br>**Dwelling units with ≥ three bedrooms** |

FINDINGS OF FACT

1. The Grove Apartments are proposed to be developed on a site of 24.6-acres. The Grove Apartments Combined Preliminary and Final Development Plan meets the requirements of option B with regard to:
   1) four variations in the types of the proposed multi-dwelling apartment buildings: (one Type A 8-unit clubhouse/residential building – 7%; six 12-unit Type B buildings - 43%; five 24-unit Type C buildings - 36%; and two 18-unit Type D buildings – 14%);
   2) variation in unit size in the apartment buildings (sixty 2-bedroom units = 25.4 %; 164 3-bedroom units = 69.5%; twelve 4-bedroom units = 5 %); and
   3) two variations in building types chosen from the lightly shaded portions of Table 4.9-3 – 60 four-plex townhome style multi-dwellings (not individually owned) [comprises 20.2% of total units] and 236 multi-dwelling building types with 5 or more units [79.8% of total units].

CONCLUSIONS

Based on the findings above, the proposed development complies with the requirements of LDC Section 4.9.80.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.10 – PEDESTRIAN ORIENTED DESIGN STANDARDS

**Section 4.10.60 – Standards for Attached Single-Family Dwellings Three Units or Greater, Townhome, Triplex, Fourplex, and Apartment Residential Building Types**

**4.10.60.01 – Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas**

**All building orientations, facades, and entrances shall comply with the following standards.**

**a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.**

**1. Primary building entrances shall face the streets or be directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 200 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway. This provision shall apply to development of attached single-family dwelling units (three or more) and to development of three or more units on a single lot in any configuration of building types as allowed by the associated zone.**

FINDINGS OF FACT

1. Most of the proposed dwelling units (other than the 8-units in the clubhouse - Building Type A, and the units in Buildings 4 and 5) will have individual dwelling unit entrances and/or joint entry breezeways facing the public or private streets serving the development, or in the case of the side units on the townhome units, will be accessed by sidewalks of less than 60 feet in length from the adjacent streets. The clubhouse Type A building will have its main building entrance located within 25 feet of the public sidewalk along proposed street A, which also complies with the above standard. Individual unit entrances within the clubhouse building will be from internal hallways on the building's second and third floors. Individual dwelling units in all buildings other than the clubhouse building and some of the units within Buildings 4 and 5 will have dwelling unit entrances accessed by sidewalks within 200 feet of the adjacent streets.
2. The Building 4 units accessed by the breezeway closest to the private street in tract L will be accessed by sidewalks with a distance of less than 200 feet from that street; access to the units accessed by the breezeway further to the west in Building 4 will exceed that distance. Similarly, the Building 5 units accessed by the breezeway closest to public street A will be accessed by sidewalks with a distance of less than 200 feet from that street; access to the units accessed by the breezeway further to the east in Building 5 will exceed that distance. A variation to the primary building entrance orientation/distance from a street standard of Section 4.10.60.01.a has been requested for the 24 affected units in Buildings 4 and 5. That variation request is discussed previously in this staff report. Findings from that section are incorporated by reference as findings under

this criterion. It is recommended that the variation be approved, for reasons discussed in that analysis.

3. It is pointed out that the breezeways providing access to the affected unit are located less than 262 feet from the nearest streets (See Block Perimeter and Pedestrian Circulation Plan, **Attachment Q** - Sheet P8.2). In addition, the breezeways and unit entrances are located within 25 feet of the driveway aisle through the parking area to the south. This driveway aisle will function much like a street on its north side in that it includes a paralleling sidewalk with a planter strip; parallel parking spaces; and is straight. The development team looked at making this drive aisle into a private street, but the City requirement that this function like a public street would have required the removal of the head-in parking on the south side of this drive aisle and would also have required a sidewalk on the south side. Those changes would have resulted in pushing the parking spaces to the south further towards the proposed multi-use pathway resulting in a reduction in landscaping; a reduction in the size of the community garden; and placement of the parking area closer to the path and to the wetlands to the south. It was determined, therefore, that the best course was to present the current design and request a variation from the standard of Section 4.10.60.01.a. It is asserted that the primary compensating benefit of the proposed orientation of the affected portions of Buildings 4 and 5 is the positive effect of keeping the parking area as far as possible from the community trail and wetlands.

CONCLUSIONS

Based on the findings above, and on the analysis of the requested variation to building orientation requirements, the proposed development complies with the requirements of LDC Section 4.10.60.01.a, with the exception of 24 affected dwelling units in Buildings 4 and 5, for which, a variation from the standard is warranted.

**4. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single-family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page. Parking to the side of buildings is allowed in limited situations, as outlined in Section 4.10.60.02 below.**

FINDINGS OF FACT

1. Proposed buildings are oriented to the streets on the site. None of the proposed parking areas are located between a building and a street.
2. Proposed parking areas are located to the rear of the proposed residential buildings, with the exception of relatively small street exposures of parking on the

south side of building 6 and on the west side of building 10 – both on the west side of the site. The steep slope of the site to the north and west of building 6 precludes placing all of the parking areas behind the buildings and would cause parking spaces to be located more than 100 feet from any of the proposed dwelling units. As discussed under the findings for compliance with LDC 4.10.60.02 below, parking to the side of buildings is allowed in these two limited circumstances.

**b. Percentage of Frontage - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the street frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Street Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the street frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Street Frontage.**

FINDINGS OF FACT

1. The proposed multi-family project will include 4,462 lineal feet of public and private street frontage that is not adjacent to resource areas (i.e., the area west of the driveway west of building 10 and areas of the northern driveway into the site which is adjacent to resource areas on both sides). A total of 2,347 lineal feet, or 52.5 percent, of the site frontage not adjacent to resource areas will include buildings within the 25-foot maximum setback area.
2. The proposed Conceptual and Detailed Development Plan addresses only development on the portion of the site proposed to be zoned PD(RS-12) and does not apply to the remainder of the site, which is proposed to be zoned C – OS. Development of buildings is not allowed in the C – OS Zone, so lot frontage requirements do not apply in those areas.

**c. Windows and Doors - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.**

FINDINGS OF FACT

1. Although submitted plans for proposed buildings (**Attachment Q** – Sheets AA-2.1 – AD-3.0) demonstrate that most buildings meet this standard, it appears that the side elevations of Building Type "A" do not meet the standard. However, it is clear that the design of the building can be modified to meet this standard. A condition of approval is recommended to ensure compliance with this standard **(Condition 39).**

**d. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 – Natural Hazard and Hillside Development Provisions, Chapter 4.11 – Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

FINDINGS OF FACT

1. Applicable grading standards are located in LDC Chapter 4.14 – Landslide Hazard and Hillside Development Provisions. Compliance with those standards is addressed later in the portion of this staff report that evaluates compliance with the applicable requirements of Chapter 4.14. Findings from that discussion are incorporated by reference as findings under the above criterion. As discussed previously, no portion of the proposed RS-12 development will impact protected vegetation, riparian corridors, or wetlands.

**4.10.60.02 - Parking Location**

**a. Standards**

**1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:**

**a) Where lot depth is less than 75 ft.;**

**b) Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;**

**c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or**

**d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.**

**2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.**

FINDINGS OF FACT

1. Proposed parking areas are located to the rear of the proposed residential buildings, with the exception of relatively small street exposures of parking on the south side of building 6 and on the west side of building 10 – both on the west side of the site. The steep slope of the site to the north and west of building 6 precludes placing all of the parking areas behind the buildings and would cause parking spaces to be located more than 100 feet from any of the proposed dwelling units. Placing an additional building to the south of Building 6 would separate the residents of Building 6 from parking areas designed to serve them by a distance of more than 100 feet. The placement of an additional building on the site would also necessitate the provision of additional parking on the site, which would require expansion of the developable portion of the site.
2. No parking areas are located within 30 feet of a roadway intersection.

**4.10.60.04 – Menus for Pedestrian Features and Design Variety**

**a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for**

**Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.**

**1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multiuse path.**

FINDINGS OF FACT

1. Townhome first floors will essentially be at grade. Therefore, this alternative is not used to help meet this standard.

**2. Front Porches/Patios - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.**

FINDINGS OF FACT

1. Although the proposed townhome units will have covered front porches, those porches will not satisfy the size standards of this section. Therefore, this alternative is not used to help meet this standard.

**3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.**

FINDINGS OF FACT

1. Each of the units in each four-unit townhome building will be provided with its own 4-foot wide concrete sidewalk from the public sidewalk to its front door. Provision of this feature for all the townhomes allows the proposed townhomes to satisfy the pedestrian features menu standard.

**b. Design Variety Menu - Each structure shall incorporate a minimum of five of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.**

**1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.**

FINDINGS OF FACT

1. For the apartment units, all windows on all buildings will have a minimum three inch trim or brick trim around the windows.
2. For the townhome units, all windows on all buildings will have a minimum three inch trim or brick trim. Louvered shutters shall be provided adjacent to windows located on brick facades of the townhomes.

**2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:**

**a. Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;**

FINDINGS OF FACT

1. For the apartment units, all proposed buildings include multiple elevation offsets. Building elevation sheets AA-3.0, AB-3.0, AC-3.0, and AD-3.0 **(Attachment Q)** demonstrate the proposed offsets for Building Types A, B, C, and D. All buildings have complex roof forms which also meet the intent of this requirement. Many of

the buildings are stepped to deal with the slope of the site, which also contribute to the offset requirements.

2. For the townhome units, all proposed buildings include roof drops due to stepped building requirements for site work. Two-ft. eave overhangs are also proposed, in compliance with this standard.

**b. Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or**

**c. Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.**

FINDINGS OF FACT

1. The recess/projection requirements are designed to ensure that none of the proposed building elevations will contain uninterrupted building expanses without recesses or projections of at least two feet for a span greater than 45 feet. Although most of the submitted building plans appear to meet that standard, it appears that Building Type "C" contains an expanse between the entrance corridors on the front and rear facades that exceeds this standard. To ensure that the applicable POD Standards are met, a condition of approval is recommended to require the applicant to demonstrate compliance with the applicable Design Variety Standards at the time of building permit submittal **(Condition 40).** Since this Design Variety option is one of the five that are needed to demonstrate compliance with LDC Section 4.10.60.04.b, a condition of approval is warranted. Staff are confident that there are design solutions that will result in code compliance with this code section and with all other applicable requirements.

**3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.**

FINDINGS OF FACT

1. All apartment and townhome buildings will incorporate two different types of building materials on facades facing streets, including but not limited to siding, brick and stone, etc. These elements will be exclusive of foundations and roofs, and will pertain only to the walls of the structure.

**4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.**

FINDINGS OF FACT

1. All apartment and townhome buildings have eaves with at least 18 inches of overhang.

**5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.**

FINDINGS OF FACT

1. Not all apartment and townhome buildings meet this standard.

**6. Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.**

FINDINGS OF FACT

1. Although the townhome buildings exceed a 6:12 roof pitch, other buildings do not meet the standard.

**7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

FINDINGS OF FACT

1. None of the listed types of architectural features are provided on the street-facing elevations of the proposed buildings.

**8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

FINDINGS OF FACT

1. The apartment buildings all include large wood brackets at each street-facing entry. They also will have veneer stone entryways to add architectural interest at the building entrances.
2. The townhome buildings will have windows with grids on all facades, and will include entryway offsets with columns, varied brick coursing, and vinyl shutters adjacent to windows on the brick facades to add interest.

CONCLUSIONS ON THE DESIGN VARIETY MENU

As proposed and conditioned, the design of buildings on the site will include five of the eight listed building design features, including trim, building and roof articulation, building materials, increased eaves width, and architectural details. Therefore, the proposed building designs will comply with the requirements of LDC Section 4.10.60.04.b.

**4.10.60.05 - Service Areas and Roof-Mounted Equipment**

**a. Service Areas - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five- 10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

**Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 15 ft. from habitable floor area of both on-site and off-site residential buildings. An exception to locate service areas inside buildings may be granted consistent with the Oregon Fire Code. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.**

FINDINGS OF FACT

1. The proposed trash compactor facility located off of the private street south of the new east-west local street will be enclosed within a 9-foot tall brick-faced enclosure. The trash enclosure/compactor is located 10-feet from any property boundary, consistent with the applicable setback standards for accessory structures and 15-feet from the closest residential units. Landscaping will be provided around the trash compactor enclosure.

**b. Roof-Mounted Equipment - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.**

FINDINGS OF FACT

1. No roof mounted mechanical equipment is proposed. Therefore, this standard is not applicable.

**4.10.60.06 – Pedestrian Circulation**

**a. Applicability**

**These additional pedestrian circulation standards apply to all residential developments with eight or more units.**

FINDINGS OF FACT

1. The proposed development will include 296 dwelling units. Therefore, these standards are applicable to this proposal.

**b. Standards**

**1. Continuous Internal Sidewalks - Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the property, or abutting recreation areas and pedestrian connections.**

FINDINGS OF FACT

1. A continuous network of internal sidewalks is proposed. No dead end sidewalks or pathways are proposed, other than the temporary dead ending of the public sidewalks along the proposed east-west street where it will be stubbed to tax lot 300 to the west.

**2. Separation from Buildings - Internal sidewalks shall be separated a minimum of five ft. from dwellings, measured from the sidewalk edge closest to any dwelling unit. This standard does not apply to the following:**

**a) Sidewalks along public or private streets used to meet building orientation standard; or**

**b) Mixed use buildings and multi-family densities exceeding 30 units per acre.**

FINDINGS OF FACT

1. All proposed public and private street sidewalks and walkways will be located at least five feet from dwellings. Although it appears that the sidewalk behind Building 24 may be located within five feet of the rear of the building, the rear porch at ground level does not contain fully enclosed, habitable space, and is therefore not a portion of the "dwelling space" inside the building.

**c) Connectivity - The internal sidewalk system shall connect all abutting streets to primary building entrances. The internal sidewalk system shall connect all buildings on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facility and common areas, and abutting public sidewalks and multi-use paths.**

FINDINGS OF FACT

1. All building entrances will be connected to sidewalks along nearby streets by the proposed combination of private and public sidewalks. The internal sidewalks will connect to the parking areas, bicycle parking areas, recreational facilities, other common areas, and the existing and proposed multi-use paths.

**d) Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete, or masonry; and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for sidewalks and multi-use paths shall meet City Engineering standards.**

FINDINGS OF FACT

1. All on-site sidewalks will be at least 5-feet in width and will be constructed of concrete. The proposed multi-use path across the southern portion of the multi-family site will be concrete-surfaced and will be 12-feet wide. Other public multi-use paths within the rights-of-way of NW Circle Boulevard and NW Harrison will also be concrete-surfaced and will be 12-feet wide.

**e) Crossings - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.**

FINDINGS OF FACT

1. Primary pedestrian crossings of streets or internal apartment site vehicular circulation aisles will be marked as a crosswalk on the pavement. Contrasting paving materials will be used for on-site crosswalks.

   Crosswalks across public streets will be marked consistent with the City of Corvallis standards at the time of permitting. Current City policy is to not allow contrasting paving materials for crosswalks on public streets.

**f) Safety Adjacent to Vehicular Areas - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities.**

FINDINGS OF FACT

1. All internal sidewalks adjacent to vehicular circulation areas will be raised above the vehicular area by minimum 6-inch vertical curbs. Landscape strips or wheel stops will be provided as needed.

**g) Lighting - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

FINDINGS OF FACT

1. Compliance with the lighting provisions in Chapter 4.2 is evaluated in relation to the lighting compatibility criteria for the Planned Development. Findings from that discussion are incorporated by reference as findings under the above criterion. **Condition of approval 2** will ensure lighting complies with the applicable code requirements.

CONCLUSIONS ON THE APPLICABLE PEDESTRIAN ORIENTED DESIGN STANDARDS IN LDC CHAPTER 4.10

Based on the findings above, and proposed conditions of approval, the proposed development complies with the applicable requirements of LDC Chapter 4.10.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.12 – SIGNIFICANT VEGETATION PROTECTION PROVISIONS

**Section 4.12.20 - Applicability**

**These provisions apply to areas of Significant Vegetation identified on the Significant Vegetation Map. Significant Vegetation includes:**

**a. Highly Protected Significant Vegetation (HPSV); and**

**b. Partially Protected Significant Vegetation (PPSV).**

**Standards for development and vegetation management on sites containing Significant Vegetation are included below.**

FINDINGS OF FACT

1. Development on the portion of the site to be zoned RS-12 will not impact any identified significant vegetation areas. Improvement of Circle Boulevard, as required in conjunction with this development, will impact a small area of Highly Protected Significant Vegetation at the north end of the site, where the current multi-use path meets the dead-end of Circle Boulevard. No other impacts to Partially or Highly Protected Significant Vegetation areas are anticipated in conjunction with the proposed development.

**Section 4.12.60 - Standards for Development On Sites Containing Significant Vegetation**

**The location and extent of development on sites containing Significant Vegetation shall be based on the standards established below. Encroachments into areas of Significant Vegetation may be permitted based on the provisions of Chapter 4.11- Minimum Assured Development Area and the following:**

**a. Highly Protected Significant Vegetation (HPSV) Areas - For Properties Containing Areas Designated as Highly Protected Significant Vegetation (HPSV), the following standards shall apply –**

**2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall ensure that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved in the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:**

**a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and**

**b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy coverage;**

FINDINGS OF FACT

1. The only Highly Protected Significant Vegetation (HPSV) areas on the subject site (as shown by the City's Significant Vegetation Map) will be located within proposed tracts A and F, or will be within the area of proposed right-of-way and improvements for the extension of NW Circle Boulevard. The proposed road construction for NW Circle Boulevard will impact less than 5 percent of the area of Highly Protected Significant Vegetation on the site. The applicant has submitted a survey of the existing tree canopy coverage within the HPSV areas on the site (**Attachment Q** - Sheet P4.3). The survey reveals that, with removal of trees within the area designated for Circle Boulevard improvements, there would remain an 87% tree canopy coverage within the remaining HPSV area, which is in excess of the 70% canopy coverage required per LDC Section 4.12.60.a.2.
2. The applicant proposes to prepare a conservation easement to assure the long-term preservation of the tree canopy within the Highly Protected Significant Vegetation areas within tracts A and F, consistent with the above requirements. A condition of approval is recommended to ensure that the easement is established in conjunction with recording of the final plat **(Condition 41).** The conservation easement will be noted on the plat and any necessary text of regulations associated with the easement will be recorded as part of the subdivision plat recording materials.

**Section 4.12.70 - Provisions Limiting Extensions of Public And Private Roadways And Utilities On Sites Containing Significant Vegetation**

**Location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Significant Vegetation areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the Significant Vegetation area.**

FINDINGS OF FACT

1. The extension of Circle Boulevard to connect with Harrison Boulevard is identified as a necessary improvement in the Corvallis Transportation Plan **(Attachment K)**. Consequently, the improvement is necessary to maintain a functional transportation system as the City grows, and encroachment into the HPSV area is allowed, per LDC 4.12.70.

CONCLUSIONS ON THE APPLICABLE SIGNIFICANT VEGETATION PROTECTION PROVISIONS IN LDC CHAPTER 4.12

Based on the findings above, and proposed conditions of approval, the proposed development complies with the applicable requirements of LDC Chapter 4.12. The proposed development will have a minimal impact on protected significant vegetation areas on the site, and the applicant will establish a conservation easement over the un-impacted HPSV areas on the site in compliance with code requirements.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.13 – RIPARIAN CORRIDOR AND WETLAND PROVISIONS

**Section 4.13.20 – Applicability**

**These provisions apply to Significant Riparian Corridor and Wetland areas, as mapped on the Corvallis Riparian Corridors and Wetlands Map. However, state and federal Wetland and riparian regulations will continue to apply to Wetland and Riparian Corridor areas within the City, regardless of whether or not they are mapped on the Corvallis Riparian Corridors and Wetlands Map. Nothing in these regulations should be interpreted as superseding or nullifying state or federal requirements.**

**Section 4.13.40 – Procedures**

**b. For properties containing Wetlands, as indicated on the Corvallis Local Wetland Inventory Map - The submittal materials listed below are required. Additionally, all applications will be reviewed to determine that all necessary permits have been obtained or will be obtained from those federal, state, or local governmental agencies that require prior approval.**

**1. Site Plan - A site plan that graphically depicts:**

**a) All Wetland boundaries, as indicated on the Corvallis Local Wetland Inventory Map;**

**b) A 25-ft. setback/buffer around the upland edge of locally and nonlocally protected Wetlands, as mapped on the City's Local Wetland Inventory Map1. Proximate Wetlands shall not be included when determining this 25-ft. setback/buffer location; and**

**c) A Wetland Delineation of the boundaries of the Wetland area, with an accompanying site map, that has been accepted and approved by the Department of State Lands (DSL) may be substituted for the information in "b," above;**

FINDINGS OF FACT

1. The development site contains Locally Protected Wetlands and Highly Protected Riparian Corridors, as shown on Sheet EX 2.0, submitted by the applicant. Development within the proposed RS-12 development area will not impact the protected wetlands and riparian corridors on the site. However, associated public improvements to Circle Boulevard and Harrison Boulevard would impact these natural resource areas. The impacts of such construction will be limited to the extent allowable under the LDC, while providing for required and necessary public infrastructure through the site.
2. Based on a field investigation there does not appear to be a defined drainage channel or top of bank associated with the riparian corridor mapped over the proposed Circle Blvd. alignment on the east side of the site. Review of historical (1940) aerial photos does not reveal a previous drainage way on the east side of the site. Historical photos do show the existing Circle Blvd. ROW drainage. It appears the easterly riparian corridor may be in error.
3. Approximately 1,050 square feet of drainageway impacts in the northeastern corner of the site will result from the extension of NW Circle Boulevard along the eastern edge of the site. The existing drainage in this area of the site flows south within the existing road right of way and cannot be avoided while completing the NW Circle Boulevard improvements. The drainage channel will be filled to accommodate the new NW Circle Boulevard. The flow from this drainage segment will be piped within the road right-of-way to an outfall approximately 340 feet south into the down slope wetland. A final impact plan will follow the approved storm water management plan for the site. However, the surface water flow conveyance in this drainage to the other downstream wetland and waterway resources on site will be maintained at pre-construction levels under the proposed site plan.
4. The applicant has completed and submitted a wetland delineation for the site, providing a more accurate source of information regarding the location and extent of wetlands on the site than the City's Local Wetland Inventory Map. The wetland delineation was concurred to by DSL on June 8, 2012 **(Attachment N).** The wetland concurrence by DSL will remain in effect for a minimum of five years. The wetland boundary on all site plans corresponds to the concurred wetland boundary.

**Section 4.13.50 - Use Limitations and Exceptions Within Highly Protected Riparian Corridors And Riparian-Related Areas**

**In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within Highly Protected Riparian Corridors and Riparian related Areas, as mapped on the City's Riparian Corridors and Wetlands Map.**

**b. Building, Paving, and Grading Activities - The placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, are prohibited. Exceptions to the drainageway restrictions may be made for the purposes identified in items 1-7 of this Section, provided they are designed and constructed to minimize adverse impacts to Riparian Corridors and Riparian-related Areas.**

**2. The location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Highly Protected Riparian Corridors and Riparian related Areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the subject area;**

**7. Water quality or detention facilities located outside of riparian easement areas, as determined in Section 4.13.70.**

FINDINGS OF FACT

1. The extension of Circle Boulevard to connect with Harrison Boulevard is identified as a necessary improvement in the Corvallis Transportation Plan **(Attachment K)**. Consequently, the improvement is necessary to maintain a functional transportation system as the City grows, and encroachment into the HPSV area is allowed, per LDC 4.12.70.

**d. Re-vegetation of Streambanks - Commensurate with the extent of new development of structures or of impervious surface areas on development sites containing Stream or river frontage as shown on the City's Riparian Corridors and Wetlands Map, the re-vegetation of Stream banks is required.**

**For each 500 sq. ft. of new structure area or impervious surface area, 100 lineal ft. of the development site's Stream frontage shall be re-vegetated according to the following standards, up to the total amount of the development site's Stream frontage:**

**1. Stream bank vegetation, as outlined in "2," below, shall be provided within the first 30 ft. from Top-of-bank, with the exception of the Willamette River, which shall be addressed as indicated in "3," below;**

**2. <u>Re-vegetation Standards</u> –**

**a) Streams that already have existing vegetation as outlined in this provision are considered to be compliant with these Stream shading standards. To be considered compliant, at minimum the vegetation within the first 30 ft. from the Top-of-bank, as described in "1" above, shall include:**

**1) An existing vegetated tree canopy consisting of healthy trees at least four in. caliper, measured at four ft. above Natural Grade, and located at an average spacing of 20 ft. along the Stream bank; and**

**2) An existing vegetated under story consisting of healthy riparian shrubs over at least 50 percent of the area; and healthy groundcover such that the combination of shrubs and groundcover results in a coverage over at least 90 percent of the area.**

**b) Streams that do not have the required existing vegetated tree canopy and existing vegetated under story in the area to be shaded are subject to re-vegetation. Such re-vegetation shall either be that required by an Oregon Department of Fish and Wildlife-approved restoration plan for improving Riparian Function, or that required by the provisions outlined below:**

**1) In areas that do not meet the tree canopy requirement outlined in "a" above, large-canopy riparian trees, such as Acer Macrophyllum,**

**with a minimum caliper size of 3/4 -1 in. shall be planted in a triple row with staggered spacing of 20 ft. on- center along the length of the Stream bank. All new trees are required to be mulched with four cubic ft. of bark chips and drip irrigated for a period of five years to ensure establishment. All new trees shall be staked and protected by rodent-proof fencing, as specified by the Public Works Department;**

**2) In areas that do not meet the riparian shrub coverage portion of the under story requirement outlined in "a," above, riparian shrubs shall be planted and maintained to provide the required 50 percent coverage within five years. The minimum planting size for the riparian shrubs shall be one gallon or 18 in. live stakes. All new shrubs shall be mulched with three in. of bark chips, extending one ft. from the drip line of the shrub or around the live stake or live stake bundle. All new shrubs shall also be irrigated and maintained for a period of five years to ensure establishment.**

**3) In areas that do not meet the groundcover coverage portion of the under story requirement outlined in "a," above, groundcover shall be maintained or planted to provide a minimum of 90 percent total coverage of shrubs and ground covers within five years. The minimum planting size shall be one gallon. Ground covers shall be mulched with three in. of bark chips and irrigated for a period of five years to ensure establishment.**

FINDINGS OF FACT

1. Approximately 5,000 square feet of impervious surface will be created within the riparian area with the proposed development. This would require a minimum of 1,000 lineal feet of riparian re-vegetation to meet City code. Riparian vegetation comprised of native tree canopy and understory cover is already present along most of the stream channel in the southern end of the site. However, approximately 420 lineal feet do not currently meet the City standard for healthy tree and shrub cover. The applicant proposes to re-vegetate this section of the stream drainage to meet City standards.
2. The proposed re-vegetation will include an estimated 126 tree and 250 shrub plantings within the existing riparian community identified for enhancement on site (See Environmental Science and Assessment Report and Plan, Appendix Two from **Attachment N**). Herbacous cover in this area is currently provided in excess of 90 percent cover, so the tree and shrub plantings will add the shade and structural habitat components with the riparian enhancement. A more detailed plan will be provided once the proposed site impacts are better known. A condition of approval **(Condition 4)** is recommended to ensure that the riparian plantings are completed in compliance with code requirements.
3. By conveying the flow from the impacted drainage within the NW Circle Boulevard improvements into the nearest wetland, the stormwater conveyance functions will be maintained at pre-construction levels to the wetlands. No increased surface flow or dewatering is anticipated by following the stormwater management plan approved for the site.
4. Additionally, the approximately 1,050 square feet of existing stream drainage impact in the northeastern end of the site for the Circle Boulevard road

improvements will be mitigated through the proposed on-site wetland mitigation plan. Tree and shrub habitat components will be incorporated into the wetland restoration plan to provide additional forested riparian habitat functions.

**LDC Section 4.13.70.02**

**d. Easement Widths - When an easement is required, the appropriate width shall be as described in "1," through "5," below. However, in no case shall riparian easements include areas containing existing buildings that are intended to remain, nor shall easements include development area assured under "4," below. For areas with Riparian Corridors, as designated on the City's Riparian Corridors and Wetlands Map, the associated easement width and requirements shall be as follows:**

**1. Measurement and Separate Tract - Easement areas shall be measured from Top-of-bank, as indicated from a submitted topographic survey, and shall be placed in a separate tract.**

**2. Easement Width - When an easement is required, the appropriate width shall be as outlined in Table 4.13-2 - Easement Width, except as modified by the provisions in "3," through "5," below.**

| **Table 4.13-2 Easement Width** | |
|---|---|
| **Riparian Corridor Areas Mapped on the Riparian Corridors and Wetlands Map** | **Required Easement Area --To be Placed in Separate Tracts** |
| **All Partially Protected Stream Corridors** | **Drainage channel + 25 ft. from top-of-bank; or The boundary of the 0.2-ft. Floodway, whichever is greater 2** |
| **Highly Protected Riparian Corridors along the Willamette and Mary's Rivers** | **Drainage channel + 75 ft. from top-of-bank; or The boundary of the 0.2- ft. Floodway, whichever is greater2** |
| **All other Highly Protected Riparian Corridors** | **Drainage channel + 50 ft. from top- of-bank; or The boundary of the 0.2-ft. Floodway, whichever is greater2** |
| **Note: The area between the outer edge of the easement boundary and the outer edge of the Riparian Corridor is regulated by sections 4.13.50 and 4.13.60.** | |

2 Exceptions for select existing structures located between the 1.0-ft. Floodway and the 0.2-ft. Floodway are outlined in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

FINDINGS OF FACT

1. The extension of NW Circle Blvd. is identified in the Corvallis Transportation Master Plan as a necessary improvement to maintain a functional transportation system. Based on the Transportation Master Plan, the City Engineer has determined the extension of NE Circle Blvd. is necessary.

   The applicant proposed an alternate alignment for Circle Blvd. which has less impact to the wetlands and existing drainage way along the existing Circle Blvd. ROW south through the site.
2. Harrison Blvd. lacks urban improvements including a separated pedestrian facility. To provide safe and necessary pedestrian facilities along NW Harrison Blvd. it will impact the City mapped riparian corridor. The City Engineer believes improvements to Harrison Blvd. are necessary to provide a safe and functional transportation system, including pedestrian and bicycle facilities.

3. Based on a field investigation there does not appear to be a defined drainage channel or top of bank associated with the riparian corridor mapped over the proposed Circle Blvd. alignment on the east side of the site. Review of historical (1940) aerial photos do not reveal a previous drainage way on the east side of the site. Historical photos do show the existing Circle Blvd. ROW drainage.
4. If there is not a drainage channel and corresponding top of bank it is not possible to determine the appropriate easement width. The riparian easement is based on the channel width and a distance from top of bank. It appears the easterly riparian corridor may be in error.
5. Regardless of the drainageway easement boundary, the water quality and detention facilities along NW Harrison and NW Circle Blvd are required by the Land development Code to treat stormwater runoff from Circle Blvd. and Harrison Blvd. Since both of the streets are necessary to provide a functional system, the water quality and detention facilities would be necessary for a functional system also.
6. An easement consistent with Table 4.13-2 will be required for the main drainage through the site except where it is within the existing Circle Blvd. ROW **(Condition 34, 35 & 36)**

CONCLUSIONS

The application, as conditioned, is consistent with Land Development Code standards for use limitations and exceptions within highly protected riparian corridors and riparian related areas, and easement widths.

**4.13.80.01 - Use Limitations and Exceptions within Locally Protected Wetlands**

**a. In addition to the requirements of the underlying zone, the limitations and exceptions in "b," through "e," below, shall apply to –**

**1. Activities within Locally Protected Wetlands (LPWs) as shown on the City's Riparian Corridors and Wetlands Map; and**

**2. The associated 25-ft. setback/buffer area described in Section 4.13.40.b.1.b, unless a delineation results in a different boundary.**

**c. Building, Paving, and Grading Activities - Within LPW areas, the placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, is prohibited, except as outlined below.**

**Exceptions to the LPW restrictions may be made for the purposes identified in "1," and "2," below, provided they are designed and constructed to minimize adverse impacts to Wetland Functions.**

**2. Activities outlined in sections 4.13.50.b.2, 4.13.50.b.5, and 4.13.50.b.6.**

FINDINGS OF FACT

1. As noted previously, LDC Section allows for the location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Highly Protected Riparian Corridors and Riparian related Areas, if deemed necessary to maintain a functional system by the City Engineer. These provisions also apply to encroachments into Locally Protected Wetlands.

2. All wetland and waterway impacts proposed in the current site plan are allowed under existing permit requirements for transportation and infrastructure improvements. The applicant proposes to mitigate impacts on site with a wetland restoration plan, which will be reviewed by the Oregon Department of State Lands(DSL) and the US Army Corps Of Engineers (COE) with a Joint Permit Application (JPA) to DSL and COE. A conceptual wetland restoration plan is provided by the applicant in **Attachment N** - Appendix 4. The applicant will notify state and federal agency staff prior to formal JPA submittal in order to incorporate any design specifications into the proposed wetland restoration plan. Upon review and approval by DSL and COE, applicant will provide City with copy of state and federal wetland permits prior to site development activities.
3. As discussed in the Section of this report regarding compliance with the requirements of LDC Chapter 4.0 – Improvements Required with Development, the Parks and Recreation Facilities Plan identifies a trail through the subject site, connecting Arnold Park to Walnut Blvd. to the west **(Attachment L).** The multi-use path at the southern edge of the apartment development site is intended to fulfill part of this alignment, but the section between that trail and the existing trail easement along the southern portion of the Beit-Am site to the east would need to cross a portion of the Locally Protected Wetland. Because the trail is identified in the Parks and Recreation Facilities Plan, it is an allowed encroachment into the resource area, per the provisions of LDC Section 4.13.80.01.c.2 above. Because it is unclear whether it is necessary to route the trail through the wetland at this time, the applicant has provided an easement to accommodate a future trail, if deemed necessary. The applicant has also provided multi-use path connections, as discussed previously in this staff report, as an acceptable alternative alignment for the trail at the present time.
4. Also, as discussed previously in this report, the Trails Plan within the Transportation Plan calls for a trail along Harrison Boulevard from the extension of Circle Blvd. to Walnut Blvd. to the west. The applicant has proposed to construct a 12-ft. wide multi-use path along the site's frontage on the north side of Harrison Blvd. to complete a portion of that planned trail. The trail will be designed to minimize impacts to the adjacent wetland to the north. Because the trail is identified in the Transportation Plan, it is an allowed encroachment into the resource area, per the provisions of LDC Section 4.13.80.01.c.2 above.

CONCLUSIONS

Based on the findings above, the proposed development, as conditioned, will comply with the applicable requirements of Chapter 4.13 – Riparian Corridor and Wetland Provisions.

## CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.14 – LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS

**Section 4.14.50 - Standards for Development In Steeply Sloped Areas**

**4.14.50.02 - Applicability**

**Steeply sloped areas are identified on the Corvallis Natural Hazards Map. The Natural Hazards Map provides information regarding the location of steep slopes on property within the Corvallis Urban Growth Boundary.**

**a. The following standards regulate development on areas with slopes of 15 percent or greater, which are slopes identified as having a significant hazard potential;**

**b. In addition to these regulations, the Hillside Development standards in Section 4.14.70 apply to development in areas with slopes of 10 percent or greater; and**

**c. No portion of this Code shall preclude the Building Official's authority to require geotechnical reports and other analyses, as deemed necessary, and in compliance with the City's currently adopted Oregon Structural Specialty Code. All construction in these areas shall be subject to currently adopted Oregon Structural Specialty Code requirements.**

**4.14.50.04 - Site Assessment**

**a. Site Assessments are required:**

**1. In conjunction with development proposals on areas with slopes of 15 percent or more; and**

**2. For development in Landslide Hazard areas, as stipulated in Section 4.14.60 of this Code;**

**b. The Site Assessment is an overview of site conditions, as well as a professional evaluation of whether or not additional studies are needed prior to development on a property. The Site Assessment shall be completed and stamped by either a Certified Engineering Geologist or by a Licensed Civil Engineer, licensed in the Specialty of Geotechnical Engineering. At a minimum, the Site Assessment shall include the following elements:**

**1. A field investigation of the site and vicinity;**
**2. A discussion of geologic hazards, if any;**
**3. Suitability of the site for proposed development, from a geologic standpoint;**
**4. If applicable, discussion of any unusual or extreme geologic processes at work on the site, such as rapid erosion, Landslide Hazard, flood hazard, rockfall, subsidence, debris run-out, or other features;**
**5. A list of any geologic hazards that may affect the proposed land use, including slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, springs, expansive soils, subsidence, fault rupture, or any other geologic hazard discovered by the investigation;**
**6. If applicable, an identification of any areas of the site recommended to be avoided for human-occupied structures;**
**7. If necessary, identification of mitigation measures needed to address any anticipated geologic problems;**
**8. A discussion regarding the need for follow-up studies that should be conducted, such as engineering geotechnical reports, additional subsurface exploration, or more extensive soil reports; and**
**9. Feasibility of the site for the proposed development.**

**4.14.50.08 - Standards for Areas with Slopes Equal to or Greater than 15 Percent, but less than 25 Percent**

**Development in these areas should be carefully evaluated, due to concerns with safety, ground movement, slope stability, and erosion impacts. The following standards shall apply for development in areas with slopes equal to or greater than 15 percent, but less than 25 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of a topographic survey, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.**

**a. Site Assessment Required - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied with a Site Assessment which meets the criteria identified in Section 4.14.50.04. If the Site Assessment identifies the need for a Geotechnical Report, or other reports, those reports shall be submitted with the application for development and shall be consistent with the requirements of Section 4.14.50.05. Development shall conform with all recommendations and requirements established by any and all required reports.**

**b. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.14.70.**

FINDINGS OF FACT

1. Portions of the RS-12 Zoned site contain slopes of 10 – 14.99%, along with a few small areas with slopes of 15 – 19.99%. Consequently, the proposed development is subject to the requirements of LDC Section 4.14.50. The site contains no identified landslide risk areas, existing landslide areas, or landslide debris run-out areas.
2. A Preliminary Site Assessment report has been prepared by Foundation Engineering. The report is included in **Attachment N** - Appendix Seven. The report provides all of the necessary elements described above, and recommends that a detailed geotechnical study be completed in conjunction with final design documents for the proposed development project. The report makes the following conclusions:

   "Based on site reconnaissance, review of available information, and on-site explorations, we have concluded that the site is suitable for the proposed development described above. We anticipate the geotechnical design concerns will be addressed with the site grading plan and during construction."

   "A detailed geotechnical report should be completed as part of the final design. The report should address the issues discussed herein and provide recommendations for site preparation (e.g., site grading and cuts/fills) and for the design and construction of foundations, retaining walls (if required), and pavements."

   A condition of approval is recommended to ensure that a geotechnical report be completed as part of the final design of the development, as recommended by the Site Assessment **(Condition 42)**.

3. The applicant shall demonstrat compliance with the requirements of LDC 4.14.50.08.a through submittal of the Site Assessment Report and through fulfillment of **Condition 42.**
4. Compliance with the applicable Hillside Development Standards is evaluated in the following portion of the report.

**4.14.70.02 - Applicability**

**Areas with slopes of 10 percent or greater are identified on the Natural Hazards Map. The following standards regulate development on areas with slopes of 10 percent or greater. In addition to these regulations, the Standards for Development in Steeply Sloped Areas in Section 4.14.50 apply to development in areas with slopes of 15 percent or greater. The Natural Hazards Map provides information regarding the location of slopes of 10 percent or greater on property within the Corvallis Urban Growth Boundary.**

**4.14.70.04 - Grading Regulations**

**a. Types of Grading - The following regulations address two types of grading, both of which are defined in Section 4.14.70.03, above:**

**1. Mass Grading; and**

**2. Grading on Individual Lots.**

**b. These regulations prescribe grading area limitations based on zoning and lot size, as set out in Sections 4.14.70.04.c.3 and 4.14.70.04.d.2 -**

**1. On development sites where both Mass Grading and Individual Lot Grading are employed, Mass Grading and Individual Lot Grading must be contained within the same grading limitation areas. The amount of gradable area allowed, per lot, is the same under both standards. This means that when Mass Grading is employed, the area that is Mass Graded on an individual lot will be the area in which Individual Lot Grading is allowed, unless the Mass Graded area is less than the maximum gradable area allowed. In this case, additional area, up to the maximum allowed, can be graded at the time of Individual Lot Grading.**

**c. Mass Grading Standards - The following standards shall apply to development throughout the City of Corvallis:**

**1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:**

| Site Characteristics | Maximum Cut Depth and Fill Height |
|---|---|
| No Extenuating Conditions | Eight-ft. Standard |
| One Extenuating Condition | 10-ft. Standard only where allowed to work around extenuating condition |
| Two or more Extenuating Conditions | 12-ft. Standard only where allowed to work around extenuating conditions |

**2. Extenuating Conditions - Exceptions to the Eight-ft. Standard for Mass Grading shall be based on the following specific extenuating conditions:**

**a) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a Block Perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document. A necessary street connection must comply with the slope standards in Section 4.0.60.k of Chapter 4.0 - Improvements Required with Development. Section 4.0.60.k stipulates that Arterial Streets shall not exceed a six percent grade, Collector and Neighborhood Collector Streets shall not exceed 10 percent, and Local and Local Connector Streets shall not exceed 15 percent. The width and overall extent of any street exceeding the Eight-ft. Standard shall be minimized, where feasible, to minimize grading impacts.**

**b) Significant Natural Feature - Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map, or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a certified arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.**

**c) Detention Facilities - To accommodate stormwater detention facilities where no other viable location exists on the site.**

**3. Grading Area Limitations - The following requirements apply to Mass Grading in areas with slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map:**

**b) Medium-high and High Density Residential Development Zones –**

| Medium-high and High Density Development Zones | Mass Grading Regulations: |
|---|---|
| RS-12, RS-12U, RS-20, and MUR Zones | For development sites greater than 6,500 sq. ft. in size - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present. |
| | For development sites less than or equal to 6,500 square ft. in size - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present. |

FINDINGS OF FACT

1. For the purposes of development on the subject site, there will be no difference between mass grading and individual lot grading. Unlike grading for a typical single family detached subdivision, the grading for the site will precede construction of the public improvements and buildings, but will not be followed by subsequent grading for individual lots on the site.
2. The applicant has submitted preliminary grading plans and preliminary elevation difference plans (**Attachment Q** - Sheets P6.0 – P6.10), which show that cuts

and fills proposed for development of the private and public portions of the site will remain less than eight feet, as required by LDC 4.14.70.04.c.1.

3. The applicant has requested a variation to the maximum gradable area standard in LDC 4.14.70.04.c.3.b to allow grading of 100% of the RS-12 zoned development site. The requested variation is discussed in full detail in the portion of the staff report concerning variations from development standards. In summary, Staff find the requested variation is warranted and recommend approval. Findings from that discussion are incorporated here by reference as findings under the above criterion.

CONCLUSIONS

Based on the findings above, and proposed conditions, the proposed development, will comply with the applicable requirements of Chapter 4.14 – Landslide Hazard and Hillside Development Provisions, with the exception of compliance with LDC 4.14.70.04.c.3.b, from which the applicant requests to vary, per Planned Development criteria. Staff find the requested variation is warranted.

Other Applicable Standards

Comments from the Fire Marshal indicate that the proposed development must be provided with a NFPA 13D or 13R fire sprinkler system as an alternative method and material (AM & M) in lieu of OFC compliant Fire Department access **(Condition 44).**

## OVERALL CONCLUSION AND RECOMMENDATION ON THE CONCEPTUAL AND DETAILED DEVELOPMENT PLAN

Based on the analysis presented in this staff report, and proposed conditions of approval, the request for approval of a Conceptual and Detailed Development Plan to develop a 296-unit apartment complex on the 24.6 acre property proposed to be zoned PD(RS-12) complies with the applicable criteria found in LDC Section 2.5.40.04.

Based on this review, it is recommended that the Planning Commission adopt these findings as presented by Staff, and approve PLD13-00003, contingent upon City Council approval of the associated Comprehensive Plan Amendment (CPA11-00002).

**(A recommended motion is at the end of this Staff Report)**

# MAJOR REPLAT/SUBDIVISION

## FINDINGS OF FACT AND APPLICABLE LDC REVIEW CRITERIA

**Request** – The applicant requests Tentative Subdivision Plat approval to divide the site into three development site parcels, two development site private street tracts, seven open space tracts, three stormwater drainage tracts, and dedication of rights of way and improvements for Circle Boulevard, Harrison Boulevard, and a new east-west local street through the development site.

The Corvallis LDC Section 2.4.30.04 contains the following review criteria which must be satisfied for this application to be approved. Code criteria are written in **bold, 10 point font** and are followed by findings, conclusions, and conditions where needed to meet criteria.

## APPLICABLE LDC REVIEW CRITERIA

**2.4.30.04 - Review Criteria**

**b. Residential Subdivisions - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:**

**1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;**

## FINDINGS OF FACT

1. Most of the development standards in Articles III and IV of the Land Development Code apply to development, but do not apply to land divisions. The preceding analysis of the Conceptual and Detailed Development Plan demonstrates that the proposed lots are able to accommodate development in compliance with the provisions of Articles III and IV of the LDC, and with other adopted standards and requirements. Since Parcels 1, 2, and 3, which are proposed to accommodate the apartment development on the site, are zoned RS-12, minimum lot area requirements of the zone apply. However, the minimum lot area in the RS-12 Zone (LDC 3.6.30.c) varies based on the density of development (2,200 sq. ft. per dwelling unit). The Planned Development analysis demonstrates that the proposed lots are adequately sized to accommodate their planned densities. The Minimum Lot Width standard in the RS-12 Zone is 25 ft. (LDC 3.6.30.d). Parcels 1, 2, and 3 comply with the lot width requirement.
2. The C – OS Zone contains no minimum lot size or width requirements.
3. Chapter 4.4 of the Land Development Code specifically addresses the requirements for Land Divisions and must be addressed in order for the Subdivision to be approved.

**Chapter 4.4 – Land Division Standards**

**Section 4.4.20 - General Provisions**

**4.4.20.01 - Applicability**

**All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development and/or Chapter 2.12 - Lot Development Option, as applicable.**

**4.4.20.02 - Blocks**

**a. General - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.**

**b. Size - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.o of Chapter 4.0 - Improvements Required with Development.**

**4.4.20.03 - Lot Requirements**

**a. Size and Shape - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.**

FINDINGS OF FACT

1. Proposed parcel 1 will be 4.99 acres in size. Parcel 2 will be 3.75 acres. Parcel 3 will be 11.67 acres. Each of the three proposed parcels have been designed to be of adequate size, shape, and orientation for the intended uses as is demonstrated by the development plans submitted as part of this application. There is no applicable minimum lot size for the RS-12 district to be applied to the site, although lots need to be large enough to satisfy the intended development intensity. The proposed 296 units on a 3-parcel, 20.48 net acre site (excludes proposed public and private streets) will result in a minimum lot area of 3,014 square feet per dwelling unit. The proposed development plan is therefore consistent with the 2,200 sq. ft. minimum lot area per dwelling unit standard of the RS-12 district.
2. As discussed in the section of this staff report reviewing compliance with Chapter 4.0, proposed blocks within the development comply with the applicable Block Perimeter standards in Section 4.0.60.o. Findings from that discussion are incorporated by reference as findings under the above criterion.
3. The proposed parcels are not intended for commercial or industrial uses, so the requirements listed in the last sentence are not applicable.

**b. Access - Each lot shall abut a street (not an alley) for a distance of at least 25 ft. unless it complies with the exceptions listed in "1," "2," or "3," below:**

FINDINGS OF FACT

1. Each of the three proposed parcels will have over 500 feet of public or private street frontage. None of the lots need to utilize any of the exceptions listed in this section.

**c. Through Lots - The creation of Through Lots through a Land Division process shall be avoided except where essential to overcome specific disadvantages of topography and orientation. Through lots, in low density residential zones, created through a Land Division process shall comply with the following standards:**

**1. A 20-ft. wide easement area shall be provided along the full length of one abutting street to the Through Lot, and shown on the plat;**

**2. No vehicular access shall be permitted within the Through Lot Easement area; and**

**3. Landscaping in the Through Lot Easement area shall comply with the provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

FINDINGS OF FACT

1. The site is not located within a low density district. Therefore, these standards are not applicable.

**d. Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.**

FINDINGS OF FACT

1. Side lot lines generally are perpendicular to streets, except where the lot line follows a topographic feature.

**e. Lot Grading - Lot grading shall conform to Chapter 4.12 – Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.**

FINDINGS OF FACT

1. Compliance with Significant Vegetation and Lot Grading standards is discussed in the portions of the staff report regarding compliance with Chapters 4.12 and 4.14. Findings from that discussion are incorporated by reference as findings under the above criterion. In summary, the applicable grading standards are met.

**f. Building Lines - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.**

FINDINGS OF FACT

1. No special building setback lines are requested.

**g. Large Lots - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.**

FINDINGS OF FACT

1. Although the proposed subdivision plat would create three large parcels, the development plans submitted as part of this application show how the parcels are intended to be developed such that there should be no need for a re-division plan. Given the proposed apartment development plan, no further divisions of the three large parcels are anticipated.

**i. Minimum Assured Development Area - For property with Natural Resources or Natural Hazards subject to Chapter 2.11 – Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 – Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).**

**<u>Applicable Provisions from Chapter 4.11</u>:**

**Section 4.11.30 - PROCEDURES**

**Properties with Natural Resources or Natural Hazards subject to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, have access to the provisions of this Chapter, provided the regulations within it are followed. Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework or through the Building Permit or construction permit review processes.**

**a. Property within the City Limits as of December 31, 2004 -**

**1. <u>Existing Lots and Development Sites</u> - Minimum Assured Development Area (MADA) applies only to -**

**a) Individual lots and individual parcels legally established prior to December 31, 2004; and**

**b) Development sites composed of one or more legally established lots or parcels aggregated for a specific development permit application.**

**2. Property Proposed for Subdivision, Partition, or Property Line Adjustment -**

**a) Any Subdivision, Partition, and/or Property Line Adjustment processed after December 31, 2004, shall not create lots or parcels unless:**

**1) Each new and remaining lot or parcel contains:**

**i. an area unconstrained by Natural Resources or Natural Hazards; or**
**ii. an area that includes Formerly Constrained Areas; or**
**iii. contains an area that includes the areas in 2.a)1)i. and ii. above; and**

**2) The area in "2. a) 1)," above, is equal to or greater than the Minimum Assured Development Area (MADA) for the zone or zones in which the development proposal falls.**

**b) Exceptions to the requirements in "a," above, include:**

**1) Lots created for public park purposes;**

**2) Privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space; and**

**3) Common open space tracts created for the purpose of protecting Natural Resources or Natural Hazards.**

FINDINGS OF FACT

1. The Witham Oaks property was annexed into the City in November of 2004, therefore, it was within the City Limits as of December 31, 2004.
2. As noted previously, the proposed subdivision includes three parcels proposed for development, two private street tracts, seven open space tracts, and three stormwater drainage tracts. The three parcels proposed for development do not contain any Highly Protected Natural Resources or Natural Hazards (although the properties contain some area with slopes between 10 and 20%, development is allowed in these areas, subject to certain standards). Similarly, the private street tracts and stormwater drainage tracts do not contain Highly Protected Natural Resources or Natural Hazards.
3. The proposed open space tracts do contain Highly Protected Natural Resource areas, including significant vegetation areas, wetlands, and riparian areas. However, per the exceptions allowed under LDC 4.11.30.a.2.b, it is acceptable to create lots that are largely encumbered with these protected natural features if they are zoned for Open Space –Conservation and/or if they are common open space tracts created for the purpose of protecting Natural Resources or Natural Hazards. The seven proposed open space tracts all meet this standard and will also be protected with a conservation easement **(Condition 43)**.

**3. Zone Changes - Zone Changes, other than those initiated by the City Council, shall not be used to increase the area of encroachment into the protected Natural Resources and Natural Hazards on a lot, parcel, or development site, unless such Zone Change is accompanied by an Economic, Social, Environmental, and Energy (ESEE) analysis indicating the overall balance provided by the City's Natural Resources and Natural Hazards protection program is maintained or improved.**

FINDINGS OF FACT

1. The proposed zone change serves the opposite purpose, which is to remove the potential for development from protected Natural Resource areas and to transfer the density to a smaller, unencumbered portion of the site.

**Additional Land Division Standards from Chapter 4.4:**

**2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;**

FINDINGS OF FACT

1. As noted in the preceding analysis, the proposed subdivision will result in the preservation and protection of Significant Natural Features on the site.

**3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.**

FINDINGS OF FACT

1. The proposed land use for the developable portion of the site is the Family Residential Use Type, which is an outright permitted use in the RS-12 Zone.
2. Proposed uses in the C – OS zoned portion of the site include preservation and restoration of Natural Resource and/or Natural Hazard areas and the provision of open space areas to protect Natural Resources and avoid Natural Hazards, both of which are permitted outright uses in the C-OS Zone.

**4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 – Riparian Corridor and Wetland Provisions.**

FINDINGS OF FACT

1. The proposed stormwater detention and water quality facilities will be designed to City standards and shall meet requirements for water quality and detention. Multiple facilities are provided to serve the drainage sub-basins located on the site, to replicate historic drainage patterns on the site. Discharge after being treated and regulated by water quality and detention facilities is proposed to be routed through flow spreaders to replicate historic drainage patterns on the site, consistent with criterion 2.4.30.04.b.4.

   In comparison to development under the current zoning, with a 57.7 acre development area and 36.9 acres of C-OS designated land, the preservation of a larger portion of the site (70 acres) is anticipated to better preserve existing hydrology and natural systems on the site.

**A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.**

## OVERALL CONCLUSIONS AND RECOMMENDATION ON THE TENTATIVE SUBDIVISION PLAT

Based on the analysis presented in this staff report, and proposed conditions of approval, the request for approval of a Tentative Subdivision Plat to divide the site into three development site parcels, two development site private street tracts, seven open space tracts, three stormwater drainage tracts, and dedication of rights of way and improvements for Circle Boulevard, Harrison Boulevard, and a new east-west local street through the development site complies with the applicable criteria found in LDC Section 2.4.30.04.b.

Based on this review, it is recommended that the Planning Commission adopt these findings as presented by Staff, and approve SUB13-00001, contingent upon City Council approval of the associated Comprehensive Plan Amendment (CPA11-00002).

**Staff-Recommended Conditions of Approval and Development Related Concerns from the August 23, 2013 Staff Report to the Planning Commission** (numbers in the left-hand column refer to the pages in the original Staff Report where the subject condition is discussed):

| Pg# Ref | Cond# | CONDITION |
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| All | **1** | **Consistency with Plans** – Development shall comply with the narrative and plans identified in **Attachment N**, except as modified by the conditions below, or unless a requested modification otherwise meets the criteria for a Minor Planned Development Modification. Such changes may be processed in accordance with Chapter 2.5 of the LDC. |
| 80, 141 | **2** | **Lighting** – Prior to issuance of building permits for on-site lighting, and issuance of Public Improvement Under Private Contract (PIPC) Permits for development, the applicant shall submit lighting plans which demonstrate that site or public street lighting shall comply with the site and street lighting requirements of LDC Section 4.2.80. |
| 80 | **3** | **Signage** – All future signage on the site shall comply with the requirements of LDC Chapter 4.7 – Sign Regulations. Sign permits shall be obtained, where required. |
| 76, 81,119, 121, 127, 146 | **4** | **Landscaping –** The following landscaping provisions shall apply to overall development of the site:<br>Landscape and Irrigation Plans – Prior to issuance of building permits, and concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit landscape construction documents for this site to the Development Services Division, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Required landscaping shall be consistent with the Conceptual Landscape Plan submitted with this application (applicant's **Attachment N**).<br>Submitted Landscape Plans shall include the following elements:<br>a. The applicant's requested variation to the LDC's street tree spacing requirements to accommodate fire access needs, resolve conflicts with necessary utility locations, and address landscape requirements adjacent to streets through protected resource areas is approved, as generally depicted on Sheets P9.1 – P9.3 from **Attachment N**. As a compensating benefit |

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| | | for the requested variation, the applicant shall provide at least 696 trees to be planted on the site, to be generally consistent with locations shown on the Conceptual Landscaping Plans in **Attachment N**. Trees shall be a minimum 2-inch caliper size and submitted landscape plans shall number trees to demonstrate compliance with this requirement.<br>b. Landscape plans shall show that portions of streets that will pass through protected vegetation, wetland, and riparian areas will be constructed with curbside sidewalks with no planted area to the outside of the sidewalk (unless approved through a future restoration plan reviewed by Community Development Staff).<br>c. Landscape plans shall demonstrate that outdoor components associated with heat pumps and similar equipment are screened in accordance with the requirements of LDC 3.6.30.k, where applicable.<br>d. Landscape plans shall demonstrate compliance with the Green Area requirements of LDC Section 3.6.50.<br>e. Prior to issuance of an occupancy permit for the final residential building on the site, the applicant shall re-vegetate the 420 lineal feet along the riparian corridor within the site that is currently without adequate vegetation. Prior to installation, the applicant shall submit a re-vegetation plan to Development Services Staff to ensure consistency with LDC Section 4.13.50.d. Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, for a period of five years, and consistent with the procedures identified in LDC Section 4.2.20.<br>f. Landscape plans shall be coordinated with PIPC plans and other improvements through the development of a "streetscape plan" as a component of applicable PIPC permits. Landscape plans shall be consistent with LDC Section 4.2.30.b –Areas Where Trees May Not be Planted.<br><u>Installation</u> – All required landscaping and related improvements on the 24.6 acre apartment development site shall be installed as illustrated on the approved Landscape and Irrigation Permit, and shall be completed prior to issuance of a final Certificate of Occupancy. The applicant's submitted landscape plans shall include a phasing plan for landscape improvements associated with each building, to be reviewed and approved by City Staff, to ensure that all required landscaping is in place with each phase and throughout the development site. The installation will be inspected and approved by the Development Services Division, and shall occur prior to or concurrent with final inspections for site construction permits. |

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| | | Three-Year Maintenance Guarantee – Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, as specified in LDC 4.2.20. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years.<br>Three-Year Maintenance Guarantee Release - The developer shall provide a report to the Development Services Division just prior to the end of the three year maintenance period, as prescribed in<br>Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee. |
| 81, 97 | **5** | **Development Size** – As requested by the developer, the approval of the DDP is limited to a maximum of 296 dwelling units as stated on Page 2 of the application for the CPA and ZDC. This requested condition serves to limit potential off-site traffic impacts consistent with OAR 660-012-0060 (2) (e) and (3). |
| 83 | **6** | **Issuance of Building Permits** – Consistent with LDC section 4.0.20 and council policy CP91-7.04, no building permits for foundations or structures shall be issued until all public improvements required for the approved development are complete and accepted by the City Engineer. |
| 86 | **7** | **Sidewalk Improvements** – Sidewalks shall be installed consistent with the applicant's plan and LDC section 4.0.30 including timing of installation. In order to ensure safe and convenient pedestrian passage, and to satisfy the City's "to and through" policies, necessary connections to existing sidewalks, including the sidewalk along the north side of NW Harrison Boulevard, shall be extended and connect with the proposed pedestrian facilities within and along the site frontages. |
| 86 | **8** | **Marked Crosswalks in the Public ROW** - The City has a Council Policy (CP91-9.01) on when crosswalks should be marked. Any crosswalks shown not meeting that policy in the public ROW will need to be removed from the PIPC construction plans. |
| 86 | **9** | **Multi-use Paths** – All multi-use paths identified on the plans shall be paved and 12-feet wide. Paving materials for public multi-use paths shall be concrete Per LDC section 4.10.70.03. |
| 86 | **10** | **Sidewalk maintenance** - Maintenance of all private sidewalks and sidewalks within public access easements shall be the responsibility of the property owner. |

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| 90 | **11** | **<u>Transit Facilities</u>** – Prior to issuance of an occupancy permit for the first residential building on the site, transit shelter easements and standard concrete shelter pads shall be provided along NW Circle Boulevard. The exact locations and dimensions of transit shelter pads shall be determined as part of the public improvement plan review. All right-of-way dedications or easements for transit facilities shall be shown on the final plat. |
| 97 | **12** | **<u>Witham Hill Dr. and Circle Blvd. 4-way Stop</u>** - The intersection of Witham Hill Dr. and Circle Blvd. shall be reviewed after construction of NW Circle Blvd. and prior to the end of the warranty period for public improvements including Circle Blvd. The developer's traffic engineer shall provide an update to the Mitigation Alternative Study for Circle Blvd. and Witham Hill Dr. intersection based on MUTCD standards for multi-way stop applications. If upon review of the study, the City Engineer determines stop signs should be installed, City Crews will install the stop signs and associated striping and the developer will be billed for the cost of installation. |
| 98 | **13** | **<u>Private Streets</u>** - A private maintenance agreement with enforcement provisions to ensure maintenance for this facility shall be established in accordance with LDC section 4.0.60.d. |
| 98 | **14** | **<u>NW Harrison Boulevard Street Improvements</u>** - A permit for public improvements will be required from the County for improvements to NW Harrison Blvd. Typically the County will default to City Standards within the UGB. City and County staff have discussed the improvements along NW Harrison Blvd. and improvements proposed by the applicant are consistent with City and County standards. Improvements to NW Harrison should include: 12-foot travel lanes, a 12-foot continuous center turn lane, 6-foot bike lanes, standard curb and gutter on the north side, a 12-foot planter strip on the north side (except where curbside due to natural features), and a 12-foot wide multiuse path. A turn lane shall be provided for east bound traffic at NW Circle Blvd. The County may require a median in the area where the existing Circle Blvd path connects to Harrison Blvd. |
| 98 | **15** | **<u>NW Circle Boulevard Street Improvements</u>** - NW Circle Boulevard shall be constructed to full City standards from its terminus at the site's northern property boundary, south through the site, to the intersection with NW Harrison Boulevard. Proposed cross-sections are shown on sheet P5.5 and generally include: a 5-foot sidewalk and a 12-foot planter strip on the west side (except where there are curbside sidewalks due to natural features), 6-foot bike lanes, 10-foot travel lanes, and a 12-foot planter strip and a 12-foot multi-use path on the east side. A 10-foot wide turn lane shall be provided on Circle Blvd at Street 'A', and at Harrison Blvd. Where access is needed adjacent to the |

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| | | storm drainage tract H, parking for maintenance vehicles is provided. Any proposed re-alignments of NW Circle Boulevard shall be considered a **Major Modification** due to potential infringement on existing wetlands. |
| 99 | **16** | **Local Street Improvements** - All local streets shall be constructed to City standards, unless otherwise approved with this application. The East-West local street has been approved to be constructed to a local connector street standard. |
| 99, 106 | **17** | **Street Lights** – Consistent with LDC section 4.0.60.r, the applicant shall provide an engineered design for street light installation, obtain appropriate electrical permits from Development Services Division, and install the street light system concurrent with public improvements. See also Condition #2. |
| 99, 104, 106 | **18** | **Public Improvements** – Public improvements shall be constructed in a single phase. In accordance with LDC 4.0.60.e and LDC 4.0.70, all development sites shall be provided with access to a street, public water, sanitary sewer, storm drainage, and street lights. 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 by private contract (PIPC) from the City's Engineering Division per LDC section 4.0.80. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Street signs and curb markings will be reviewed and approved with the PIPC plans. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations. As part of the public improvement plans, the applicant shall include a "streetscape" plan that incorporates the following features: composite utility plan; street lights; proposed driveway locations; vision clearance triangles for each intersection; street striping and signing (in conformance with the MUTCD); and proposed street tree locations. Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80. |
| 98, 99 | **19** | **Slopes Adjacent to the ROW** – Slopes adjacent to the ROW shall not exceed the slopes shown in the City's Standard Detail 101, Typical Street Sections, from the City of Corvallis Standard Construction Specifications. Retaining walls in or adjacent to the ROW will not be allowed unless approved by the City Engineer. |

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| 104 | **20** | **2nd Level Waterline** - The applicant shall install a minimum 16-inch waterline within the NW Circle Blvd. extension and new local street 'A'. The 16-inch line in public street 'A' shall extend to the western property line. A 12-inch second level waterline shall loop from the 16-inch waterline in NW Circle Blvd. to the existing 2nd level waterline in NW Elizabeth. The final location of the waterlines will also need to account for tree plantings to avoid conflicts.<br><br>If appropriate easements are not available to loop the 2nd level NW Circle Boulevard waterline to the NW Elizabeth Place waterline, the applicant shall extend the NW Circle Boulevard waterline south to the intersection with the existing City easement adjacent to the Beit Am property, and a flushing station shall be installed at this terminus that contains a meter service, a backflow prevention system, and connection to the public sewer system on NW Harrison Boulevard. The looping of the waterline and/or installation of the flushing station shall be constructed concurrent with development as determined by the City Engineer. |
| 104, 105 | **21** | **Private Storm Drainage and Sanitary Sewer** - Installation of the private storm drainage system and sanitary sewer will be subject to permitting through the City's Development Services Division. It will also need to be shown on the PIPC plans to evaluate how the public and private systems work together. A private maintenance agreement with enforcement provisions to ensure maintenance of private storm drainage and sanitary sewer facilities shall be established in accordance with LDC sections 4.0.70.f and 4.0.60.d prior to permitting these improvements or submitting the final plat. The private storm drain sanitary sewer lines shall have a private "joint and several" maintenance easement that will allow lot owners access for maintenance purposes over the entire line. |
| 105 | **22** | **Sewer Extension in NW Harrison Blvd.** – To comply with LDC 4.0.70.c and 4.0.70.d, with development of the property it shall be demonstrated that the extension of sewer through the property provides adequate depth to provide service to the adjacent property to the west (OSU). If the sewer shown in public street 'A' is not adequate to serve the entire property (especially the existing structures) a minimum 8-inches diameter sewer shall be extended from the current sewer in NW Harrison Blvd. If the adjacent property is served by an extended sewer in Harrison, sewer in public street 'A' would not need to provide service to the adjacent property. |
| 105, 111 | **23** | **Maintenance Access to Public Facilities** - Access structures and appropriate access easements shall be provided for all public sewer and stormwater manholes, detention, and water quality facilities not located in public right-of-way. Access structures shall |

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| | | be all-weather, minimum 15' wide, and capable of supporting 60,000 pound maintenance vehicles. The access structures shall extend to within 10' of all manholes, with no more than a 15' back-up length, unless otherwise approved by the City Engineer. |
| 105 | **24** | **<u>Off-site Stormwater Drainage and Easements</u>** - Development-generated stormwater runoff from the site shall not be allowed to cross private property without appropriate easements from impacted property owners. OSU owns property downstream of the proposed development site which is located in Benton County outside the City limits. The following procedure shall be followed for off-site drainage easements:<br><br><u>Applicants Shall Describe the Existing Drainage Situation.</u> A physical description of drainage features from the development site downstream to the first existing public facility should be provided. Information on the presence or absence of a defined channel, the extent of the presence of water in the system, the type of vegetation and its tolerance for hydrological changes, the type of land uses being employed, groundwater characteristics, and any other relevant physical characteristic should be provided. (A known hydrological change caused by development is an increase in dry season flows due to irrigation and/or intercepted groundwater.)<br><br>A discussion of the existing drainage legal situation should also be provided. A list of downstream property owners and any known storm drainage easements or other access rights should be provided. Any previous disputes should be documented.<br><br><u>Applicants Shall Make a Good Faith Effort to Obtain Easements.</u> Written and personal contact should be made with affected downstream property owners and documentation furnished to the City. If objections are raised, resolution alternatives should be considered. Compensation offers should be made based upon easement fair market value established by professional appraisals. Physical improvements to the drainage system could be considered. Benefits associated with an established public drainage system in the area could be discussed. Existing drainage problems could be resolved.<br><br>If it is demonstrated that easements cannot be obtained as described above, the following conditions shall be met:<br><br><u>Applicants Shall Engineer Solutions to Minimize Downstream Impacts.</u> Features such as detention, infiltration, water conserving landscaping (no automatic irrigation systems), minimal impervious area, commitments to low impact weed and pest control, water quality treatment, or other applicable solutions should be considered. These solutions shall be prepared by a registered professional engineer and conform as closely as possible to criteria contained in the City of Corvallis Stormwater Master Plan and King County Surface Water |

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| | | Design Manual.<br><br>Drainage Facilities Shall Remain Private. Any drainage facility installed under this process without public easements shall remain private in perpetuity.<br><br>Applicants Shall Indemnify the City of Corvallis. The applicant shall provide an indemnification and hold harmless agreement acceptable to the City Attorney's Office protecting the City of Corvallis, its officers, employees, volunteers and agents against any drainage related action, claim for injury or damage and all loss, liability, cost or expense, including court costs and attorney fees, growing out of or resulting directly or indirectly from construction, installation, operation and maintenance of the land division and subsequent development. This indemnification shall be a covenant running with the land, and shall be binding upon the Owner and Owner's heirs, executors, administrators, successors, assigns, lessees, sub-lessees, tenants and sub-tenants forever.<br>Applicant's Attorney Shall Provide Legal Opinion. The applicant's attorney shall provide a written legal opinion that the proposed approach is consistent with Oregon water law.<br><br>City May Consider Condemnation. On a case-by-case basis, City staff may present the Corvallis City Council with a recommendation to pursue condemnation of the public drainage easements. It is expected that this would be an unusual situation based on a demonstrated high degree of public benefit and/or risk. |
| 108 | **25** | **Franchise Utilities** - Prior to issuance of public improvement permits, the applicant shall submit, as part of the public improvement plan set, an overall site utility plan that shows existing and proposed franchise utility locations, including vaults, poles and pedestals. The proposed franchise utilities shall conform to requirements outlined in the LDC section 4.0.90 including provision of appropriate utility easements. The applicant shall provide confirmation the franchise utilities have reviewed these plans prior to review by the City. |
| 108 | **26** | **Franchise Utility Easements** - According to LDC Section 4.0.100.b, a minimum 7-foot Utility Easement (UE) is required adjacent to all street ROWs and shall be shown on the plat. |
| 109 | **27** | **Right-of-Way Dedication** - The applicant shall dedicate additional right-of-way as needed along the south and east edges of the property to construct Circle Boulevard and NW Harrison Boulevard as proposed in the plans. Approval for the right-of-way dedications for NW Circle Boulevard and NW Harrison Boulevard shall be obtained prior to authorization of plans for public improvements. The applicant shall also dedicate a minimum of 50 feet of right-of-way along all public local streets. The final plat shall include all right-of-way dedications. As part of the Public |

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| | | Improvements process, the applicant shall demonstrate that the proposed right-of-way widths will be feasible to construct all streets as proposed in the plans without impinging on adjacent properties or impacting wetlands beyond what is necessary to provide a functional transportation system. |
| 109 | **28** | **ROW Dedication/Easements** - Per LDC Section 4.0.100.f, any easements or ROW dedications shall be shown on the plat. Easements for water, sewer, and storm drainage shall be provided for facilities located outside the ROW. Minimum easement width shall be per LDC section 4.0.100.a. An environmental assessment for all land to be dedicated must be completed in accordance with LDC Section 4.0.100.g. |
| 111, 112 | **29** | **Storm Water Quality and Detention Design** - All storm water quality and detention facilities shall be designed consistent with criteria outlined in Appendix F of the City's Storm Water Master Plan, and criteria outlined in the King County Surface Water Design Manual. As per King County criteria, if side slopes steeper than the standard 3H:1V are proposed, or if embankment heights exceed 6 feet, they shall be designed by a licensed geotechnical engineer. As part of the plans for public improvements, the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that all storm drainage facilities are designed to match pre and post development flows up to the 2, 5, and 10-year storm events. Design of all detention and water quality facilities shall be performed by a qualified licensed professional engineer and shall be subject to the review and approval of the City Engineer. |
| 111, 112, 128 | **30** | **Storm Water Quality and Detention Facility Landscaping** - The design for the storm water quality and detention facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the detention and water quality facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. The applicant shall see that all associated functional landscaping associated with the storm water quality and detention facilities be installed, or that appropriate erosion and sediment control measures are in place, prior to any paving activity on the development site. All detention and water quality facilities landscaping shall be consistent with City and King County criteria, and shall be designed prior to acceptance of the public improvement plans. All water quality and detention landscaping shall be designed and approved by a qualified landscape architect. |
| 111, 112 | **31** | **Maintenance of Storm Water Quality and Detention Facilities** - The applicant shall provide a stormwater maintenance plan (in |

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| | | accordance with City and King County criteria), and a stormwater facilities agreement (in accordance with City criteria) for the realigned portion of the NW Circle Boulevard drainageway. Because the water quality facilities are an integral component of the wetland preservation plan and the detention facilities are in close proximity and/or located within wetland mitigation areas, the warranty period shall be coincident with the wetland mitigation monitoring plan time frame, or two years from acceptance, whichever is longer. |
| 112 | **32** | **Private Stormwater Detention** - Concurrent with development, stormwater detention shall be implemented. The storm water detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual, and should be designed to capture and release run-off so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. Installation of the private storm drainage system will be subject to permitting through the City's Development Services Division. The use of pervious pavements may reduce the contributing area used in the detention volume calculations. A private maintenance agreement with enforcement provisions to ensure maintenance for this facility shall be established in accordance with LDC sections 4.0.70.f and 4.0.60.d. |
| 102 | **33** | **Standards for Off-street Parking and Access** – Per LDC section 4.1.40, a permit from the Development Services Division will be required to construct parking, loading, and access facilities and installation of the parking lot will need to be consistent with the City's Off-Street Parking and Access Standards. |
| 148 | **34** | **NW Circle Boulevard Drainageway** - As part of the plans for public improvements, the applicant shall include a detailed plan for realignment of the NW Circle Boulevard drainageway where it conflicts with the NW Circle Blvd. extension consistent with the Stormwater Maintenance Plan and the King County criteria. At a minimum, this plan shall address re-establishment of vegetation, shading, facilitation of drainageway migration, and water quality protection for the wetlands consistent with DSL requirements and approval. The sidewalk in this area may be located curbside to avoid creek crossings and to minimize impacts to the drainageway and grading. |
| 148 | **35** | **Drainageway Easements and Maintenance** - As part of the plans for public improvements, the applicant shall provide a drainageway easement along the entire length of the NW Circle Boulevard drainageway, except where it is public ROW. The drainageway easement shall be consistent with Land |

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| | | Development Code criteria in table 4.13-2 and the City's Drainage Master Plan. The applicant shall provide a stormwater maintenance plan (in accordance with King County criteria), and a stormwater facilities agreement (in accordance with City criteria) for the realigned portion of the NW Circle Boulevard drainageway. Because preservation of this drainageway is an integral component of the wetland preservation plan, the warranty period shall coincident with the wetland mitigation monitoring plan time frame, or two years from acceptance, whichever is longer. The drainageway easement shall be recorded with the final plat for the first phase of development. |
| 148 | **36** | **Drainageway signs** - Public improvement plans shall delineate the drainageway easement and shall denote locations for installation of the City's standard "Riparian Area" protection/informational signs. The signs shall be purchased and installed by the developer concurrent with the installation of the public improvements. |
| 98 | **37** | **Other Agency Permits** – All other agency permits necessary to determine final design of the PIPC Plans such as Department of State Lands, Corps of Engineers, and Department of Environmental Quality shall be obtained and a copy provided to the City prior to authorization of the PIPC plans. Substantial revisions to the plans due to State requirements may require a Planned Development Modification as determined by the Community Development Department. |
| 102 | **38** | **Unassigned Parking** – In accordance with LDC Section 4.1.20.k, the applicant shall maintain at all times at least 113 unassigned automobile parking spaces (15% of required) and 96 unassigned bicycle parking spaces (15% of required), located such that they are available for shared use by all occupants within the development. If necessary, signage, striping, or other means shall be used to differentiate unassigned parking from assigned parking areas. |
| 134 | **39** | **Windows and Doors** – The applicant shall demonstrate, at the time of building permit submittal, that all facades of all proposed buildings facing streets, sidewalks, and multi-use paths on the site shall contain a minimum area of 15 percent windows and/or doors, consistent with the requirements of LDC Section 4.10.60.01.c. Adjustments to submitted building designs are allowed to the extent necessary to comply with this requirement. |
| 137 | **40** | **Recesses and Extensions** – The applicant shall demonstrate, at the time of building permit submittal, that all buildings comply with the standards in LDC Section 4.10.60.04.b.2. Adjustments to submitted building designs are allowed to the extent necessary to comply with this requirement. |

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| 142 | **41** | **Conservation Easement** – In conjunction with final plat approval, the applicant shall record a conservation easement, consistent with the requirements of LDC Section 4.12.60.a.2, to protect the trees within all Highly Protected Significant Vegetation Areas on the site that will not be impacted by the extension of Circle Blvd. |
| 151 | **42** | **Geotechnical Report** – Prior to issuance of Excavation and Grading Permits on the site, for either public or private improvements, the applicant shall submit a geotechnical report addressing all issues raised in the applicant's Preliminary Site Assessment Report. |
| 87, 159 | **43** | **Final Plat** – To finalize ROW Dedication and ensure the establishment of necessary easements, tracts, and lots within the development, the applicant shall record the Final Plat for the requested subdivision prior to issuance of building permits for any apartment building on the subject site. The plat shall include all proposed trail easements, conservation easements, and other elements, as proposed by the applicant. |
| 154 | **44** | **Fire Sprinkler Systems** – Per developer's proposal and agreement, all of the structures on this project will have a NFPA 13D or 13R fire sprinkler system as an AM&M in lieu of OFC compliant Fire Dept. access. |

**Development Related Concerns**

A. NW Circle Blvd. & NW Harrison Blvd intersection and adjacent Driveway Conflicts - City access standards require that driveway accesses be located a minimum of 150' from any other access or collector and/or arterial street intersection. The two adjacent properties to the east of the site have side-by-side driveways within 100 feet of the proposed intersection of NW Circle Boulevard and NW Harrison Boulevard. The driveway closest to the intersection (approximately 50 feet to the east) belongs to a site (Beit Am) that has not yet been developed, and is currently under County jurisdiction. An alternate access off of NW Circle Boulevard is shown in the applicant's plans and is the City's preferred solution. There has been some initial dialogue with Beit Am about this possibility and submitted testimony **(Attachment O)** from Beit Am indicates support for this southerly point of access. The second adjacent driveway to the east belongs to the LDS church, and is one of two site accesses to Harrison. The applicant shows a new driveway cut on the future NW Circle Blvd which would provide a second access for the LDS site if an appropriate easement could be obtained across the strip of land owned by Beit Am. Benton County and the City have an interest in working with the developer, LDS Church, and Beit Am to relocate the westerly LDS driveway on NW Harrison Blvd to NW Circle Blvd. with the construction of NW Circle Blvd.

B. Mailbox Locations - As part of the plans for public improvements, the applicant shall show proposed mailbox locations, with approval from the Post Office, as well as any sidewalk transitions required by City Standards.

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

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

E. SDC Reimbursement - Where it is anticipated that there will be System Development Charge (SDC) reimbursements from City funds to the developer for qualifying extra-capacity facilities built by the developer, the developer shall obtain a written agreement with the City regarding the monetary amount of the requested reimbursement as well as the anticipated construction time line for the qualifying improvements, prior to initiating construction of these facilities. A written request for SDC reimbursement may be directed to the City Engineer, who will review and forward the request to City Council.

F. ZOB Applications - Zone of Benefit (ZOB) cost recovery may apply for the NW Harrison Boulevard and NW Circle Boulevard street improvements . The applicant may apply for ZOB cost recovery for improvements that benefit other property owners adjacent to the improvements as outlined in chapter 2.16 of the Corvallis Municipal Code. The applicant must submit a written request within one year from the acceptance of the public improvements in order to be considered for reimbursement.

G. Infrastructure Cost Recovery - Infrastructure cost recovery charges may apply to the NW Harrison Boulevard sewer and water lines, and the Dale Drive sewer lines serving or adjacent to the site. The determination of applicable charges will be evaluated during the public improvement review process. Where it is determined that there will be Infrastructure Cost Recovery charges, the developer shall pay their required share of the costs prior to making any connection to any infrastructure system, in accordance with Corvallis Municipal Code 2.18.040.

H. Irrigation Plans - Prior to issuance of public improvement permits, the applicant shall submit, and obtain approval of, irrigation plans for associated landscaping.

I. Tree Plantings - Tree planting locations shall not block street signs, or traffic signals. In addition, trees should not be planted in areas outlined in LDC section 4.2.30.b.

J. Signing & Striping Plans - As part of the public improvement plans, the applicant shall include a plan for street striping and signing. All striping and signing shall conform to the MUTCD and City standards and policies. All costs associated with striping and signing shall be borne by the developer.

K. Street Names & Assigning Street Addresses - All street names need final approval from the Development Services Division prior to filing of the final plat. Street addresses are assigned by the Development Services Division. Requests for street addresses are to be submitted in writing to the Development Services Division accompanied by a copy of the approved tentative or final subdivision plat with the approved street names. The scale of the drawing shall be 1" to 100'. Street addresses will be assigned within 15 working days of receipt of a complete request.

**Issues / Concerns Identified by the Planning Commission during Deliberations on October 16, 2013:**

a) Proposed Condition 10 should include a reference to a multi-use path,

b) Improvement of the east-west local street should not be extended all the way to the western property boundary until such time as further development is anticipated on the OS – AG designated property to the west,

c) a four way stop should be provided at the intersection of Witham Hill Drive and Circle Boulevard (modify Condition 12),

d) the proposed trail connection to Arnold Park should be a required condition,

e) the proposed medians in Harrison Boulevard are a good idea, but the westerly median should be located where the existing multi-use path intersects Harrison Boulevard, and there should be the same type of crossing on Circle Boulevard,

f) the community garden and bicycle maintenance facility are attractive components of the development proposal, and

g) the City Council should consider “remanding” any appealed decisions back to the Planning Commission if the Council decides to approve the requested Comprehensive Plan Amendment.

Links to Information Provided to the Planning Commission for 01.29.14 Special Meeting

SUB13-00001/PLD13-00003 Campus Crest

Please use the Book Marked Links to access the following Information

1. Staff Report to CC 12.02.13
2. Deliberations Memo 1.06.14
3. Testimony 9.30 to 11.22.13
4. Testimony 11.22 through 11.27.13
5. Testimony 12.2 through 12.10.13
6. 12.02.13 CC Minutes with Exhibits
7. 01.16.14 CC Minutes

RECEIVED

DEC 23 2013

CITY MANAGERS
OFFICE

RE: The Grove at Corvallis

Dear City Leaders,

There is a great need for multi-family housing in Corvallis and this is evidenced by the city's buildable lands index. The development Campus Crest is proposing fits well into the Comprehensive Plan amendment for the city and should be embraced by our leaders.

Also, given the land in question, this proposed project is a much better option that what was previously proposed as a residential development. The large part of vocal opposition has been surrounding the loss of open space and trails, something that would have happened with a single-family development but doesn't happen under the Campus Crest proposal. The Grove adds less traffic and actually will provide more trails and open space preservation.

Thank you for being future-focused and for your attention. I ask you to join me in support of this project.

Best,

Collin Fewkes
347 Monmouth Ave N
Monmouth, OR 97361

7 January 2014

RECEIVED
JAN 08 2014
CITY MANAGERS OFFICE

To the City Council,

I am writing to tell you of my disappointment at your decision to grant Campus Crest's development of Witham Oaks. I attended and testified at all the public meetings and, as you are well aware, there was significant opposition to this application. Perhaps I am under the false illusion that the City Council is elected to represent the concerns of Corvallis residents and not out-of-state corporations. This is just another step in the further erosion of Corvallis's livibility and sustainability for its residents, and another unsightly blight on the landscape.

I would appreciate hearing from those councillors who chose to disregard the substantial number of neighborhood residents who opposed this plan. Is development which exceeds what the community needs and has expressed its opposition really what you think will make Corvallis a better place to live? You have created a division that will have further repercussions. I know my trust in you has diminished greatly.

Respectfully,

Leslie Glassmire
1310 NW Spring Lane
Corvallis 97330

P.S. Thank you to those 4 councillors who voted to oppose the application.

## Young, Kevin

**From:** Holzworth, Carla
**Sent:** Monday, January 13, 2014 10:59 AM
**To:** Young, Kevin
**Subject:** FW: Wasting a Gem in Corvallis

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**From:** Ward 8
**Sent:** Friday, January 10, 2014 6:06 PM
**To:** Holzworth, Carla
**Subject:** Fwd: Wasting a Gem in Corvallis

For the Campus Crest record.
Biff

----- Forwarded Message -----
From: "Carrie Tasman" <carrie@tasmanstudio.com>
To: ward5@council.corvallisoregon.gov, ward8@council.corvallisoregon.gov, ward3@council.corvallisoregon.gov, ward6@council.corvallisoregon.gov
Sent: Tuesday, January 7, 2014 9:08:59 AM
Subject: Wasting a Gem in Corvallis

Hello,

I just read that you four city councilors approved the Witham Oaks Private Dormitory Project. I have not voiced my opinion on this, trusting that our elected councilors will do the right thing. Obviously, I need to speak out.

I am against this project for obvious reasons, the annexation approval based on low density housing being first, and also neighborhood concerns regarding traffic and a whether or not a privately owned dormitory is a good fit for this neighborhood. But I'm also against this development because Witham Oaks is one of the last gems of Corvallis. To allow a dormitory to be built on this site is poor planning that is NOT in the service of our beautiful community and it constituents.

Your job is to look out for us. I urge you to reconsider your vote.
Sincerely,
Carrie Tasman
a resident of Corvallis for over 30 years

## Young, Kevin

**From:** Holzworth, Carla
**Sent:** Monday, January 13, 2014 10:59 AM
**To:** Young, Kevin
**Subject:** FW: 'Thank you' for voting to move forward on the Witham Oaks development

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**From:** Ward 8
**Sent:** Friday, January 10, 2014 6:08 PM
**To:** Holzworth, Carla
**Subject:** Fwd: 'Thank you' for voting to move forward on the Witham Oaks development

Another communication for the Campus Crest record.
Biff

----- Forwarded Message -----
From: "Chuck Thierheimer" <AltairIV@comcast.net>
To: ward8@council.corvallisoregon.gov
Sent: Thursday, January 9, 2014 7:15:56 PM
Subject: 'Thank you' for voting to move forward on the Witham Oaks development

Mr. Traber

I want to say 'Thank you' for voting to move forward on the Witham Oaks development even if it's to more review by city Planning staff. The citizens of Corvallis should recognize that there is considerable economic benefit to OSU's presence here not to mention the larger state goal of a more highly educated Oregon populace.

I am not thrilled by the increase in traffic on the roads; even the summers are busier now with increased number of classes at OSU. But I note that the employees of OSU are generally well educated, well paid and are an enviable resource for the city. I am learning to appreciate the students firstly by recalling (and wincing) some of the less than civil behavior of my youth and secondly, noting that it's a small number of students that cause problems.

It annoys me that people will write to the newspaper (and the council no doubt) and complain about 'greedy out of towners' and 'money grubbers'. I suspect that a majority of Corvallis residents were originally 'out of towners'. Campus Crest seems to be pursuing economic opportunity in a principled manner and the recent offer to donate acreage to the city should be seen as evidence of their sincerity.

Change, particularly change that occurs in one's neighborhood, is often unsettling. There will be no pleasing those that resist change and won't recognize the larger benefit in some situations.

Charles Thierheimer
3047 NW Angelica Dr.
Corvallis OR 97330-3622

RECEIVED
FEB 11 2014
Community Development
Planning Division

Perkins Coie

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

Michael C. Robinson
PHONE: (503) 727-2264
FAX: (503) 346-2264
EMAIL: MRobinson@perkinscoie.com

February 11, 2014

**VIA E-MAIL**

Mayor Julie Manning
City of Corvallis
501 SW Madison Avenue
PO Box 1083
Corvallis, Oregon 97339

**Re: Campus Crest/The Grove - Comprehensive Plan Amendment, Zone Change, Conceptual and Detailed Development Plan, and Subdivision (City of Corvallis File Nos. CPA11-0002, ZDC 11-0005, PLD 13-0003, and SUB 13-0001)**

Dear Mayor Manning and Members of the Corvallis City Council:

This office represents Campus Crest. I am writing on behalf of Campus Crest to address the recommended conditions of approval in the Planning Commission's revised notice of disposition issued on February 3, 2014. I have asked your staff to place this letter before you prior to the February 18, 2014 limited evidentiary public hearing and to place it in the office Planning Department file for the applications.

**1. Scope of February 18, 2014 Public Hearing.**

The City Council has limited this evidentiary public hearing to the review of the Planning Commission's recommended conditions of approval for the planned development and subdivision applications. The City Council has already made a tentative decision to approve the comprehensive plan map and zoning map amendments, so those applications are not before the City Council.

**2. Campus Crest agrees with the Planning Commission Recommended Condition of Approval.**

Campus Crest has reviewed the corrected Planning Commission Notice of Disposition issued by the City on February 10, 2014 and agrees with the recommended 44 conditions of approval.



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Perkins Coie LLP

**3. Campus Crest continues to offer all of the upland private open space on the west side of the Circle Boulevard extension to the City.**

I have attached the portion of the City of Corvallis Parks, Natural Areas and Recreation Board ("PNARB") minutes from its November 21, 2013 public meeting addressing the offer by Campus Crest to dedicate open space land to the City of Corvallis. The minutes reflect that PNARB adopted a motion by Commissioner Vomocil to recommend to the City Council that it accept the property as proposed by Campus Crest. The minutes also reflect the discussion between Campus Crest and PNARB about the acceptance of additional private open space land by the City.

Campus Crest wishes to emphasize to the City Council and the public that the offer of additional land to be dedicated to the City with funds for five years of maintenance remains open. Campus Crest recognizes that resolution of this issue is outside of the City Council's decision on the applications before it but if the City determines that it wants the dedication of additional private open space to the public, Campus Crest is willing to continue that discussion.

**4. Conclusion.**

Campus Crest respectfully asks the City Council to tentatively approve the planned development and subdivision applications with the Planning Commission's recommended conditions of approval.

Very truly yours,

Michael C. Robinson

MCR:rsp
Enclosure

cc: Mr. Kevin Young (via email) (w/ encl.)
Mr. Jim Brewer (via email) (w/ encl.)
Ms. Karen Emery (via email) (w/ encl.)
Mr. Alex Eyssen (via email) (w/ encl.)
Mr. Ron Simons (via email) (w/ encl.)
Mr. Jerry Offer (via email) (w/ encl.)

**CITY OF CORVALLIS**
**MINUTES OF THE PARKS, NATURAL AREAS AND RECREATION BOARD**
**NOVEMBER 21, 2013**

Attendance
Betty Griffiths, Chair
Lynda Wolfenbarger, Vice-Chair
Joshua Baur
Jon Soule
Ed MacMullan
Deb Rose
Ralph Alig
Phil Hays
Marc Vomocil
Kevin Bogotin, 509-J District Liaison
Tatiana Dierwechter
Michael Mayes
Kevin Bogotin, 509-J District Liaison

Absent/Excused
Joel Hirsch, City Council Liaison

Staff
Karen Emery, Director
Steve DeGhetto, Assistant Director
Jude Geist, Park Operations Supervisor
Jackie Rochefort, Park Planner
James Mellein, Aquatic Supervisor
Mark Lindgren, Recorder

Guests
Ron Simons
Michael Robinson
Bob Beschta

## SUMMARY OF DISCUSSION

| | Agenda Item | Summary of Recommendations |
|---|---|---|
| III. | Approval of October 21, 2013 Meeting Minutes | Approved as presented. Motion Passed. |
| IV. | Visitors' Propositions | |
| V. | Donation of Land- Campus Crest | Motion passed to recommend to the Council to accept the property as proposed by Campus Crest and agreed upon by City staff; staff will work with Campus Crest to better define the boundaries; and it could be more or less than the proposed 15 acres. |
| VI. | Senior Center Gold Pass | Motion passed to discontinue the Gold Pass whenever operationally possible. |
| VII. | Linn County & Corvallis Primary Code Differences | Information only. |
| VIII. | Orleans Natural Area / TDML | Information only. |
| IX. | Budget | Information only. |
| X. | Staff Updates | Information only. |
| XI. | Commissioner & Liaison Updates | Information only. |
| XII. | Goals Reports | Information only. |

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| XIII. | Adjournment | A special budget work session will be held December 5, 2013 at 6:00 p.m., at the conference room in the Avery Park Admin building. The December 19 meeting was cancelled. |

**CONTENT OF DISCUSSION**

## I. CALL TO ORDER

Chair Betty Griffiths called the regular meeting of the Parks, Natural Areas and Recreation Board to order at 6:31 p.m.

## II. APPROVAL OF OCTOBER 21, 2013 MEETING MINUTES

Marc Vomocil noted that in the Call to Order section on page 2, the meeting start time was mistakenly listed as 5:30 p.m; it actually started at 6:30, as usual. Phil Hays moved to approve the October 21, 2013 minutes as corrected; Deb Rose seconded the motion and it passed unanimously.

## IV. VISITORS' PROPOSITIONS.

Bob Beschta highlighted an annual fall issue: the closing of restrooms after October 31. He said he and his family walked every day. He noted that homeless people in the Shawala Park area didn't have anywhere to dispose human waste in winter, creating a likely health and human safety and sanitation problem. He summed up that this was a big deal for the many active Corvallis residents during winter months and asked the department to do what it could.

Griffiths asked if there was a public restroom at Avery Park Admin office building; Steven DeGhetto replied that there wasn't. Griffiths agreed it was a problem, but there have even been some summer closures due to lack of funding. Hays asked about the winter closures; Director Emery replied that she'd spoken with Beschta recently, and subsequently asked Parks Supervisor Jude Geist to assess the operational cost of leaving them open in order to help the board have that discussion. Geist added that daily site visits in winter represent the largest cost, at a time when there are a reduced number of staffers. He said the daily visits, requiring about a half hour, would cost about $30 a day per restroom, and that travel time must be added to that.

Emery highlighted winterization issues. Geist added that Port-A-Potties were cheaper to maintain. DeGhetto stated that keeping permanent restrooms open had two downsides- they don't all have internal heat and that can cause expensive freezing damage; and there have sometimes been homeless people locking themselves inside, using them as a camping spot. Calling the police department in order to get in, in such cases, takes a lot of staff time each time.

## V. DONATION OF LAND – CAMPUS CREST.

Planner Rochefort highlighted a potential offer of a natural area land donation adjacent to the existing Witham Hill Natural Area. The potential donors are developers currently in an active land use application for Campus Crest Housing, which has already gone to the Planning Commission and will go to the City Council on December 2. This issue is

separate from the land use action, and she asked that there be no discussion of the land use application.

She introduced a representative of Campus Crest Housing, Ron Simons, and attorney Michael Robinson. She said Campus Crest proposed donating just over 13 acres of upland oak natural area adjacent and south of the Witham Oaks Natural Area. A Natural Resource assessment was done in July 2012 and produced a vegetation inventory for the site.

She said that since the staff report was written, outlining three options for a donation, there was currently only one option: the second bullet point- clearing the invasive species understory. There would be no exchange of funding or SDC credits.

She highlighted the packet table regarding annual City maintenance costs for minimal maintenance (rough mowing and pest management); creation of an earthen trail; and trail maintenance. It assumes a volunteer component for trails. The Director sought the board's advice to the City Council.

Ron Simons said he'd worked on the Campus Crest project for two years. The developers were aware of the sensitive vegetation aspect of the site and its importance to the City. He said the site was 94.5 acres, and will only develop about 24.5 acres of it, and sought to put the remainder in third party hands. He noted there have been citizen attempts to purchase the entirety of the property to accomplish much the same thing. He said the developers had met with staff regarding the donation (actually closer to 15 acres) and identified budget concerns. He said the proposal was to only donate the area that the City had the highest interest in, and figure out stewardship of the remaining property later. The project would treat the understory to get it to a point that the City would find palatable before it accepted stewardship. The proposal is conditional on the land use application of the property being accepted; the developers do not yet own the property, and must complete the process.

He said the developers were asked by City planners to approach Oregon State University about obtaining an easement for a trail through the Dairy property. Were the Campus Crest property to be developed, there's an extensive system of trails that could go through the property. However, at this point they haven't gotten a positive response from OSU, nor a final answer.

Vomocil asked about the proposed treatment to eliminate understory invasive species; Simon replied it probably involved grubbing, mowing, spraying and anything necessary, but not including removal of firs or larch trees. Robinson highlighted Jack Altman's memo attached to his letter, which describes the proposed clearing of the understory and non-natives and removing slash piles. It will take extensive work, but developers would commit to that.

Rochefort emphasized that if it came to the City with the understory cleared, the City would then have to stay on top of that. Hays said one of the invasive species there was

False Brome; Vomocil related that repeated Fall Roundup applications had effectively cleared it at Starker Forests. Robinson said developers would work cooperatively with the City on how to clear.

Hays asked about the value of the property; Simons said it included significant habitat, which probably could not be developed, so it was hard to estimate the value. He estimated that the property would cost developers $30,000 an acre as a whole (about $450,000 total).

Griffiths said there had been previous discussions with OSU; Simons related they'd approached the Facilities department, including David Dodson. He said there was OSU concern with anything potentially interfering with the dairy operations. The trail proposal was to be located on the east of the dairy field.

Josh Baur asked the nature of the proposed development; Simons replied the proposal was for 24.5 acres containing a multifamily project of 296 units primarily marketed to students. Baur asked what would happen to Area #4 on Exhibit #1 showing an upland open space area of 19.2 acres to remain private. Simons replied the original approach was for the City to take that as a donation; ultimately, developers would prefer to only own the one developed area and place the rest (Areas #1, #4, and various components of Areas #3 and #2) in third party hands. He related there was no interest by the City in the wetlands.

Emery related that it was not uncommon to have donations of land proposed, and the department must balance need (as identified in the Master Plan), connectivity, the actual resource, and what the department can reasonably handle from a maintenance and operations perspective. She said managing the wetland would be difficult with the current level of staff and budget, and the very steep slopes to the east of the Circle Boulevard extension would be disconnected and difficult for the public to use.

Josh Baur asked how the department would manage the land; Rochefort said that with the understory cleared, that would have to continue to be maintained and that there is interest in oak release. Emery related that a management plan for the property would be needed, requiring public and board input.

Ralph Alig asked about connectivity; Rochefort replied it would be an extension of the existing 33-acre Witham Hill Natural Area. The steep area is in Area #2B and 2A. Simon said neighbors have indicated they want those areas.

Griffiths asked if access to Area #1 would be off Circle Boulevard; Geist replied that it would probably be through the existing property, not via Circle. Rochefort said that a management plan would determine appropriate access and egress and a trail system. Baur asked if development was contingent on OSU; Simon replied that only the trail extension was contingent on OSU.

Hays said the boundary of parcel #1 was not a neat straight line; there might someday be an issue of marking the boundary of the park. It would be simpler to include Area #4 as well; he asked what was undesirable about #4. Robinson said the map was based on Jack Altman's assessment of the best forested upland area; but Mr. Hay's point was good, and that a property line adjustment would be done, which would include a survey to mark a recognizable boundary.

Griffiths asked who might take Area #4. Simon replied it would make sense to clean up Area #4 at the same time as #1. He said the Friends of Witham Oaks had been interested in buying the entire property. It is hoped that once the property was purchased, that a citizens group that would take on long-term stewardship of the property. The developers could keep it, but the property and the community would be better served by third property ownership. Griffiths, speaking for herself, related that the Greenbelt Land Trust had assessed the Witham Oaks property and found that it didn't meet its priorities. She asked whether developers were aware of the prior developers (Pahlisch Homes) offer, which offered a five-year management of the property. Simon replied that the understory clearing process would require an extended period of time.

Vomocil noted that Area #4 was adjacent to #1; Emery said the map provided was unclear, and that the property in question may include a piece of #4. Vomocil said he'd like the City to own all of the upland. Rochefort said the City had looked at a larger piece in the previous development proposal, which came with five-years of vegetation management. The developers drew the map; staff could do a more in-depth analysis of what the department could take on if directed by staff. Emery offered to have staff to look at the full acreage desired. She clarified that the submitted map was for vegetation analysis, and if directed, staff could bring a clearer map.

Rochefort said the City would not accept any kind of burden associated with a donation, such as required street development; Mr. Simon concurred. Simon said the previous proposed donation was roughly the same. The development required establishing where significant vegetation existed, resulting in creation of the map in question.

Griffiths asked if there was a proposed timeframe from the board; Simon said it would be best before the December 2, 2013 City Council meeting, but not necessary. Vomocil said the other 19 acres would also be very desirable. Geist said some maintenance and some liability was involved. A grassland area would require twice annual mowing for weed abatement and fire control. Also, hazard trees must be managed in forested areas. The creation of trails could be done when there was available funding.

Griffiths said that a better map would be helpful. Hays asked what the suggested motion was; Griffiths replied that it would be a recommendation to the Council to accept the donation of the land with any conditions or stipulations that the board sought. Griffith said that even without the trail, it would cost $3,800 a year that was not in the budget. Right now the department is scrambling to find the funds to help move and maintain the historic Sunnyside schoolhouse, and is in a critical budget situation.

Hays said that despite likely budget reductions, he hated to reject the acquisition, and that $3,800 was not that much. Griffiths noted that that added up over time. Baur asked what would happen with the land if the City didn't accept it; Simon replied that the developers would actively look for third parties as soon as possible. Baur asked about alternatives, asking if it could be put into trust. Rochefort said the area was highly protected sensitive vegetation, and developers were proposing leaving it in that natural state. The issue comes down to public access and whether the board feels it should be open to the public, but that must be weighed against the cost of even minimal maintenance of the site. Perhaps a period of assurance of site maintenance would help. Emery added that any additional spending on the site would require a management plan, and that is not being contemplated at this time. Geist clarified that the top line maintenance figure was $2,500; the higher figure included the additional cost of building trails.

MacMullan asked when the estimated $2,500 in maintenance fees would affect the budget; Simon related that if the development project was approved, the project would likely come on line in fall 2016, with construction beginning in late 2014 or spring of 2015. Maintenance and cleanup of the area would not be completed before the project construction was completed; the earliest time that the property would be in shape to turn over would be in fall of 2016.

Griffiths suggested the board might want to consider some acceptance of the property contingent on minimal funds for maintenance as outlined by staff and better definition of boundary lines of areas #1 and #4, and that could mean more property, not less. Kevin Bogatin suggested stating that there was no money to spend on it until the next biennium; Griffiths noted that the developers were not proposing turning it over before 2016.

**Vomocil moved to recommend the Council to accept the property as proposed by Campus Crest and agreed upon by City staff; Soule seconded. Griffiths added a friendly amendment that staff would work with Campus Crest to better define the boundaries; Vomocil added that that could be more or less than the proposed 15 acres. Motion passed unanimously.**

Vomocil said it was valuable and that the City should own it. Soule said it would be three years until there would be a cost, it was contiguous to existing City land and that it was a risk worth taking. Dierwechter asked if CIP funds could be redirected to maintenance; Emery replied that CIP is for capital projects and that staff would address the new budget process tonight, noting that there will be a set amount of dollars to spend, and staff and the board can decide how they are spent.

Hays noted the most recent survey of Corvallis residents found that the greatest need of facilities that need to be added, expanded or improved was pedestrian bikepaths and trails; the second highest response was for open space and conservation land. This proposal falls under that category. Vomocil concurred, adding that there were good opportunities for trails on the fifteen acres. He noted that there may not be funding for trails for some years, but that this opportunity was a jewel, adding that the adjoining

Witham Hill Natural Area was fantastic. Hays said the presented map was of the botanical survey, not of property boundaries.

## VI. SENIOR CENTER GOLD PASS

Director Emery said at the previous meeting, Senior Center Supervisor Sharon Bogdanovic had proposed eliminating the Gold Pass Program, which was causing great dissatisfaction among center users. She highlighted customer and volunteer testimony in the packet and sought the board's direction. Griffiths noted that those who'd purchased the passes would get either a direct refund; or preferably, a credit for classes.

**Hays moved to discontinue the Gold Pass; Vomocil seconded.** Wolfenbarger asked if they decide to raise class fees, whether it would have to go to the Council; Emery replied that the Council reviews the methodology annually, so as long as it stays within the methodology, then the Council does not have to review a fee change. Griffiths asked for a time frame. **Emery asked to add the phrase "whenever operationally possible"; that was agreeable to Hays and Vomocil; motion passed unanimously.**

## VII. LINN COUNTY & CORVALLIS PRIMARY CODE DIFFERENCES.

Rochefort related the board had previously requested information on riparian setbacks in Linn County and the City of Corvallis. In Linn County it is 50'; this applies to EFU, Farm/Forest, and Forest/Conservation zones. The City of Corvallis setbacks vary, based on the number of acres within a drainage basin, and on natural features levels of protection. Within the Willamette River or Marys River, it is always 120'.

She clarified that the Willamette Greenway is a state attempt to provide protection to the Willamette River, and the Greenway boundary encompasses all Park and Industrial lands, and varies tremendously. For example, all of Willamette Park is within the Greenway, as far back as about 900', while sections of Riverfront Park are as narrow as 200'. The Greenway uses a different metric and has a different evaluation process.

## VIII. ORLEANS NATURAL AREA / TMDL.

Griffiths highlighted the letter from Public Works Director Mary Steckel to the Urban Services Committee, relating that the TMDL process was on hold and probably would not come back for a number of years.

## IX. BUDGET.

Director Emery highlighted accompanying packet materials, including the Vision Statement, the Mission Statement, and values defined in the Cost Recovery methodology and the Master Plan. She said the board had also discussed filters to use in budget discussions and in reallocating funds. Staff said some filters could include cost recovery for each program (available in December); participation levels; social equity reasons to maintain a program (e.g, promoting active, healthy living, or serving an underserved population). She highlighted the community survey results from last year (such as

**Laurent, Marcia**

**From:** John Morris [jlmorris.us@gmail.com]
**Sent:** Wednesday, February 12, 2014 12:58 PM
**To:** Planning
**Cc:** withamoaks@comcast.net; June Satak
**Subject:** Testimony: Public Hearing on Campus Crest, 18-FEB-2014

We respectfully submit the following for the record in the public hearing on Campus Crest scheduled for Tuesday, February 18.

Although we remain strongly opposed to the decision by the Corvallis City Council to change the voter approved zoning and the Council's own appointed Planning Commission recommendations, we have reviewed the proposed Conditions of Approval for the Campus Crest zoning change and have the following comments.

1. Condition 12 - we remain skeptical of the City's estimate of impact to traffic on Circle Blvd. In addition to the 900 additional souls living in the vicinity, this newly installed roadway will become a magnet for through traffic with faster access to the Benton County Fairgrounds, OSU and the businesses along Circle, Timberhill and the Fred Meyer Shopping area. We fear tax payers will bear the burden of additional traffic control at this intersection -- initially requiring a 4-way stop and eventually a stop light. In addition, the Oak Vale driveway on Circle and access to Dale Drive will eventually require turning lanes to permit access into and out of the parking area and neighborhood. A condition should be added requiring the developer to pay the costs of these installations.
2. Condition 14 - as mentioned above, we am skeptical of the meager estimates of traffic increases by City employees and am worried this new intersection will add safety hazards to citizens and a tax burden to tax payers. Additional conditions should be added to provide for the safety of bicycles crossing Harrison at the Circle intersection. Finally, this condition contains no stipulation for billing the developer for these costs, this stipulation is needed.
3. Condition 15 - where will pedestrian and bicyclists using the multi-use path cross Circle? Additional safety features will be required, including a light for pedestrians and the developer should be required to pay for this.
4. Condition 24 - as we write this testimony, John has just returned from walking on the existing path which is covered with water caused by the recent heavy snowfall and subsequent rains. It is unclear in the wording of this condition that planned facilities will adequately mitigate potential flooding under these conditions. Building in a known wetland is expensive and the impacts are far reaching, the water needs some place to go! This provision needs strengthening to ensure drainage and flooding mitigation is covered. The current wording of "consideration" needs to be strengthened to ensure these costs are born by the developer, not unfairly carried by property owners and tax payers who are not benefiting from Campus Crest's construction.
5. H - update this development related concern to require use of plants that do not need watering dry summer months.

6. M - traffic calming features should be mandatory. Circle already has traffic calming features in the neighborhoods to the north of this property, these features should be extended along the newly built Circle to discourage commuters from using this as a through way to parts of the City that are currently accessed by Walnut and Harrison alone.
7. N - the intersection of Harrison with 35th and 36th Streets is inadequately addressed in these conditions. This intersection is already a hazard and the increased traffic emanating from Campus Crest will increase the safety hazard. The safety of pedestrians and cyclists moving through this area needs provisioning and the City needs to negotiate with OSU to provide a path through OSU property connecting with the Campus Way Path to relieve pedestrian and cycling traffic from this intersection. The developer should share in the cost of creating this ROW and its development. This Development Related Concern should be made a Condition of Approval.
8. O and P - in addition to the stated needs for Bike Lane widening, these lanes need to be extended to 53rd Street. The continued development of this area will increase traffic here as well. The existing Bike Lane and open ditches on both sides of Harrison are heavily traveled and that traffic will increase from bicycles, pedestrians and joggers exacerbating the current safety hazards.
9. S - at the Planning Commission hearings, the developer bragged its proposal would enhance and protect the existing open space. However, there is no provision for caring for this open space or for expanding the 5-spot parking area. This is irresponsible and needs to be addressed.

W intend to take the Council's handling of this matter into consideration when we vote in the next election.

John Morris and June Satak
4155 NW Dale Drive

## Young, Kevin

**From:** Young, Kevin
**Sent:** Thursday, February 13, 2014 9:48 AM
**To:** Ward 7
**Cc:** Gibb, Ken
**Subject:** RE: Questions for Campus Crest Deliberations

Hello Councilor Sorte,

We have discussed your request for information internally (CD and PW) and also with the City Attorney's Office relative to procedural issues.

Typically, we don't require speed data to be submitted in conjunction with land use applications, as traffic speeds can typically be addressed through enforcement and other means. The applicant's Traffic Information Analysis and supplemental materials do not include information on average speeds on this section of Harrison Blvd. Additionally, we have determined that the City does not have other sources for the speed data you have requested, i.e. from different times of the year and at various points on Harrison. As was discussed in response to a question from Planning Commissioner Daniels (see Exhibit VII-13 from the November 22, 2013, Staff Report/Memorandum to the Mayor and City Council), speed limits on arterial streets require a speed study by the state. This is different than a local street in a residential area, which can be signed for a speed limit of 25 mph by local statute. However, it would be possible to coordinate with Benton County to request a speed study on this portion of Harrison Blvd. after the improvements have been completed, to determine if a different posted speed limit is needed.

We would note that if there were additional information and it was introduced into the record, we would need to allow the public an opportunity to comment on it, which would require further process and delay for the Council decision.

We do have information on existing and projected traffic counts, which is in the record. Below is a summary of that information and a reference to where in the record you can find it (cited Exhibits are in the November 22, 2013, Staff Report/Memorandum to the Mayor and City Council):

2013 Existing Peak Hour Traffic Volumes AM (PM) - See Box 7 for Witham Hill and Circle Blvd on Exhibit IV-331
2015 No Build Peak Hour Traffic Volumes - See Box 7 for Witham Hill and Circle Blvd on Exhibit IV-336
2015 With Project Peak Hour Traffic Volumes - See Box 7 for Witham Hill and Circle Blvd on Exhibit IV-342

Total Volume AM (PM) (both directions) on the Existing portion of Circle Blvd. North of Witham Hill derived from those exhibits:
2015 No Build - 30+30+70+30 = 160 AM Peak Hour
95+5+30+55+20 = 205 (PM) Peak Hour

2015 with Project - 30+125+30+30+70+165 = 450 AM Peak Hour
95+180+30+20+55+125 = 505 PM Peak Hour

The additional trips to Circle are a sum of the diverted trips plus site trips (Exhibit IV - 349, Exhibit IV-350)

Total Volume AM (PM) (both directions) Estimated on Circle Blvd. Extension north of Harrison - Box 9 on Exhibit IV-336 and Exhibit IV-342

2015 with Project - 145+65+20+175 = 405 AM Peak Hour
- 185+35+65+150 = 435 (PM) Peak Hour

In response to your concerns regarding the safety of the Circle/Harrison intersection, the intersection will be designed to City and County requirements based on standard engineering practice. The applicant is proposing a separated bicycle and pedestrian facility on Harrison that provides a missing connection between existing City sidewalks and the existing multi-use path, allowing people to walk on a separated facility rather than the shoulder of the road for approximately 1300' feet along Harrison, as they do now. You may note that the Planning Commission discussed the issue of bicycle and pedestrian safety in and around the site and has proposed an amended condition and additional development related concerns to address these concerns. Specifically, Condition # 14 was amended to require a continuous center median on Harrison Blvd. allowing for site accesses and street intersections, as approved by Benton County (Harrison Blvd. is a Benton County facility in this location). Additionally, Development Related Concern (DRC) L was added to require consideration of transit-friendly traffic calming measures on Circle Blvd.; DRC M was added to encourage coordination with OSU and Benton County to develop a multi-use path from Harrison Blvd. to Campus Way or 35th Street and the addition of sidewalks along the south side of Harrison Blvd.; DRC N was added to encourage elimination of hazardous ditches on the north side of Harrison Blvd.; and DRC O was added to widen portions of the bike lane on Harrison Blvd.

I hope this information is helpful to you. Per your request, we will include your questions and staff responses in the record. Please let me know if you have further questions,

- Kevin Young

-----Original Message-----
From: Ward 7
Sent: Monday, February 10, 2014 5:48 PM
To: Young, Kevin
Subject: Questions for Campus Crest Deliberations

Good afternoon Kevin,

For the record, I want to confirm in writing my prior verbal request to you and later Director Gibb to receive speed data for Harrison Blvd.
between 53rd and 36th streets. I need it for different times of the year and incrementally along Harrison Blvd. It is my observation that speed limits are regularly exceeded and Campus Crest without a light at Circle and Harrison will decrease the safety of Harrison in that area. If you have evidence to the contrary please include it with the speed data.
Also, if projected traffic counts are available for the extension of Circle to Harrison as it compares to Circle proceeding east from Witham Hill Drive, I would like that information as well. Please include this request in the record provided the Council for the February 18, 2014 deliberations.

Thank you,
Bruce Sorte

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

DRAFT

# CITY OF CORVALLIS
# PLANNING COMMISSION MINUTES
## January 29, 2014

**Present**
Jennifer Gervais, *Chair*
Frank Hann, *Vice Chair*
Kent Daniels
James Feldmann (7:20pm)
Ronald Sessions
Jasmin Woodside
G. Tucker Selko
Roger Lizut
Penny York, Council Liaison

**Staff**
David Coulombe, Deputy City Attorney
Ken Gibb, Community Development Director
Kevin Young, Planning Division Manager
Jeff McConnell, Public Works Engineering
Jackie Rochefort, Parks Planner
Matt Grassel, Public Works Engineering
Claire Pate, Recorder

**Excused Absence**
Jim Ridlington

## SUMMARY OF DISCUSSION

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Visitors' Propositions | | | |
| II. | Discussion and Recommendation: Conditions of Approval for Campus Crest Planned Development and Subdivision (PLD13-00003, SUB13-00001) | | | Recommend approval of Staff's Conditions of Approval, as revised during the meeting. |
| III. | Old Business | | | |
| IV. | New Business | | | |
| V. | Adjournment | | | Adjourned at 10:50pm |

## CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jennifer Gervais at 7:07 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Introductions were made.

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

**II. DISCUSSION AND RECOMMENDATION: CONDITIONS OF APPROVAL FOR CAMPUS CREST PLANNED DEVELOPMENT AND SUBDIVISION (PLD13-00003, SUB13-00001)**

A. Opening and Procedures:

Chair Jennifer Gervais welcomed citizens and stated that the Planning Commission was meeting to make a recommendation to the City Council regarding the Planned Development and Subdivision components of the Campus Crest application (PLD13-00003 and SUB13-00001). The City Council had asked that they make a recommendation regarding the conditions of approval necessary to ensure that these two components comply with applicable decision criteria. Because the recommendation is to be based on information that is already on the record, there will not be an opportunity for public testimony at this meeting. It is anticipated that there will be an opportunity for public testimony when the City Council meets to consider the Planning Commission's recommendation. That meeting has been scheduled for February 18, 2014, at 7:30pm at the Downtown Fire Station (second floor), 400 NW Harrison.

She stated that the order for tonight's proceedings was for a brief overview by staff; questions of staff; then discussion and deliberations relating to the recommended conditions of approval.

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

1. **Conflicts of Interest** - none
2. **Ex Parte Contacts** - Commissioners Woodside, Daniels and Gervais all had contacts from people wanting to know more about Campus Crest deliberations, but stated that they did not enter into those discussions; Commissioner Woodside said that though she was on a South Corvallis neighborhood email list, she had not read an email that had Campus Crest as the subject. Commissioner Gervais said she had tried to track down some information relating to a commercial orchard that might have been on site, but she was unsuccessful. She had discussed the Planning Commission deliberations process with some people, but had not discussed any of the issues or content associated with the deliberations. All declarers stated that the contacts would not affect their ability to make a fair and impartial decision relating to tonight's proceedings. Commissioner Daniels stated that he had submitted a neutral letter to City Council relating to OSU enrollment information, but it had no bearing on his ability to make an impartial decision.
3. **Objections to Declarations** - none
4. **Site Visits** – by Commissioners Woodside and Gervais with nothing noteworthy to report.
5. **Objections on Jurisdictional Grounds** – none

C. Staff Review.

Planning Manager Young said that at the January 6, 2014, City Council meeting, City Council deliberated on the Campus Crest application. They made tentative decisions to approve the requested Comprehensive Plan Amendment and Zone Change applications. However, prior to making tentative decisions on the Conceptual and Detailed Development Plan and Subdivision requests, they asked that the Planning Commission make a recommendation regarding any Conditions of Approval that would be necessary to ensure that the proposals comply with all applicable decision criteria. It will be important that the Planning Commission make sure that

all recommended Conditions of Approval are deemed necessary to ensure compliance with applicable criteria for the Planned Development and Subdivision. The staff report for the meeting includes staff's entire analysis of the Planned Development and Subdivision sections of the application, as well as staff-recommended Conditions of Approval. The issues identified by the Planning Commission during deliberations are also included on the last page of the staff report. Mr. Young then opened it up to any questions commissioners might have of staff.

D. Commissioner Questions of Staff

Commissioner Daniels said that when he reviewed the January 6, 2013, City Council meeting, there had been a fair amount of discussion relating to a zoning concern and the Planning Commission possibly doing something about it. He asked staff to explain what that discussion related to. Community Development Director Gibb stated that there had been a question from a Councilor related to zoning concerns and staff had clarified that that issue was no longer before the Planning Commission.

Commissioner Hann asked about the planned built-in fire suppression systems and whether this meant that issues relating to fire access were not as critical. Mr. Young stated that the fire access requirements still remained even if the buildings were protected with fire sprinkler systems.

Commissioner Hann asked for clarification about limitations on the potential for future development beyond the 296 dwelling units. Mr. Young stated that Condition 5 limits the Planned Development to the 296 dwelling units. If the applicant wanted to exceed this amount, they would have to go through a Planned Development Modification process, which would require a public hearing. The entire proposal is considered a package; with the Comprehensive Plan Amendment and Zone Change, the developable area of the site is reduced to the approximate 25 acres out of the 95-acre site. The remaining 70 acres, zoned Open Space-Conservation, is simply not developable. There would have to be a Comprehensive Plan Amendment/Zone Change process to propose future development in those areas.

Commissioner Hann said that one of the Planning Commission's big concerns was for pedestrian and bicyclist safety, and there had been a discussion about a median on NW Harrison Boulevard that would be east of where the multi-modal path intersects. His concern is that students will be commuting into the sun in both directions, and Harrison Boulevard can be dangerous to cross in this area as well as east towards 29th Street. He asked if a median had been, or could be, incorporated into the plan. Engineer Grassel said that there had been a discussion about a median on Harrison in the vicinity of where Circle Boulevard will connect. As it now stands, Condition 14 states that: "*The County may require a median in the area where the existing Circle Boulevard path connects to Harrison Boulevard.*" To embellish this requirement, Planning Commission could add another location, such as where the realigned Circle Boulevard intersects with Harrison Boulevard. The requirements for Harrison Boulevard, as outlined in the staff report, include a travel lane, center turn lane, and another travel lane. A median could be placed in the center turn lane, though maintenance issues always have to be considered. East of this location, the right-of-way is limited and it would be problematic to put in a median. Commissioner Sessions elaborated that since that area abuts private property, the City would have to purchase right-of-way to widen the road. It would not be fair to place that burden on the developer.

Commissioner Woodside stated that she would prefer to have language that required a median to be put in in the area where the existing multi-modal path meets Harrison, as opposed to the language in Condition 14 which states that "*The County may require…*"

Commissioner Daniels said that he was on the Healthy Streets Taskforce, and they have been looking at traffic calming methodologies for pedestrian and bicycle safety. He would like to forward to City Council a recommendation that they consider putting in a solid median on Harrison Boulevard, from the west to the east property lines of the applicant's property. This would be similar to what the County did on SW 53rd in front of the Fairgrounds.

E. Deliberations of Evidence/Testimony and Action by the Commission

Chair Gervais stated that it seemed a good time to transition from questions into deliberations and making motions. She suggested that they start with staff's proposed set of conditions from the staff report, and then make "motions to amend" those conditions as desired.

**MAIN MOTION:** Commissioner Lizut moved to recommend to the City Council the staff's proposed Conditions of Approval. Commissioner Hann seconded the motion.

Commissioner Woodside referred to Condition 4.e and suggested that the language be changed to require the re-vegetation sooner in the process. Planning Manager Young said that the reason it had been linked to the final building permit was so other site improvements would have already been in place which would mean less disruption for the re-vegetated plantings. Parks Planner Rochefort added that certain seasons are better for planting and any replacement language should allow for some flexibility.

**Motion to Amend Condition 4.e:** Commissioner Woodside moved to replace "*Prior to issuance of an occupancy permit for the final residential building on site,*" with: "*Within one year of issuance of an occupancy permit for the first residential building on the site"*. Commissioner Daniels seconded the motion, which **passed** unanimously.

Commissioner Woodside referred to Condition 10 and asked if "multi-use paths" should be added to the maintenance requirement. Engineer Grassel said that this would be a good idea.

**Motion to Amend Condition 10:** Commissioner Woodside moved to add "multi-use paths" to the requirement for maintenance. Commissioner Daniels seconded the motion which **passed** unanimously.

Commissioner Feldmann referred to Condition 9, and asked if the existing multi-use path was included in this requirement. Engineer Grassel said they intended to leave it as asphalt, and the intent was for any new infrastructure being installed to be of concrete. Commissioner Daniels said he was concerned about the condition of the existing multi-use path and would support a condition to have it repaired and repaved, but not necessarily replaced with concrete. Engineer Grassel said that the City had responsibility for the existing path, and typically the applicant would not be taking on responsibility for it. Commissioner Daniels said he would bring it up as a Development-Related Concern later.

Commissioner Daniels referred to Condition 7 and asked for an explanation of its intent. Manager Young said that there was a piece of land owned by Beit Am for which there are no

sidewalk improvements. The intent is to have the sidewalk installed along the north side of Harrison so that it is continuous from the applicant's property to where it will connect up with the existing sidewalk at the western boundary of the LDS Church property.

Commissioners and staff then discussed the sidewalk on the south side of Harrison Boulevard. Engineer Grassel said that the sidewalk currently ends on the west side at the last house near the Witham Drive intersection. This is along OSU's frontage.

Commissioner Feldmann said he has a lot of concern about bicycle and pedestrian safety and adequate connections between Campus Crest and OSU. He referred to Condition 7, and said that the connection across the Beit Am property would have to traverse a driveway. He hoped that any sidewalk put in would not have a driveway slope especially since Beit Am would likely be using another driveway access when they eventually develop. Engineer Grassel said that Development-Related Concern A addressed the future driveway connections for the Beit Am and LDS properties. The Beit Am parcel is not in the City limits; however, the City would recommend that the sidewalk improvement be done to City standards, which have a depressed sidewalk for a driveway cut, so that it would not be sloped because of ADA concerns. Unless the sidewalk is curbside, it will generally be level across the sidewalk. There would not be a way of conditioning this in this case.

Commissioner Woodside referred to Condition 22 relating to the sewer extensions in NW Harrison Boulevard. She asked if there were any concerns with doing this work. Engineer Grassel said that this was a "to and through" issue. The plans show a sewer through their site to the adjacent property, but because of the grades that exist, the adjacent site might be better served by one extended in Harrison Boulevard.

Commissioner Sessions referred to Condition 12, relating to a 4-way stop at Witham Hill Drive and Circle Boulevard. He asked if the developer would be required to set aside some money for the potential installation of a 4-way stop, should it be determined necessary by traffic warrants. Engineer Grassel said that it would likely be secured as part of the PIPC permit, which could then be enforced as needed. Commissioner Daniels said he would like to see the 4-way stop installed right away as part of the project, as he felt that it was a pedestrian-related safety issue as well as a vehicular traffic concern.

**Motion to amend Condition 12:** Commissioner Daniels moved to modify Condition 12 as follows: Delete the language and substitute the following sentence: "*City crews shall install the stop signs and associated striping prior to any occupancy, and the developer will be billed for the cost of installation*." Commissioner Lizut seconded the motion.

Commissioner Hann agreed that this was needed, but he was concerned about "rough proportionality." Engineer Grassel said he had some concern about having such a requirement before a traffic warrant analysis was done in accordance with City standards.

Commissioner Daniels said that there was precedence for doing this without staff support, and cited the example of the 3-way stop put in on NW Monroe Avenue at Kings Boulevard. He is concerned that there might be liability if an accident occurred. City Attorney Coulombe said that that would not be a concern as long as the City was following typical traffic warrants policy established by the City Engineer. Engineer Grassel said that if a study is done after development then they will be able to see what actual traffic patterns and volumes are. This will

give an indication of whether a 4-way stop is needed, or whether it approached the numbers which might require signalization. He then referred to the April 2013 Signal Warrant Analysis, which indicated that signalization warrants with the extension of Circle Boulevard would likely be met in 2033.There are SDC funds set aside in the future for a signal at this intersection when it is warranted. Commissioner Woodside said she would be supporting leaving Condition 12 as is. Commissioner Daniels said that the arguments he is hearing have to do with automobiles, and do not relate to pedestrian or bicyclist needs. He hopes City Council will give it strong consideration even if the motion is not passed.

The motion to amend **failed** 3-4**,** with Commissioners Selko, Sessions, and Daniels voting in favor; Commissioners Lizut, Hann, Feldmann, and Woodside voting against.

Commissioner Hann referred to Condition 5 and said he still has a concern about ensuring limitations on the development size in the future. He asked if the language could be made stronger in any way. The way it is worded, he felt that the developer might be able to say in the future that there really was no reason to be concerned about limiting potential off-site traffic and therefore could request additional development of the site. Director Gibb said that he felt the language was as direct as one could get and if any changes were requested a developer would have to go through a public review process under the current rules.

Commissioner Feldmann referred to Condition 11 and asked for clarification on the number of bus shelters that would be built. Staff said that the plans are preliminary and there will be the option for multiple shelters if needed, which would be determined by transit staff. Concrete pads are typically sized for a shelter, even though a shelter might not be installed until determined to be necessary.

Commissioner Sessions referred to Conditions 21 and 24 relating to stormwater drainage and asked for clarification about calculations. Staff stated that the calculations took into consideration the additional runoff from increased impervious surfaces.

Commissioner Sessions disclosed that he had read several letters to the Gazette-Times editor. Some questions that came up related to Condition 41 and how the open space would be maintained and whether the public would have access to the land. Deputy City Attorney Coulombe noted that reading the GT letters to the editor might be considered ex parte contact, and that Commissioner Sessions disclosure was now on the record. He also reminded the commissioners that as they come up with revisions and/or new conditions they need to reflect on what criterion of the Land Development Code had not been satisfied that the new language would satisfy. This is a more narrow focus than considerations raised by the public and others that might not be related to a specific criterion. Commissioner Sessions said that this had been a consideration raised during public testimony. Commissioner Daniels said he has written two conditions related to this issue and suggested that this might be a good time for Parks Planner Rochefort to speak to the issues related to the open space natural areas. He said that the open space maintenance and access issues were important to him as well, and did not believe that commissioners needed to have as narrow a focus as Mr. Coulombe was intimating, in that they looked to staff to help them with identifying decision making criteria once they had noted a concern.

Manager Young said it was a matter of record that the owner has agreed to donate fifteen acres of the site to the City. Along with this there is a proposal for some level of maintenance and

upkeep on that property. He also stressed to the commissioners that as they look to adding requirements of the owner they needed to identify an applicable decision criterion to which the requirement relates.

Parks Planner Rochefort said that the applicant had approached staff about the possibility of donating some of the open space area to the City. They took a proposal to the Parks, Natural Area and Recreation Board (PNARB). The Board was interested in some of the land, particularly the upland piece which has some nice oak trees and is adjacent to a City-owned parcel of land. They recommended to the City Council that they accept the donation. Along with this came a five-year maintenance proposal and plan and it would be open to the public with trails which would align with the City's other existing trail system. PNARB was not interested in the wetland section of open space, or in the piece on the east side of Circle Boulevard because of its steepness and its isolation. The PNARB recommendation has not as yet gone to City Council.

Commissioner Daniels said that the Land Development Code has a whole chapter that talks about significant vegetation protection, and seems applicable to making some requirements. He again registered concern about commissioners being asked to narrow their focus. Chair Gervais said that she viewed their charge as including the citing of specific Land Development Code chapters and sections to justify new requirements so as to avoid legal problems for the City.

Commissioner Woodside said that one of the compensating benefits for allowing the Zone Change was the fact that there was going to be the significant amount of the property zoned Open Space-Conservation. Part of what was quoted in support of this was that the City had a requirement for a certain ratio of open space land per 1,000 population. She asked if that open space had to be public land. Parks Planner Rochefort said that there were two factors to look at with regard to open space in the community: one is the environmental benefits provided by the green infrastructure component and the other relates to recreational opportunities afforded by accessible open space. The applicant brought this to PNARB as separate from consideration of the land use application. PNARB looked at the proposal from the standpoint of how it fit in with the Parks and Recreation Master Plan and with the community. Manager Young added that in staff's analysis of the open space argument, there is no requirement in the Land Development Code that the open space necessarily be in public ownership. The Natural Features Inventory has identified areas of significance, and there are several on this site. Through the provisions that staff has recommended, including Condition 41 which puts into place the Conservation Easement and the zoning itself, staff feel there is adequate assurance that those areas would not be developed. They would be preserved. He does not see the code authority to require that it be in public ownership.

The Commission then took a ten-minute break.

Upon reconvening, Commissioner Feldmann referred to Condition 38 relating to unassigned parking and asked whether there would be adequate parking provided for those who might want to access the park to the north. Staff said that there is a parking area provided for the contiguous Witham Oak Park, and it was assumed that this would be the same parking that would be used by non-residents to access the new open space. This is in the area of the current terminus of Circle Boulevard. Commissioner Feldmann thought that this might end up being inadequate similar to how the Oak Creek parking lot is inadequate for Bald Hill visitors. Engineer Grassel stated that there was also parking on the public "Street A." Commissioner Daniels said that

"Street A" as currently configured stubs out at the property line. If there were a future access to the open space from that point, he asked if it would have to cross private property with the need for a potential easement. Parks Planner Rochefort said that an access easement might be needed, and staff would look into this some more.

Commissioner Daniels said that when the prior development, Witham Oaks, had been approved, City Council included a condition that five speed bumps be installed on the extension of Circle Boulevard. He wanted to raise this as a possibility. Commissioner Woodside said she did not support speed bumps as they could be problematic for bicyclists. Engineer Grassel said that Circle Boulevard was classified as a Neighborhood Collector street and speed bumps are permissible. There are three existing speed bumps on the upper part of Circle Boulevard, and on some on the north side of Witham Drive. There are concerns about the impact speed bumps have on emergency response, and there is an existing Neighborhood Calming policy that should be considered. The City Engineer had not recommended speed bumps for this section of Circle Boulevard. The other portions of Circle Boulevard have driveways that access directly. The Witham Oaks layout was different from the layout of the current proposal, which has limited access points to Circle Boulevard. There will not be residents backing out onto Circle from this new development.

Commission and staff continued a discussion about other traffic calming measures that might be used. It was pointed out that there was a continuous multi-use path that would run parallel along Circle Boulevard on the east side, and the existing multi-use path that travels along the old Circle Boulevard right-of-way to the west. There was discussion about whether bicyclists heading for OSU would use the west multi-use path since it intersected with Harrison slightly to the west of campus. Commissioner Feldmann expressed concerns about bicycle safety on the extension of Circle Boulevard. Commissioner Hann said he might support a Development-Related Concern relating to the issue. Commissioner Woodside said she could support traffic calming measures, but was not in favor of speed bumps. Commissioner Daniels said that if the City was going to be serious about traffic calming it should be a City-wide policy that would be applied at the time of street construction. It should not be something designed by the Planning Commission at the last minute. He said he had raised similar concerns about the project for SW 15th Street through campus, and that he had brought up speed bumps simply because they had been voted on by City Council during the last approval process. Commissioner Feldmann said he supported having speed bumps installed. There was considerable discussion about crafting a motion which might deal with the issue.

There did not appear to be enough support for a motion to specifically require speed humps similar to those that were included with the approval of the last development. Commissioner Hann suggested that a motion could be made to require speed humps or an alternative traffic-calming device to be incorporated into the final design of the extension of Circle Boulevard between Dale Drive and Harrison Boulevard. Commissioner Feldmann suggested that the requirement also be for one traffic calming measure, such as a raised concrete crossing, at the intersection of Street A and Circle Boulevard and the multi-use path crossing Circle. With these friendly amendments accepted by Commissioner Daniels, the following motion was crafted:

**Motion to Amend by adding Condition 45:** Incorporating several friendly amendments to his original motion, Commissioner Daniels moved to add a Condition 45 as follows*: "A concrete speed table shall be constructed at the intersection of public street "A" and Circle Boulevard to include allowance for pedestrian and bicycle elements*." Commissioner Feldmann seconded

the motion. The motion **failed 2-4-1,** with Commissioners Feldmann, Daniels in favor and Commissioners Lizut, Woodside, Selko and Sessions opposed. Commissioner Hann abstained.

Engineer McConnell said he had found the language included in the City Council Policy related to traffic calming and there was a section that precluded streets that are transit routes to be considered for traffic calming. If Circle Boulevard becomes a transit route this would have an impact on whether traffic-calming devices would be appropriate.

**Motion to Amend by adding Development-Related Concern L:** Commissioner Woodside moved to add a Development –Related Concern L: "*Transit-friendly traffic calming measures shall be considered in the final design of Circle Boulevard between Dale Drive and Harrison Boulevard.*" Commissioner Lizut seconded the motion which **passed** 6-0-1, with Commissioner Daniels abstaining.

Commissioner Daniels asked for more specifics on the medians planned for Harrison Boulevard. Engineer Grassel said that the medians have not been designed as yet, but that portion of Harrison Boulevard was under County jurisdiction and therefore any installation would also need their approval. The County referenced something similar to what is installed on SW 53rd Street at the fairgrounds for installation at the point where the existing multi-use path intersects with NW Harrison Boulevard. There are other driveway accesses along Harrison Boulevard that would require left turn pockets if a continuous median were installed. Director Gibb said that any recommended conditions can be fine-tuned by staff prior to taking them to City Council.

**Motion to Amend Condition 14:** Commissioner Woodside moved to strike the last sentence, and replace it with the following: "*Applicant shall install a continuous center median allowing for site accesses and street intersections on Harrison Boulevard, as approved by Benton County.*" The motion was seconded by Commissioner Lizut and it **passed** unanimously.

In response to a question from Commissioner Feldmann related to the east bound bicycle lane and sidewalks along the south side of Harrison Boulevard, staff stated that there would be some "rough proportionality" concerns with requiring the applicant to dedicate additional right-of-way on their side so that a sidewalk could be installed along the south side of Harrison; and they could not compel OSU to provide the right-of-way and improvement. From a pedestrian's standpoint, it is staff's opinion that with the sidewalk being finished across Beit Am's property on the north side of Harrison the sidewalk system can be safety followed down to the signalized crossing at Harrison and 35th Street/36th Streets. This, or the route that would go through Arnold Park, seem to be the preferred pedestrian routes. Commissioner Feldmann said that his concern is that the sidewalk along the south side of Harrison dead-ends and he wonders how people will transition from that side to the north side of Harrison. Commissioner Daniels said he had a Development-Related Concern that might assist with this consideration.

**Motion to Amend by adding Development-Related Concern M:** Commissioner Daniels moved to add a Development-Related Concern M: "*The City should work with OSU and Benton County on 1) a multi-use path from Harrison Boulevard opposite the Campus Crest property to either Campus Way or to 35th Street south of Harrison Boulevard; and 2) the addition of sidewalks along the south side of Harrison Boulevard.*" Commissioner Feldmann seconded the motion, stating that this would be a wonderful addition and would provide a safe

and convenient means of getting students from Campus Crest to campus thereby avoiding a lot of conflicts on Harrison Boulevard. The motion to amend **passed** unanimously.

**Motion to Amend by adding Development-Related Concern N:** Commissioner Daniels moved to add Development-Related Concern N: *"The drainage ditches along the north side of Harrison Boulevard in front of the LDS Church and Arnold Park should be covered at some point in the future."* Commissioner Woodside seconded the motion, which **passed** unanimously.

Engineer Grassel noted that the applicant had submitted a feasible drain plan that includes a swale on Harrison Boulevard toward the west end of the project which would be located between Harrison and the multi-use path to treat the stormwater from Harrison Boulevard.

**Motion to Amend by adding Development-Related Concern O:** Commissioner Daniels moved to add Development-Related Concern O: *"Bike lanes on Harrison Boulevard between Witham Drive and 35th Street need to be widened as much as possible, and intruding landscaping and other impediments such as the old guardrail on the south side and the log on the northside need to be removed or cut back."* Commissioner Woodside seconded the motion, which **passed** unanimously.

Commissioner Feldmann referred to the south regional trail (multi-use path) and asked for staff comment on what he perceived as a poor connection to it from the units in the southeast quadrant. This would likely be the path that residents who bicycle or walk would want to use to get out of Campus Crest. Parks Planner Rochefort said that when they were looking at alignments for that trail, they were looking at the Park and Recreation Master Plan and looking for a connection to Arnold Park. This trail is not necessarily just for the residents of Campus Crest but for people who are crossing to a connected system. However, she understood what he was saying about providing that connection to the trail for the residents. Manager Young said that if the sidewalk in front of Buildings 1 and 2 were extended through the parking lot it would require sacrificing some parking spaces and some landscaping; but it could be done. Commissioner Feldmann asked other commissioners for feedback whether this was something they cared to pursue. Manager Young said that there might be a solution in that to the south of Building 2, on the east side, there are a couple of ADA-compliant parking spaces with a walkway that serves them. Conceivably that sidewalk could be extended to connect to the multi-use path. Commissioner Feldmann said though he appreciated this as an option, he would prefer to see a sidewalk extended directly to the multi-use path even if it takes out some parking. Commissioners Woodside and Sessions expressed some concerns for doing this.

**Motion to Amend:** Commissioner Feldmann moved to require a connection between the sidewalk along Buildings 1 and 2 to the multi-use path to the south. Commissioner Daniels seconded the motion. The motion **failed** 2-4-1, with Commissioners Daniels and Feldmann voting in favor; Commissioners Lizut, Woodside, Sessions, and Selko opposed; and Commissioner Hann abstaining.

Commissioner Feldmann expressed concern for the Campus Crest residents' ability to access the open space/proposed parklands to the north. Commissioner Hann suggested that this might be more appropriately a Development-Related Concern since the park did not exist as yet. Parks Planner Rochefort said that it might be appropriate to consider a connection to the City-owned property to the north whether or not it is a designated park. Commissioner Daniels

suggested that if an easement were required he would support a condition, but if no easement were required he preferred not to require a sidewalk or specific access at this time. Manager Young said he also had concerns for making additional requirements because this is requiring access to a potential donation from the owner of the property. From a code criteria standpoint, he does not see the connection. It might be fashioned as a Development-Related Concern to City Council advising them that if they accept the donation as park property they might wish to negotiate with the donor for some sort of access. Commissioner Feldmann said he would be fine with a Development-Related Concern. Commissioner Hann suggested that a Development-Related Concern be crafted that asked for access consideration both to the north as well as to the multi-use path on the south side. Staff could then provide more analysis and comment for the benefit of City Council when they consider the Planning Commission's recommendations.

**Motion to Amend by adding a Development-Related Concern P:** Commissioner Feldmann moved to add Development-Related Concern P: *"The applicant should consider including access from the Campus Crest site to the City park property to the north. Also, a connection from Buildings 1 and 2 to the multi-use trail to the south should be considered.* Commissioner Woodside seconded the motion which **passed** unanimously.

Commissioners Feldmann and Daniels raised a concern relating to the lack of a requirement for the applicant to construct a boardwalk through the vegetated area which would link with Arnold Park. Manager Young referred to page 86, item 13, of the original Planning Commission Staff Report which states that the applicant proposes to grant the easement and the City will address whether it is needed as part of the upcoming update to the Parks and Recreation Facilities Plan.

**Motion to Amend by adding a Development-Related Concern Q:** Commissioner Daniels moved to add Development-Related Concern Q: *"Repair and/or resurfacing of the existing multi-use path should be addressed by the City."* Commissioner Woodside seconded the motion which **passed** unanimously.

Commissioner Feldmann asked for further discussion about what is meant by "management" of the open space, and whether a five-year management plan is adequate. Parks Planner Rochefort said that the details have not been hammered out as yet. They will be working with the owner of the property to manage it to Parks and Recreation standards. In general, this would mean removing invasive species most of which would be "under-story" species. There could be some removal of invasive trees. Five years is somewhat arbitrary, but it is a reasonable amount of time to remove invasives and establish natives. Commissioner Daniels asked if there might be a need for a firm legal agreement before approval. Deputy City Attorney Coulombe reiterated the need for applicable criterion to be identified if such a condition were imposed. Commissioner Daniels said he was fine with the issue having been raised and knowledge that it was in process.

Commissioner Daniels raised a related concern which he felt could be the subject of a new Development-Related Concern; namely, requesting a statement from the developer about what they intend to do with the balance of the natural area land which will remain in their hands as private property, in terms of care, maintenance and access to the public. He is not looking to mandate any approach, but rather just get a statement of what their future intentions might be. Commissioner Woodside said she also had concerns about the community garden space and what that might look like if the residents did not use it.

**Motion to Amend by adding a Development-Related Concern R:** Commissioner Daniels moved to add a Development-Related Concern R: *In collaboration with the Parks and Recreation Department, the Applicant is encouraged to provide the City with plans for the land to be classified as natural areas/wetlands which will not be transferred to the City, including clarification of public access, restoration plans and timetables, and acceptance of responsibilities for assuring that garbage accumulation or illegal camping activities are the Applicant's responsibility. "* Commissioner Woodside seconded the motion which **passed** unanimously.

Chair Gervais said she would like to offer a Development-Related Concern related to the shielding of on-site lights to ensure that light trespass onto the natural areas is minimized. There is nothing in the natural features code section that gets at shielding the light so as to protect the natural environment.

**Motion to Amend by adding a Development-Related Concern S:** Commissioner Gervais moved to add a Development-Related Concern S: *"The developer should consider shielding on-site lighting that abuts natural areas so that light trespass into those areas is minimized."* Commissioner Woodside seconded the motion which **passed** unanimously.

Commissioner Feldmann asked if there would be support for limiting parking to the allowable minimum, as opposed to exceeding the requirement. This would remove some of the paving. Additionally, he brought up the issue of renting space by the room as opposed by the complete unit. There was no support to pursue these items.

Commissioner Hann said that upon revisiting the proposed development plan, he was pleasantly surprised by the number of 2-, 3-, and 4-bedroom units as opposed to the 5-bedroom units. The applicant did a better job of addressing the diversification of housing types and using architectural features a lot more effectively than what was first presented to the Planning Commission in the past.

**VOTE ON MAIN MOTION:** The motion to recommend staff's Conditions of Approval, as amended by the Commissioners' revisions, **passed** unanimously.

Planning Manager Young said he intends to draft up the revised conditions in the Notice of Disposition, which will be reviewed by Chair Gervais prior to sending them to City Council.

## III. <u>OLD BUSINESS</u>:

A. Commissioner Feldmann asked how best to alert staff that a commissioner might be late to the meeting. Manager Young gave his cell phone number to the commissioners so that they could call to give that message.

B. Commissioner Woodside said she would like to chair the Commission at whatever point it was needed.

C. In response to some concerns expressed by Commissioner Woodside about the process, staff said it is not their intention to discourage commissioners from modifying staff's recommended conditions of approval. They are simply trying to express the need to be cognizant of applicable decision criteria. Every condition of approval has to be linked to an applicable decision

criterion. Commissioners were encouraged to contact staff prior to the meeting with any questions about the conditions, and those consultations ahead of time give staff a "heads up" so that they can be prepared with appropriate language for revisions.

D. Commissioner Woodside brought up the issue of new development's impacts on open space. Chair Gervais said that, as a biologist, she has some concern for light trespass and noise impacts, though the noise impacts might not be able to be reasonably addressed. It was agreed that this might be a topic for the Infill Task Force to consider.

**IV. NEW BUSINESS:**

A. Commissioner Daniels said that he and other members of the Public Participation Task Force traveled to Eugene to meet with its Neighborhood Association office. One of the things he found out is that they – like Lake Oswego – do require that developers have conferences with neighbors before bringing plans in to the City for consideration. Commissioner Sessions countered that he enjoys the objectivity provided by Corvallis' system, and has seen that type of approach misused in his experience.

B. Manager Young said that staff are working on the packet for the next meeting which would include a briefing on Code Change Package #1. The formal review will likely be done in March.

C. Commissioner Woodside asked if it was appropriate when testifying before other groups that she mention she is on the Planning Commission. Staff stated that as long as it is clarified that one is not speaking on behalf of the Planning Commission, there is no problem with doing so.

**VI. ADJOURNMENT:** The meeting was adjourned at 10:50p.m.

**RESOLUTION 2014-**

Minutes of the February 18, 2014, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to establish appropriations to authorize the expenditure of grants, gift or bequests after the budget has been approved, provided that the funds are for a specific purpose and that they are not anticipated at the time the budget was approved; and

WHEREAS, at the November 18, 2013 City Council meeting, the City Council agreed to accept the donation of the Sunnyside School as a way to save a historic structure and to enhance the Knotts-Owens Farm site as part of its master plan; and

WHEREAS, at the December 2, 2013 City Council meeting, the City Council accepted and appropriated a donation of $100,000 to move the building, build a foundation for the school, and complete various improvements to secure the building; and

WHEREAS, unanticipated additional costs have been identified as the project progressed; and

WHEREAS, the Friends of Corvallis Parks and Recreation have received donations totaling $25,100 to help fund the cost of the above-mentioned unanticipated and unfunded costs; and

WHEREAS, the City Council finds that it is in the City's best interest for the Parks and Recreation accept this donation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the donation offered by the Friends of Corvallis Parks and Recreation; and

BE IT FURTHER RESOLVED that the Finance Director be authorized to make the proper adjustments inthe budget appropriations.

| | INCREASE |
|---|---|
| CAPITAL CONSTRUCTION FUND | |
| Capital Projects | $25,100 |

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

## ORDINANCE 2014-____

**AN ORDINANCE AMENDING ORDINANCE 2006-24, AS AMENDED, TO REVISE THE CORVALLIS LAND DEVELOPMENT CODE CHAPTER 3.36 – OREGON STATE UNIVERSITY (OSU) ZONE (LDT13-00001), AND STATING AN EFFECTIVE DATE.**

Whereas, the Planning Commission, after holding a duly advertised public hearing on November 20, 2013, has forwarded its recommendation to the City Council concerning a request for a Text Amendment to the Land Development Code;

Whereas, on November 20, 2013, the Planning Commission recommended that the City Council approve the request to amend Land Development Code Chapter 3.36, affecting development on the Oregon State University campus;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Text Amendment to the Land Development Code on January 21, 2014, and interested persons and the general public were given an opportunity to be heard;

Whereas, the City Council allowed the record to be held open an additional seven days until January 28, 2014, to receive additional public testimony;

Whereas, the City Council granted the applicant additional time to provide final written argument, which was received by the City on January 31, 2014;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on February 3, 2014, met to deliberate on the matter, and made a preliminary decision to approve the proposed Land Development Code text amendment, subject to adoption of formal findings of fact;

Whereas, findings of fact have been prepared and consist of the formal findings, entered into the record at the February 18, 2014, City Council meeting, and adopted by the City Council through a separate motion;

Whereas, the final version of this Land Development Code Text Amendment is attached hereto as Exhibit A;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

**Section 1.** Chapter 3.36 (Oregon State University (OSU) Zone) of the Land Development Code is amended as shown by the provisions contained in Exhibit A.

**Section 2**. This ordinance will take effect 10 days after its passage.

PASSED by the Council this _____ Day of February, 2014.

APPROVED by the Mayor this _____ Day of February, 2014.

Effective the _____ Day of March, 2014.

_____
Mayor

ATTEST:

_____
City Recorder

Corvallis Chamber of Commerce

We're all for business.

Thank you to our Platinum Leading Investors supporting advocacy

The Ball Studio/Photography
CH2M HILL
Citizens Bank
Horsepower Productions
Oregon State University
Samaritan Health Services
Starker Forests, Inc.
Stover Neyhart & Co., PC
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Thank you to our Gold Leading Investors supporting advocacy

Blackledge Furniture
The Corvallis Clinic
DEVCO Engineering
Jeanne Smith & Associates, PC
Pacific Power
PEAK Internet
Trimble

Feb. 18, 2014

To Corvallis Mayor and City Council:

Generally speaking, people want to do the right thing. Sometimes, though, incongruous codes, incomplete records, and/or the passage of time, make it difficult for property owners to comply with city statues and regulations.

This seems to be the situation with the recent enforcement actions taken by the City building department regarding older homes that have been remodeled, or changed since their original construction.

Later tonight, you are going to hold a public hearing on the Campus Crest student housing proposal. There is a tie-back to that development with the building permit enforcement issue we are addressing now.

It's called affordable, or as we prefer to call it, "Workforce Housing". Right now, according to city economic development figures, there are an estimated 8,000 people a day commuting into Corvallis from North Albany, Jefferson, Lebanon, Philomath and elsewhere for work.

Anecdotally, many of these folks – dare I say – a vast majority of them would prefer not to have to commute on a daily basis, and live closer to their place of employment. Unfortunately, they cannot afford to live here because there is not enough housing stock available in their price range.

We live in a supply and demand world. Right now in Corvallis, there is more demand for Workforce Housing than there is a supply of such housing. Arguably, students are living in housing that could be converted to homes for employees of OSU and area businesses.

420 NW Second Street, Corvallis, Oregon 97330 | 541.757.1505 | corvallischamber.com

Corvallis Chamber of Commerce

We're all for business.

It's proven that those who live in the community where they work usually contribute more to that community, support local businesses and non-profits, and take more of an ownership approach, than those who commute.

The Mayor and City Council have made Workforce Housing a priority in 2014. Campus Crest and what it is proposing is one solution to providing alternative housing for students and some workers.

The City staff - at the urging of the City Council - can do its part by taking a more reasoned and common sense approach to dealing with, in some cases, century old properties whose past records of compliance are not always clear.

Conversely, they should be looking for ways to help make these homes readily available for potential purchasers, so that we can add to our Workforce Housing stock, not detract from it.

Community building is not always sunshine and roses, but this appears to be an area where the City can make a difference. We're urging you the City Council to take this matter seriously and we're willing to assist where we can.

Kevin Dwyer
Executive Director
Corvallis Chamber of Commerce

420 NW Second Street, Corvallis, Oregon 97330 | 541.757.1505 | corvallischamber.com

**William M. Lunch**
[redacted]
Corvallis, Oregon 97330

February 18, 2014

The Corvallis City Council
City Hall, 501SW Madison Avenue
Corvallis, Oregon

Ladies and Gentlemen:

I am speaking briefly tonight to encourage you to think carefully and critically about conditions that have been proposed for development of the Witham Oaks property. You have already heard from others about a number of weaknesses and problems that have not been adequately addressed by those conditions. In particular, a central question concerns who will manage the forty-five acres of open space the developer has said will be given to the city or some other public entity; management plans are simply lacking and without them, the city would be essentially buying a pig in a poke, to use an old phrase. Louise Marquering has addressed those problems in considerable detail in her testimony, which I recommend to you.

Beyond the specific weaknesses, problems, and simple omissions in the conditions that have been presented to you, I would ask those of you who preliminarily voted to approve the zoning change and comprehensive plan change to reconsider your approval. It is a sign of strength, not weakness, to keep an open mind under such circumstances and to be open to changing your mind. I would ask you to consider whether, if the proposed rezoning and comprehensive plan change were submitted to the voters in the city, it would pass. The weight of the evidence from public testimony is, I submit, very clear that citizens and voters in Corvallis would reject those proposed changes. I ask you to respond to those expressions of concern and vote now to reject the proposal.

Respectfully,

[redacted]

William M. Lunch
Citizen of Corvallis
Professor Emeritus,
Oregon State University (institutional affiliation for identification purposes only)

Barbara Bull
City Council Meeting
February 18, 2014

I believe your recent decision to approve an amendment to the comprehensive plan was in error but I do not blame the city councilors for the error. City councilors were told that the criteria were met, that advantages outweigh disadvantages, and that they should approve the amendment. I believe these statements are in error.

Decisions about where to grow and how to grow and how dense are supposed to be part of a comprehensive planning process. A community vision is supposed to guide an extensive data collection and development process in which inventories are conducted, sophisticated forecasts of population, employment, and demand for land (commercial, industrial, and residential) are made to support a community decision about how much and where and which kind of development will occur. Based partially on where the infrastructure (streets, water, sewer) is and can be extended.

Anyone who wishes to amend the comprehensive plan wishes to develop land in a way that is not consistent with the community decision about how that land should appropriately be developed. It is therefore appropriate that that applicant should demonstrate to the community in which it proposes to build, that the development is a superior way to meet the community vision than what was previously decided.

The problem is that, when the city was confronted with a shrinking high-tech employer and increasing university growth, it was the position of staff that the current comprehensive plan was adequate to serve the growth, and advised that community work groups could be used to tweak things as needed. In fact, as staff now seems to understand, the current comprehensive plan is and was inadequate and out-of-date (an often-sited reason for needing to amend it). It is based on a buildable lands inventory that staff itself has been recommending be updated for over five years, and a transportation plan whose update has finally been approved for funding.

As a result, you have received an abundance of speculation about how much growth has occurred, will occur, and what that means about current development questions. You have untrained volunteer members of workgroups spending their free time conducting inventories, surveys, and parking studies. You have a large number of well-intentioned people doing their best to assemble data to inform community decisions. None of it is adequate to demonstrate that anyone has a better idea about how to develop this community than what was decided when a comprehensive planning effort was undertaken by the community. That is not the fault of any particular developer. I don't blame the city councilors. Nor do I blame OSU, I believe OSU is doing it's job for it's students and is participating in good faith in a process provided by the City. I think it was clearly a failure on the part of the City to plan.

In Planning Commission and City Council meetings that I attended and viewed I did not hear a convincing argument that the proposed development was a superior plan for the particular site than that which was already in place. I did hear staff suggest on more than one occasion that there are much worse places for the type of development proposed (meaning that better places were not planned for, and that worse places were provided for by an outdated comprehensive plan). Staff commentary therein suggesting that rather than reaching a decision based on what was appropriate for the site in question, decision makers should fear what other things might be proposed in case of denial. (Though, presumably, any other proposal could go forward regardless of the outcome of the decision before them.) I did hear Commissioners and Councilors concerned that they develop an appropriate argument for their decision to protect them from the legal system.

In this case, Council was asked to make a decision based on their judgment about whether their community's plan should be improved in a way that is consistent with the existing plan, and demonstrably advantageous to the community. In the absence of adequate current data, it appears the council instead decided to approve something that they hoped would reduce the many consequences our community is experiencing due to a failure to plan.

City Council is elected to oversee the implementation of the vision; they appoint Planning Commissioners to do make technical decisions/recommendations. City Council hires a city manager to manage the implementation of council direction in the form of policies and initiaves/goals. Staff provides technical expertise and informs decision makers about options, empowering them to lead in the direction they were elected to lead, informing them about the ways the vision can be achieved. Staff is authorized to make administrative decisions on applications (in the case of land use) using clear and objective criteria in the code. City council votes on legislative and quasi-judicial decisions that are either more generally applied or require judgment about the wishes of the community. This is how the world is supposed to work.

Contrary to the role described above, it is my experience that Corvallis staff does not seek out or welcome public or even Council input. The staff we have treats both citizens and Councilors as an obstacle to performing their job rather than a guide as to how it should be done. Maybe this is just my perception. Perhaps I can be proved wrong on this point.

I have observed staff uninterested in engaging in appropriate long-range planning as described above. Active participation in a public budgeting process has been consistently discouraged in ways I would be happy to describe. The Committee for Citizen Involvement has always been restricted to the narrowest interpretation of its charge. Many current staff actions appear intended to thwart goals about housing, public participation, and vision, and protect actions recommended by other activities from Council scrutiny rather than empowering citizens and councilors to work toward the community they desire.

I would love to have my perception of staff proved wrong. I would be genuinely pleased to learn that we have a staff that would consider actions such as the following.

- Host an open house in advance of the scheduled budget meetings at which staff explains the budget itself, the process for developing the proposed budget, and opportunities to participate in the process. Consider collecting feedback from citizens who take the time to show up.

- Provide budget commissioners with a charge other than the single vote required by state law. Involve them in policy decisions or use them as a technical resource. Empower them by providing hard copies of meeting materials if desired, access to the internet during meetings by default, and a clear guide describing how requests for information should be made, and how motions should be brought to the group and when.

- Inform councilors about any option for some sort of a moratorium on development that might be available to the city via ORS 197.505 to protect it from harm while an updated transportation plan is developed

To: Mayor Julie Manning and Corvallis City Council
From: Martha Fraundorf, [redacted] Corvallis, OR 97330
Re: Conditions of Approval for Campus Crest's The Grove

Like many others who have testified in this matter, I am concerned about the effect of this development on storm water drainage in the area. The existing mulit-use path is often covered with water and at least once in the last few years, Harrison blvd. was closed due to high water flowing across it from this property. The applicant has proposed a series of vegetative swales to manage this flow. I have several concerns about their proposal. As indicated in the EPA's "Storm Water Technology Fact Sheet on Vegetative Swales" which submitted with my earlier testimony, swales do not work well with soils with low infiltration rates, such as the clay soils found in much of Corvallis or with soils compacted during construction. As the applicant has requested a variance to allow grading of 100 percent of the site, compaction will likely occur. Although the proposed conditions of development require city staff approval of storm water management plans prior to development, there is no guarantee the system will work as planned to limit the overflow of water onto a busy street. I would encourage the Council to add a provision for some post-development monitoring to ensure that the system works as designed.

In addition, the applicant and several councilors who supported the proposed comprehensive plan amendment have viewed this as building the same number of dwelling units on a smaller footprint, with the remaining land to be zoned as open space. Condition of approval #5 puts a limit on the number of dwelling units as part of the DDP. I question whether this adequately protects the remaining land from future development. The applicant might at some later time request a rezoning of the OS land that circles around the development to the north and west to allow for further development. I do understand how condition 5 prevents this. I would suggest that the conservation easement of condition 41 include all the OS-C lands to the west of the Circle Blvd. extension.

on the " development site.

From Sherri Johnson February 18, 2014

I am concerned that the City is making an irreversible and expensive decision in approving high density development at Witham Oaks. I don't see adequate protections for the city when the city will have to absorb the cascading off site expenses from this new development - *including safety, road upgrades to Harrison, Circle, 35th, Witham Hill-* and when maintaining all the public infrastructure on this wet and unstable site.

Conditions should explicitly state that all plans and reports including but not limited to geotechnical report, stormwater quality and detention facility plans, wetland mitigation etc, need to be submitted and approved by City Engineer before any excavation and grading permits are issued (#42, 32, 29, 30). These reports and plans should be reviewed for conformance with the Preliminary Site Assessment Report

There have been lots of promises – I agree that having the applicant put in writing Good Neighbor agreements, with conditions of what will happen if they do not live up to the promises.
For example:
*"Consistent with LDC and numerous promises made by the applicant during the public hearing process on their applications, the applicant shall negotiate and adopt Good Neighbor Agreements with the Friends of Witham Oaks, the Cedarhurst and Harding Neighborhood Associations, Oregon State University, the LDS Church and Beit-Am Synagogue. The Good Neighborhood Agreements shall memorialize the applicant's promises and commitments to neighbors and the community, and clearly define promised actions regarding traffic mitigation, noise, aesthetics, student behavior and crime, preservation of trees, habitat protection, public access, construction impacts and sustainable practices. The Good Neighbor agreements shall be approved by the Planning Commission prior to issuance of any grading or building permits for the foundations or structures."*

Once these structures are built, we have limited options. What would happen if the city 'Condemned the public drainage easements'? #24. The road and public right of ways would be in place. This kind of language has no leverage towards making sure the developer builds these structures the correct way.

Storm Water - <u>continued costs to the community</u>:
Because of the provision for the city to take on the detention ponds, we need to make sure these will be adequately sized. City engineer and I spoke and he acknowledged that the soils here in Oregon are very different from those in King County. This site has abundance of clay lenses. To achieve the desired goal of no change in runoff from the site, I think we need to strengthen the language in #29. It says – applicant will provide engineered calculations - I see no mention of the use of findings from the geotechnical report, and adjusting the Kings County plan for these types of soils. How long will pre-development be monitored? By whom? Will the public be able to see the data generated? This is an unusually wet site and I think these storm water plans need to be built using data that is collected over a period of time on site.

#32 – use of pervious pavement should not be allowed to reduce the size of detention ponds or the size of 2, 5 and 10 yr storms. Pervious pavement is not designed to mitigate high intensity or high volume events, but can help with average Oregon drizzle.

#24 — I think we need stronger language than 'solutions should be considered' to minimize downstream impacts
For example:
*"The project shall be designed to protect aquatic species in Oak Creek and prevent downstream impacts including erosion, bank destabilization, stream sedimentation, contamination and loss of habitat. Any onsite wetlands not impacted by the project shall be enhanced to properly functioning condition, with protection of significant vegetation in riparian corridors and wetland areas consistent with LDC 4.13. Water quality and biological monitoring studies that evaluate runoff, flows, and habitat impacts from the project site to Oak Creek (baseline study), shall be conducted prior to commencement of any onsite work, repeated annually during construction and for two years following project completion. The baseline study shall evaluate year-round conditions considering seasonal variations in stream flow and other parameters. Design of all detention and water quality facilities, water quality and biological monitoring studies shall be performed by a qualified licensed professional engineer and shall be subject to the review and approval of the City Engineer."*

Dear City Council,

Below is my attempt to compare multiple factors for existing RS-6 and proposed RS-12. Please note that these do not support the need for Campus Crest's proposed piecemeal change to Comp Plan.

Thank you for all your efforts on this issue,

Sherri Johnson

| **Metric/Standard/Activity** | **Existing RS-6** | **Proposed RS-12** |
|---|---|---|
| Diversity of housing types and residences | Planning for diversity of buildings | Apartments, suites, for students only |
| Provides housing opportunities for students | yes | yes |
| Provides housing opportunities for any citizen | yes | no |
| Need for this designation of zoning (from 2013 LDIR) | Total acres zoned RS 3-6 =3,359. Vacant=9.3% | Total acres zoned RS-12 = 367. Vacant =22.5% |
| Traffic – estimated number of cars | 2/household = ~450 total | 1/student = 900 total |
| Buildings ownership and maintenance | Private residences for sale, likely local ownership of individual homes | One corporation, out of state |
| Wetland potential impacts | Dispersed infiltration and runoff | Concentrated impervious surfaces result in flashy runoff and pulsed high volume inputs that overloads detention ponds |
| Open Space | 36.9 acres | 70 acres |
| Public access to and management of open space | unknown | unknown |
| Affordability of housing | unknown | unknown |
| Community support | Voters agreed to RS-6 at annexation of this property | Hundreds of pages of testimony submitted by Corvallis citizens against the rezoning to RS-12 |

# Campus Crest / The Grove

## Written Testimony Received since release of the February 12, 2014, Memorandum from the Community Development Director to the Mayor and City Council.

## Young, Kevin

**From:** Ward 7
**Sent:** Thursday, February 13, 2014 7:36 PM
**To:** Young, Kevin
**Cc:** Ward 7; Gibb, Ken
**Subject:** RE: Questions for Campus Crest Deliberations

Mr. Young,

As I understand it we will have a public hearing related to the conditions therefore the record is still open related to those conditions. I have the opportunity to ask questions related to those conditions and gather evidence until the record is closed. The Planning Commission is only advisory to us. The decision to this point is tentative and contingent on us developing conditions that allow the development to be compatible with the neighborhoods and community. From what I have read here and in the record to this point, I am concerned that it may be very unsafe to only install a median barrier without a traffic control signal. I will assume the information to this point distills to a "don't know." If the record is held open there would be plenty of time to gather speed and traffic data.
This was not a typical land use decision and Harrison is not a typical component of our transportation system. I am surprised a decision of this magnitude would be made without having that specific information. Thank you for the information you provided, yet I do not think it is sufficient to make the decisions we will be expected to make.

Bruce Sorte

> Hello Councilor Sorte,
>
> We have discussed your request for information internally (CD and PW)
> and also with the City Attorney's Office relative to procedural issues.
>
> Typically, we don't require speed data to be submitted in conjunction
> with land use applications, as traffic speeds can typically be
> addressed through enforcement and other means. The applicant's Traffic
> Information Analysis and supplemental materials do not include
> information on average speeds on this section of Harrison Blvd.
> Additionally, we have determined that the City does not have other
> sources for the speed data you have requested, i.e. from different
> times of the year and at various points on Harrison. As was discussed
> in response to a question from Planning Commissioner Daniels (see
> Exhibit VII-13 from the November 22, 2013, Staff Report/Memorandum to
> the Mayor and City Council), speed limits on arterial streets require
> a speed study by the state. This is different than a local street in a
> residential area, which can be signed for a speed limit of 25 mph by
> local statute. However, it would be possible to coordinate with Benton County to request a
speed study on this portion of Harrison Blvd.

> after the improvements have been completed, to determine if a
> different posted speed limit is needed.
>
> We would note that if there were additional information and it was
> introduced into the record, we would need to allow the public an
> opportunity to comment on it, which would require further process and
> delay for the Council decision.
>
> We do have information on existing and projected traffic counts, which
> is in the record. Below is a summary of that information and a
> reference to where in the record you can find it (cited Exhibits are
> in the November 22, 2013, Staff Report/Memorandum to the Mayor and City Council):
>
> 2013 Existing Peak Hour Traffic Volumes AM (PM) - See Box 7 for Witham
> Hill and Circle Blvd on Exhibit IV-331
> 2015 No Build Peak Hour Traffic Volumes - See Box 7 for Witham Hill
> and Circle Blvd on Exhibit IV-336
> 2015 With Project Peak Hour Traffic Volumes - See Box 7 for Witham
> Hill and Circle Blvd on Exhibit IV-342
>
> Total Volume AM (PM) (both directions) on the Existing portion of
> Circle Blvd. North of Witham Hill derived from those exhibits:
> 2015 No Build - 30+30+70+30 = 160 AM Peak Hour
> 95+5+30+55+20 = 205 (PM) Peak Hour
>
> 2015 with Project - 30+125+30+30+70+165 = 450 AM Peak Hour
> 95+180+30+20+55+125 = 505 PM Peak Hour
>
> The additional trips to Circle are a sum of the diverted trips plus
> site trips (Exhibit IV -349, Exhibit IV-350)
>
> Total Volume AM (PM) (both directions) Estimated on Circle Blvd.
> Extension north of Harrison - Box 9 on Exhibit IV-336 and Exhibit
> IV-342
>
> 2015 with Project - 145+65+20+175 = 405 AM Peak Hour
> - 185+35+65+150 = 435 (PM) Peak Hour
>
> In response to your concerns regarding the safety of the
> Circle/Harrison intersection, the intersection will be designed to
> City and County requirements based on standard engineering practice.
> The applicant is proposing a separated bicycle and pedestrian facility
> on Harrison that provides a missing connection between existing City
> sidewalks and the existing multi-use path, allowing people to walk on
> a separated facility rather than the shoulder of the road for
> approximately 1300' feet along Harrison, as they do now. You may note
> that the Planning Commission discussed the issue of bicycle and
> pedestrian safety in and around the site and has proposed an amended
> condition and additional development related concerns to address these
> concerns. Specifically, Condition # 14 was amended to require a continuous center median on
Harrison Blvd.
> allowing for site accesses and street intersections, as approved by
> Benton County (Harrison Blvd. is a Benton County facility in this location).
> Additionally, Development Related Concern (DRC) L was added to require
> consideration of transit-friendly traffic calming measures on Circle
> Blvd.; DRC M was added to encourage coordination with OSU and Benton
> County to develop a multi-use path from Harrison Blvd. to Campus Way

> or 35th Street and the addition of sidewalks along the south side of
> Harrison Blvd.; DRC N was added to encourage elimination of hazardous
> ditches on the north side of Harrison Blvd.; and DRC O was added to
> widen portions of the bike lane on Harrison Blvd.
>
> I hope this information is helpful to you. Per your request, we will
> include your questions and staff responses in the record. Please let
> me know if you have further questions,
>
> - Kevin Young
>
> -----Original Message-----
> From: Ward 7
> Sent: Monday, February 10, 2014 5:48 PM
> To: Young, Kevin
> Subject: Questions for Campus Crest Deliberations
>
> Good afternoon Kevin,
>
> For the record, I want to confirm in writing my prior verbal request
> to you and later Director Gibb to receive speed data for Harrison Blvd.
> between 53rd and 36th streets. I need it for different times of the
> year and incrementally along Harrison Blvd. It is my observation that
> speed limits are regularly exceeded and Campus Crest without a light
> at Circle and Harrison will decrease the safety of Harrison in that
> area. If you have evidence to the contrary please include it with the speed data.
> Also, if projected traffic counts are available for the extension of
> Circle to Harrison as it compares to Circle proceeding east from
> Witham Hill Drive, I would like that information as well. Please
> include this request in the record provided the Council for the
> February 18, 2014 deliberations.
>
> Thank you,
> Bruce Sorte
>
>
>

## Laurent, Marcia

**From:** Susan Brown [susan.j.brown@[redacted]
**Sent:** Saturday, February 15, 2014 1:33 PM
**To:** Planning
**Subject:** Campus Crest Development

To Corvallis City Council Members:

My husband and I have lived in the same home in the College Hill North neighborhood for 38 1/2 years, and have raised our family here. I am once again writing to express my continued concern regarding the Campus Crest Development.

Although we have multiple concerns, I will just address three of them here.

First, I hope there will be a safe, direct access created by the city and OSU, so that pedestrians and bicycles can easily cross Harrison, and have a direct route to campus, hopefully via the OSU Cow Barn area to Campus Way. If this does not occur, the foot and bike traffic cutting through our neighborhood in a variety of directions would decrease the livability of our neighborhood.

Second, I am very concerned about the increased number of automobiles traveling to and from the development, with thoughts that they too will use various routes through our neighborhood side streets to reach the campus. I also see both the Harrison and Witham Hill Intersections with Circle as areas of key concern, needing the best traffic control systems available.

My third area of concern involves Open Space Management. I have been hiking in the area of Campus Crest for many years, and care personally, both about the land and wildlife that occupy it. I don't believe there is a wetland mitigation plan yet, so that should be developed soon. How will the 45 acres of privately owned open space be paid for, and who will manage it now, and into the future?

I do not believe the zoning on this property should have been changed by the counsel over the voter's prior decision,, but since that is in the past, please consider the current issues I raise, as you move forward.

Sincerely yours,

Susan J. Brown
[redacted]
Corvallis, Oregon, 07330

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FEB 18 2014

Community Development
Planning Division

February 17, 2014

Corvallis City Council

RE: CAMPUS CREST PUBLIC HEARING

I believe there is one additional condition that Council should consider before finally approving this development.

Traffic safety for bicycles is still inadequate. The current plan is to allow bicyclists coming from this development with destinations on campus to use a median lane or "safety" lane in the middle of Harrison to transition from Circle to east bound Harrison. This is not only inadequate, it is dangerous. Further, I doubt that it meets any traffic engineering standard, leaving the City open to claims when bicyclists get injured. You should not approve this arrangement.

Bicycle safety is important given that this is a student housing project and you have relied on claims that a substantial number of tenants will use the bicycle as their primary means of transportation. I should not have to detail for you why the proposed approach is dangerous. Cars on Harrison will not be required to stop. There will be significant volumes of cars in each direction since peak bike commuter time will be the same as the peak auto time. The current proposal requires that the bicyclist, from a complete stop at Harrison, enter Harrison between small gaps and transition across two moving lanes. Further, there will be a conflict with vehicles making the same turn when they overtake the bike while turning. This is not a well thought out plan.

The City should require the installation of a traffic circle. A traffic circle will slow traffic and make for a smother and safer intersection, not only for bicyclists but also motorists. And the County has demonstrated that a traffic circle is a superior (and cheaper) solution to intersection control.

If you don't like the traffic circle, you should at least require a three way stop. However, I believe this to be an approach that the motoring public will not accept well.

Do it properly. Put in a traffic circle and require it to be completed prior to occupancy.

Rolland Baxter
[redacted]
Corvallis

## Young, Kevin

**From:** Ward 7
**Sent:** Monday, February 17, 2014 3:25 PM
**To:** Klinkhammer
**Cc:** Young, Kevin
**Subject:** Re: Campus Crest concerns

Thank you very much Susan, I will copy Kevin Young so your comments get in the public record. I will be able to discuss annexation policies in more detail once the current land use decision is complete. Also, my primary purpose for canvassing yesterday was to get feedback on the parking issue, if you have any thoughts on that topic?

Take care,
Bruce Sorte

> Hello, Bruce
> Thanks for stopping by yesterday. I'm sorry that I missed you but Gary
> said that we should send any feedback to you today regarding Campus
> Crest. Of course, the traffic will be a huge impact regardless of what
> claims are being made. The traffic coming in that way in the morning
> is amazing even now without an additional 900 bedrooms.
> My bigger concern is how it is possible for the city to have us vote
> on low to medium density annexation and then allow a high density
> project to be built there. It would be less worrisome if citizens were
> never asked to vote, and these decisions were always made by the city.
> BUT, if we are asked to vote (and it only passes narrowly after being
> voted down numerous times), then the vote should be honored. It would
> seem to me that this would legally have to be back on the ballot to
> the voters with new wording indicating that it could be zoned for high
> density. That has not been the case and that seems wrong.
>
> Gary also wanted you to know that they have a ZAPS water monitoring
> device on Dixon Creek. They would easily be able to tell the impact on
> the water from the subdivision (24 hours a day/7 days a week). He can
> address this more articulately and thoroughly if anyone is interested
> in that information.
>
> Thanks for representing us. We appreciate your willingness to be
> involved and informed.
> Susan Klinkhammer,
> [redacted]
>

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FEB 18 2014

Community Development
Planning Division

Louise Marquering
[redacted]
Corvallis, Oregon 97330
541-[redacted]
withamoaks@comcast.net

February 17. 2014
To the Corvallis Planning Commission

Re: Campus Crest / The Grove - City Council Agenda – February 18, 2014
Development and Subdivision Requests (PLD13-00003, and SUB13-00001 – Campus Crest/The Grove

**Concerns about the Detailed Development Plan** PLD13-00003, and SUB13-00001)

Please see the last page of this testimony referencing my testimony at the Legend Homes Witham Oaks development from April 2007. In the Legend Homes plan it was called Street "J", in the Campus Crest Plan it is called Street "A". IN 2007 the you added Condition No. 63 to the plan. I ask that you make a similar condition this time.

| Page No. | Condition No. | Condition Language |
|---|---|---|
| N/A | 63 (Added by the City Council) | Street 'J' Improvements – Local Street improvements for Street 'J' shall stop 25 feet from the western property boundary, coincident with the width of Tracts 'E' and 'O.' |

**Dead End Street and Public Utility Requirements are a waste of money and materials**
LDC Chapter 4 – 4.0.60 Public and Private Street requirements
*Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Corvallis Transportation Plan and/or provide for continuation of the existing street network in he surrounding area.*
*Section 3.38.20 d. Construction of streets, roads, and vehicular and pedestrian and bicycle facilities necessary in order to maintain an acceptable functional classification of roadways adjacent to the property.*

The proposed land division /planned development provides for dedication and improvement of an east-west local street from Circle Boulevard through the development site to the OSU parcel (tax lot 300 of Benton County Tax Map T11S R5W, Section 33) so as to allow for possible redevelopment of the properties to the west. The property to the west is actively farmed OSU agricultural research land. How likely is redevelopment to the west?

In 2007 OSU submitted testimony stating there are no plans to develop their property west of the site in the next several decades. Completing a "road to nowhere" would cost the developer, waste materials, and create maintenance costs for taxpayers over the decades. There is also the taxpayer cost of policing a dead end road, which will be easily accessed by 900 students. In 2007 the City Council wrote an exemption to the required completion of the road to the west edge of the property. The city would retain the right of way, but would not have to spend money on upkeep until the road is possibly needed.

I suggest that you make the same recommendation for this development. The City should not require that street "A" be constructed to the western edge of the property. The City would retain the right of way, but the street would only be constructed as needed for the development.

LDC Chapter 4 Section 4.0.70 Public Utility Requirements
*d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property (ies).*

Public water and sewer mains are to be extended to the westerly end of Street "A" as part of the development to facilitate future development of parcels to the west. What is the likelihood the OSU parcel to the west will be developed in the next several decades? It is not fiscally responsible to build the water and sewer mains as required, then spend city money to maintain them for several decades. They could be snubbed at the edge of the Campus Crest development until such a time as they might be needed for possible development to the west, with the City retaining the right of way.

**Dead End Bicycle and Pedestrian Facilities are a waste of money and materials**
LDC Chapter 4 Section 4.0.30 – Pedestrian Standards
*c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development.*

City Parks Department staff have identified that an east-west pedestrian path extending across the site has been planned for by the Trials Master Plan. The proposed development plan for the site requires the developer to construct a 10 to 12- foot paved pathway to extend from the existing north-south trail across the southern portion of the development to connect with the western end of proposed street

LDC Chapter 4 Section 4.0.40 Bicycle Requirements
*d. To provide orderly development of an efficient bicycle network, bicycle facilities installed concurrently with development of a site shall be extended through the site to the edge of the adjacent property (ies).*

The proposed hard-surfaced multi-use path along the southern portion of the site will extend to the western edge of the site adjacent to the new local street.

OSU administrators have repeatedly said that paths cannot go directly across research agricultural lands. They are living laboratories. OSU has said, and the developer affirmed this, OSU could grant an easement along the perimeter of the research lands.

Bicycle and pedestrian paths could go along the perimeter of the OSU property, but, look at a map. Study the perimeter of the OSU property. The perimeter to the north would take the path along the Witham Hill Natural Area and the Witham Hill Oaks Apartment complex to Witham Hill Drive. What is the purpose of that path? There is already a north-south path connecting Witham Hill Drive to Harrison. To construct and maintain another path is a waste of taxpayer money.

Again, if the city wants to have the right-of-way for a multi-use path in case there is a need in future decades, that is fine. But realistically, the cost of constructing a duplicate path is not fiscally responsible.

**Contradictions in the LDC between what the city is requiring and OSU buffering**
While no portions of the proposed apartment development are within 100 feet of the actively farmed OSU Ag-research lands, the proposed street is. This contradicts LDC 3.6.30 g, k, and l - Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) The minimum setback for lands adjacent to Actively Farmed OS-AG Land, is 100 feet. Why is the city proposing contradicting this part of the LDC to construct a road and public utility to nowhere?

The City Council will have to decide which section of the LDC takes precedence., remembering that you are placing 900 students in that location.

**Has there been a discussion with OSU on extension of facilities**
If the city does choose to continue with the required street "A", multi-use path and public utilities to the west, will there be protections for the OSU property line? How will they construct to the edge of the property without going on to the OSU land? Has that been discussed with OSU? If completed, what will prevent students from walking on the OSU agricultural lands?

**Development Related Concerns**

**R (S) Open Space Maintenance**
The applicant is "encouraged to provide the City with plans" for the management of the open space. Those plans should be **required** as a condition of approval.
I am extremely concerned about management of the privately owned Conservation Open Space (COS) you are creating, Three city councilors supported the zone change because it provides a smaller footprint.
**What is the vision for the approximately 45 acres of COS being created?** Neither Corvallis Park and Recreation nor Greenbelt Land Trust are interested in "owning" the COS unless there is an endowment or management plan that would pay for maintenance of the property in perpetuity. Perhaps you foresee a privately owned international arboretum displaying such plants as Scotch broom, Armenian (mistakenly called Himalayan) blackberry, and English hawthorn?

**Removal of rubbish.**
There is rubbish from five or six former homeless camps. Nothing has been done about the rubbish during the five years that US Bank has owned the property. What is the policy for removal of rubbish on privately owned open space land? I suggest you require a financial guarantee for a period of three to five years to insure that the rubbish is cleared from the property. When the warranty period expires the funds can be released, as described in COA 4 and LDC 4.2.20. What plans are in place to prevent more homeless camps from developing on the property? What is the timeline for removal of such camps? Is removal of rubbish complaint driven?

**Sidewalk maintenance**
There are already lapses by OSU, property owners on Souza, and the city in maintenance of sidewalks in the Witham Hill area. What provisions are in place to guarantee that the new sidewalks being required on Harrison and Circle Blvds., will be maintained? They are all adjacent to the property, although somewhat distant from the construction site. Will concerns only be complaint driven, or will there be some other process to guarantee maintenance of the sidewalks?

Louise Marquering
[redacted]
Corvallis OR 97330
541[redacted] CorvallisMatters@aol.com

April 9, 2007

RECEIVED
APR - 9 2007
Community Development
Planning Division

Re: Witham Oaks Development Concerns

**Inconsistencies in "to and through" requirments**

Street J which leads to the OSU property is designated as a to and through. That piece of OSU property is clearly designated as no admittance and there are no development plans for at least fifty years.

The owner of the Chaves property to the northeast requested a cul de sac at the end of Street A rather than a to and through to her property. Sometime in 2002 both Laura Evenson and I heard Gloria Chaves state that she wanted Circle Blvd. to go through because she wanted to access Circle if she decided to develop her property. Unfortunately I cannot locate evidence of her statement.

To me it seems inconsistent to require a" to and through" to a property that is not likely to be developed and allow a cul de sac where the current owner at one time mentioned the potential for development.

**Circle Boulevard extension**

I agree with the city that Circle Boulevard should be completed before Phase 1. If it is not completed until the end of Phase 2, in order to get to Harrison the 77 residents of Phase I will have to up Circle to Witham, go right onto Witham to 36th, then go south on 36th to Harrison. To demand that much extra driving seems excessive.

**29th and Grant**

Right now you are also considering an application for the Wilson Woods zone change. One of the issues for that development is increase in traffic at the intersection at 29th and Grant. That traffic issue is based on the current Wilson Woods zoning. If you approve the Wilson Woods zone change that will change the data upon which the Witham Oaks traffic impact studies were based.

Which applicant gets the approval and which applicant causes the intersection to fail?

The same question can be asked for the intersection at 29th and Harrison. Which applicant will you approve and which one gets to pay for necessary alterations to the intersection?

| Page No. | Condition No. | Condition Language |
|---|---|---|
| N/A | 63 (Added by the City Council) | <u>Street 'J' Improvements</u> – Local Street improvements for Street 'J' shall stop 25 feet from the western property boundary, coincident with the width of Tracts 'E' and 'O.' |

## Holzworth, Carla

**From:** Ward 3
**Sent:** Monday, February 17, 2014 4:42 PM
**To:** Holzworth, Carla
**Cc:** Patterson, Jim
**Subject:** FW: Witham Oaks concerns

Carla,

For distribution at tomorrow's meeting?

Richard

---

**From:** Cassandra Robertson [mailto:cassandra@[redacted]
**Sent:** Monday, February 17, 2014 1:43 PM
**To:** ward3@council.corvallisoregon.gov
**Subject:** Witham Oaks concerns

Hi Richard,

I am not sure who to write to at this time, out of my concern, I wrote the Planning Commission in October, and now I just feel defeated and concerned for this community. I have appreciated working and talking with you about other projects, so I am writing you today.

I am very concerned with the Witham Oaks project on many levels and am very surprised this project has been voted through, even with such a public outcry. I don't really know that this email is effective or appropriate at this time, but the sick to my stomach feeling I get every time I think about Campus Crest building on Witham Oaks tells me I must at least write to someone one more time.

I do not understand why we are willing to put up new housing that is only for one sector of our community, students. These apartments are not affordable for a family to move in and rent by the room.

I do not understand why after I have read and learned about Campus Crest and the terrible track record they have in various other communities, that we are willing to have them come into our community and build on one of our most beautiful annexed lands.

I do not understand why we are allowing yet another apartment complex to be built that forces tenants (students) to live with high energy bills and poorly built apartments. We already have these throughout our community and they are buildings we will be having to fix and pump unnecessary energy into for years to come.

This rush for more housing breaks my heart and it is ruining our community!

**Even Ed Ray said at the last State of the Economy meeting at the Country Club " the goal of OSU is to increase student numbers, but don't worry, so many of them are E-students that will never step foot in Corvallis, so it's not a huge problem for housing"**

Even though votes have been cast, we still have an opportunity to change our minds and commit to the quality and sustainability of this community.

Thank you Richard for reading this message from a very concerned citizen of our beautiful Corvallis,

## Laurent, Marcia

**From:** Goodmonson Jr,Paul N [Paul.Goodmonson@[redacted]
**Sent:** Monday, February 17, 2014 11:48 AM
**To:** undisclosed.for.privacy
**Subject:** Campus Crest/The Grove

I am writing to urge the City Council to modify and strengthen conditions of approval for the student housing project.

I continue to object to the prior actions that changed the zoning that allows this project when the citizens clearly didn't vote to do so.

The proposal as it now exists doesn't protect our ability to safely drive or ride bicycles on Harrison Boulevard - too many cars and bikes on narrow streets many of which are headed to or from campus access. The critical pinch points are from 35th to Arnold Way - nothing in the proposal addresses this area.

Please work to produce something that will work for all of us.

Thank you

Paul Goodmonson
A neighbor to the development who voted yes for the annexation
[redacted]
Corvallis, OR 97330

---

Paul Goodmonson
Financial Advisor
Edward Jones
761 Northwest Harrison Blvd
Corvallis, OR 97330
(541) 757-0806
www.edwardjones.com

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RECEIVED

FEB 18 2014

Community Development
Planning Division

Feb. 17, 2014

Corvallis City Council

RE: Public Hearing on Campus Crest
Tuesday, February 18
Downtown Fire Station
Public Hearing at 7:30 p.m.

ITEM: M - Traffic Calming measures

When construction begins @ Circle Blvd. and Witham Hill Rd., the traffic on Circle Blvd. will begin. I live across from Jefferson Elementary, and we need:
(1) visible school zone signs. Because there are 4 lanes, you need a blinking light so all lanes can see that it is a school zone. The school zone sign facing east is impossible to see.
(2) reduce the speed limit beginning at Kings Blvd on Circle up to 29th.
(3) leave a digital radar speed reading device for autos to check themselves.
(4) Fire Station - what fire station will they use?

OPEN SPACE (remaining 45 acres)

I would like to see the remaining 45 acres used as a Wetland Sanctuary, with a single paved, non-motorized trail that meanders with a bench and a view. No competing autos, a place to observe nature, the wetlands. It would be nice to have a bird blind and a covered look out. This would be great for someone handicapped accessible, like me. Is it possible to make this a County Park, a City Park?

Thank you for hearing me out. Concerned citizen.

Robin Bouvette-Bakhshai
[redacted]
Corvallis, Oregon 97330

RECEIVED

FEB 18 2014

Community Development
Planning Division

Feb 18, 2014
City Council
Campus Crest/The Grove PLD13-00003, SUB13-00001

Dear Corvallis City Council,

Condition -1 Attachment N- Matrix Development Corp. Nation Wide Fill Permit NWP-2006-898 expires March 14, 2014 for 1.61 acres palustrine wetland, 0.32 acre loss, 6.02 acre conservation and enhancement palustrine wetland. Additionally public will not be allowed to comment or get involved when they renew this permit and begin to bulldoz 26.5 acres, Circle Blvd, wetland mitigation area, all the buried utility right of way, historic sewer line's fill removal, Harrison Blvd major modification/changes/ditch line closure, ditch line depth increase, width increase at Harrison and Circle.

Existing fill in lower delineated wetland area here will be removed, 15 depressions created and grading of the entire site may occur. Removal of City Sewer Line Fill may be part of the area removal and account for more wetland damage by removal and compaction of these native and manmade wetlands. There should be predicted wetland soil compaction as part of the wetland loss from heavy machinery sent into wetland mitigation area and additionally, taking away fill from city sewer line row/bike path asphalt that will be decommissioned. So, wetland area function, may enjoy more damage due to soil compaction from rapid removal of topsoil and all the are vegetation, digging of depressions and placement of buried utilities in these wetlands.

Site mitigation plan for wetland area, does not provide a complete botanic species list for what is here, or what will be installed. Carex staff elude to a few species.

Non native highly aggressive and 100 percent invasive seed mix- grass/sedge species may be used and or the mitigation area may have to be dedicated to city public works if the owner will never maintain it after buildout.

If there are at this point zero plans to maintain the openspace, the wetland open space Campus Crest retains significant volumes of monthly application of Herbicide, Pesticide(mosquitoes/insecticide) applications to the wetter saturated soils that are found across this hillslope, resulting potentially, in water contamination downstream from the site into OSU Dairy, Oak Creek, ditch line of Harrison Blvd to damage to area wells and to longstanding already present, OSU-Ag Zone.

Herbicide application to all of the openspace reserved by Campus Crest may be extensive over time without plans to manage these acres they may become fire hazard, weedier areas needing to be mowed, sprayed, weed wave hazard to OSU Ag and City of Corvallis Open space, Oak Creek, Marys River, Willamette River drainage.

Condition 1 - Property Tax /Millage Rate for openspace zone will contribute lower rates when zoned openspace from RS-6. How important are these acres to maintain at RS-6 and not convert them to Openspace zone and generate less tax rate, per acre openspace zone? If this parcel is sold can it be rezoned to RS-6 from RS-12/openspace zone?

900 unit lease payment revenue from this development to offshore/out of state owner is significant, and a long term loss to the local economy. Additional loss of taxation revenue from the remaining RS-6 zone change to Openspace conservation can be presented to the record.

Tax lot 2300, 1000,1100, 1101 total 89 acres, so five acres are missing.

Who pays taxes on tax lot right of way for Circle Blvd, and Harrison Blvd major modification/site expansion at confluence/intersection?

Condition 1- No botany report is available for the site, or what we see as reported for their staff report was all done in the non

growing season winter, fall. Carex Working Group did a preliminary natural resource overview and noted the visited the "entire site" in January. No map was provided in the staff report showing the area the Carex staff person actually walked. So, we assume they walked the 26.5 acre removal and fill site and walked over the length and width of the new right of way the developer planned for Circle Blvd. and Carex staff walked all the buried utility corridor, pathway locations barrier fence line's and they walked, the to be sprayed locations, linking development of Campus Crest tax lots to Circle Blvd tax lot and outside these tax lots, connecting over natural ground to local neighboring streets and to Arnold Park.

No record review was noted for evaluation of historic botanic records from this parcel in the past, herbarium review-OSU for site records, State Inventory for T and E Species.

Offsite impacts from this parcel will focus most hydrology moving downslope to Oak Creek on population of Federally listed Sed. Nelsonii as closure of culvert and ditch line on south east side of Harrison Blvd, will direct more flow to the north ditch line. Total development fill (26.5 acres, fill for the entire reach of Circle Blvd, bike path, walking path, all buried utilities, Harrison Blvd Major Modification width increase, ditch line deepening and widening at Circle and Harrison Blvd intersection) are in total, and quickly become a significantly large removal, cubic acre figure.

Rare plant and animal species on site where not surveyed for in development site, Circle Blvd extension, pathway/buried utilities areas for the entire development to and through to surrounding neighborhoods which may directly impact rare threatened or endangered species.

Wetland delineation work was done during in November which misses out on any forb, bulb or grass which are dormant.

Site contains large amounts of native grass, bulb and shrub species as will as native Oregon White Oak, possibly native hawthorn to be eliminated. One for one tree species count may

need to occur to restore these lost trees to the site. Site was mapped for trees by David Dodson.

Attachment N Condition 1 details planting of 696 trees onsite. Tree species may be highly invasive and impact unmanaged/off limits/private/fenced/fire hazard openspace zone, City openspace's and OSU-Ag Zone as well as downstream and upstream within the Oak Creek Watershed, Marys River Watershed and Willamette River Watershed with invasive tree species and ground cover installed here moving down and upstream via air, water, land animals, bikers, hikers.

Plant tree species native to the Willamette Valley for landscaping and with the loss of x number of native Oregon White Oak, Ash, alder, cascara buckthorn, red osier dogwood, rose and other native woody species important to area's ecology then installation of probable invasive, non native landscaping street trees at 696 each.

Condition 41 - Locally significant vegetation groups may be damaged due to changes in area hydrology from fill placed across this hillside. Impacts to these tree groups may occur from onsite drainage from timed irrigation systems and bulldozing/trenching of these tree groups root systems. Oregon white oak prefer dry conditions to survive, adding water/bark,plastic sheeting ground cover to these tree root area/drip line, can possibly case these tree species to die off and damage other trees in these locally significant tree groups. Management of open space for invasive trees such as douglas fir overtopping Oregon white oak may have be written into a site plan for this open space acres which are going to be dedicated from RS-6 as the owner may never remove invasive trees and the existing Oregon White Oak here will decline from open grown to overtopped by invasive douglas fir.

Ground cover here may be none native, so site planting plan for development and for Circle Blvd, bike path, pathways, and the care and management for this site's landscaping waste disposal/ land scraping equipment storage areas, should install ground

cover which is not invasive to local wetlands, watersheds. (ivy, vinca,pacisandrea or other invasive ground stabilization plant species)

Salvage and relocation of some of the native plant materials from disturbance areas may be useful in protecting local genetic resource and enriching top soil scarification/removal, depression elevation change to keep water stored at this lowest elevation before it dumps into Harrison Blvd ditch drainage way into Benton County and OSU ownership and maintenance costs.

Hopefully the volume from this site at high flow does not add significant run off into Oak Creek at flood stage, as downstream development takes away percolation surface area/ floodplain and add to headward/and channel erosion to Oak Creek's bed and bank. Salvage plant materials can be relocated in openspace zone owned by the City possibly if the owner is ok with this and there is time to dig camas, native forb, grass, sedge and replant where possible.

Development site,(plus any more of the site they will use for storage of vest mountains of fill, prefab shipped across the US building materials, vehicle storage and, Circle, Harrison, bike paths, sewer line, wetland mitigation, buried utilities are to be disturbed/removed/filled/compacted and compressed, sprayed)

With grading set to occur over 26.5 acres at once, will grading occur at the same time for Wetland mitigation, Harrison Blvd, Circle Blvd and Witham Hill Drive, all the pathways, removal of fill from sewer line, bringing the removal here to significant amount of removal? This amount of site disturbance all at once is highly significant disturbance to this hill slope and the public is not being given information.

No anthropological overview may have been done on the Circle Blvd and multi use pathway construction row, if the developer is responsible for this information to State Historic Preservation

Office.

No fish study appears to be done on salmonid or trout species found in these areas drainage, creeks since the removal of the fish passage barrier on Oak Creek.

Site may be supporting state listed salmonid/trout species at this time and with area wide riparian efforts from: OSU, NRCS, BSWCD, GBLT, ASC and many local landowners for the Oak Creek Watershed, negative impacts to these fish species from this development site need to be evaluated publicly.

Condition 24 offsite drainage mitigation

Site will remain wet for longer periods possibly due to vast volume of fill material water will have to percolate through here, and out falling of Nitrogen, Phosphorous, Potassium, Weed and Feed, automobile fluids, can be expected to drain downhill and all end up in area wetlands, Harrison Blvd ditch, OSU Dairy, OSU Ag land to west and finally into Oak Creek. How is the offsite drainage plan designed to keep chemicals from impacting local area waterway and water table/well water supply from this site? Are tax lots surrounding this hill slope, using active wells and if so how are long term applications of chemicals to the entire site set to destroy these historic water supply?

With the removal of culvert on south side of Harrison Blvd more water will focus on remaining culvert in the system, so hopefully flooding to the east from this site will be limited because of redirection of this volume to the south and west and develop stating they are legally not responsible for damages caused by flooding from this site.

Condition 30- Benton County will have to deal with erosion on Harrison Blvd from this site down slope to Oak Creek if hydrological predictions for containment fall short.

Mitigation area plan is missing from the condition 30, how is the mitigation area managed if it has problems erosion from hillslope, silt/sandstone/basalt mineral sedimentation, flooding, invasive

species, fire mg issues, debris removal, mowing,weeding, drainage repairs, renegotiation costs?

Condition 4 Landscaping

Grading will be extensive and the public is not being clearly informed about the acres of removal, possibly to occur all at once here for mitigation site, Circle Blvd, sewer line fill removal, Harrison Blvd Ditch line width, deepening, 26.5 acres development site, extensive buried utility to and through wetlands, native open space areas, travel routes for foot and bike traffic into and out of the site, to Arnold Park and surrounding neighborhoods.

Planting of riparian trees back to riparian areas should use native species which are less invasive then Oregon White Ash.

Tree plantings may fail due to incorrect species planted in wet soils, so bond should be created to charge for restoration of dead riparian trees in future. Ground cover is noted to have a management plan for three years, so the riparian trees may need some time to establish and survive before they are ignored. (willow, alder, cascara buckthorn, rose, snowberry, red osier dog wood)

Condition 7- Sidewalk will be filled and possibly house buried utilities in these row structures. Surface/ground level native hillside and spring drainage should not be blocked by these elevated surfaces.

Good neighbor policy, homeowner/absentee homeowner association. Can the developer form a homeowner association to deal with issues that will occur as 900+ people live in this wetland hillslope, OSU-Ag research, residential and civic neighborhood? How is the City Police Department able to deal with this site if it does not have a homeowners association? Openspace zone will be a significant management issue possibly pending absentee landlord and lack of managerial staff able to deal with issues that occur because of extensive openspace zone and need to fence, spray, mow, police, clean up, care for, protect these acres from

neglect, yard waste, fencing bisecting view and passage of hydrology, animals and increase in fire potential in these open space zone areas the public will be excluded from, and not receive taxes from in support of the local economy.

I support protecting these tax lots for conservation, hydrologic storage, wetland enhancement, rare and threatened botany, migratory and local avian ecology, monarch butterfly support by installation of showy milkweed and Mexican milkweed found in this drainage, protection of area quiet, view shed rarity found possibly only at this site, wetland/upland disappearing prairie species enhancement by removing non native invasive species from this once open, hydrologic ally significant to Oak Creek, hillslope.

Is LOS degraded for Kings and Harrison at this time and with this development will all outlying intersects decline further? How is the city charging the developer for the damage that will take place to roadway from removal and fill of this magnitude and the shipment of site materials in prefab form, to site, adding more impact/damage to local streets and or forcing damage to streets which are able to handle these loads and massive volume of truck traffic? Will the county have to pay for damage from this development to county roadway? Will the County round about/rail road track trestle on 53rd become issue's for movement of prefabricated materials/fill and removal materials to this development site? Thanks for your work, Rana Foster.

Conditions of Approval and Development Related Concerns re: Witham Oaks

My Comments:

I do not know what modifications the City plans for Harrison Blvd, but I have several current concerns that could be accentuated once the traffic along Harrison has been increased by Witham Oaks traffic.

Traffic inbound on Harrison has a component that turns onto Merrie and Witham in order to avoid the lights at 35th and 36th and Harrison. Most of this flow will not be added to by Witham Oaks traffic, but the traffic flow rate on Harrison could be, influencing the numbers and attitudes of other drivers using these short cuts.

1) A considerable proportion of these run the stop signs, routinely several a day at, or above, the speed limit. More monitoring of this situation would be wise.
2) Visibility for drivers of vehicles entering Harrison at both Merrie and Witham is limited. That on Merrie is blocked by a bush in the parking strip at Arnold Park (remove it) and both Merrie and Witham are obscured by fences and shrubbery in the yards and parking strip at residences along Harrison. Part of this problem is due to the ditch and parking strip widths coupled with the necessary stop sign placement inside of the sidewalk's crosswalk. After making a perfect stop at Harrison, the driver must then pull forward to check the oncoming traffic before making a turn. This blocks the pedestrian and (often) bicycle access to the crosswalk. If there is considerable on-coming traffic such as from the light at 36th the wait can be long in the crosswalk. Also, the traffic component mentioned in (1) making a left turn onto Merrie or Witham must then contend with vehicles that are pulled out partially into the path of their turns.
3) In dealing with the traffic aspects of Witham Oaksm, improve rather than exacerbate the above conditions.

Gary Chapman

[redacted]

Corvallis, OR 97330

**Revisions to Condition 14)**

**NW Harrison Boulevard Street Improvements** - A permit for public improvements will be required from the County for improvements to NW Harrison Blvd. Typically the County will default to City Standards within the UGB. City and County staff have discussed the improvements along NW Harrison Blvd. and improvements proposed by the applicant are consistent with City and County standards. Improvements to NW Harrison should include: 12-foot travel lanes, a 12-foot continuous center turn lane, 6-foot bike lanes, standard curb and gutter on the north side, a 12-foot planter strip on the north side (except where curbside due to natural features), and a 12-foot wide multiuse path. A turn lane shall be provided for east bound traffic at NW Circle Blvd. The Applicant shall install a continuous center median allowing for site accesses and street intersections on Harrison Blvd. in lieu of a continuous center turn lane, as approved by Benton County. Any median shall be designed to accommodate a future signal at the intersection of Circle Blvd. and Harrison Blvd.

**Proposed New Condition 45)**

**Future Intersection Analysis and Additional Mitigation at NW Circle Blvd. and Harrison Blvd.** - Within 1 year after completion and acceptance of Circle Blvd. improvements and certificate of occupancy for all phases of the apartments, the applicant shall provide a revised intersection analysis based on actual traffic counts (including bicycles and pedestrians) while OSU is in session in consultation with the City and Benton County to evaluate if additional traffic control devices are warranted at the intersection of Circle Blvd. and Harrison Blvd. If additional traffic control devices are warranted, the applicant shall dedicate any additional ROW and pay for the cost of the improvements within 1 year of acceptance of the revised Harrison Circle Blvd analysis. The developer shall secure the full cost of a traffic analysis and potential improvements prior to issuance of a Public Improvement by Private Contract (PIPC) permit. The basis of security for potential improvements shall be the cost to fully signalize the intersection.

## Young, Kevin

**From:** Ken Bronstein [ken.bronstein@[redacted]
**Sent:** Tuesday, February 18, 2014 4:47 PM
**To:** Young, Kevin; Mayor and City Council
**Cc:** Paul Ringold; Barbara Grant
**Subject:** Beit Am property related to Campus Crest proposed conditions

To: the Corvallis City Council
Re: CORVALLIS CITY COUNCIL meeting, February 18, 2014 , PUBLIC HEARINGS
A. Re-opened public hearing relating to Planned Development and Subdivision Requests (PLD13-00003, and SUB13-00001 – Campus Crest/The Grove)

Condition 20, in the Notice of Disposition from the Corvallis Planning Commission raises a coordination issue for Beit Am. As we understand it, the terminus and at least some of the other infrastructure referenced in the second paragraph of this condition is on Beit Am property. In addition, extended construction on the easement could, depending it;s character and timing interact with Beit Am's use of our property. Thus, we would ask that plans for use of the easement and for access to the terminus be coordinated with Beit Am to yield a mutually satisfactory design.

We appreciate this opportunity to provide public input,

Ken Bronstein
Representing Beit Am Jewish Community

# WILLAMETTE
## Association of REALTORS®

February 18, 2014

**TO: Corvallis City Council**

**FR: Sue Long, 2014 President**
**Willamette Association of REALTORS®**

Richard Berger, Government Affairs
RFBConsulting@yahoo.com
503-569-1346

**RE: Building Permit Enforcement**

On behalf of the Willamette Association of REALTORS® thank you for the opportunity to bring an important issue to the your attention

Our Association requests that the City Council investigate the recent enforcement actions taken by the City building department regarding older homes that have been remodeled or changed since the original construction. We further request that after a complete review of these cases the Council consider policies or other regulatory changes to improve the current process and to prevent the excessive use of staff resources on such enforcement actions.

Two specific cases to which we refer are cases where building improvements were completed but City staff is not satisfied that the proper building permits were obtained. In these cases, the improvements in question were completed by previous property owners, the improvements were proven to be completed sometimes forty or more years ago, and the improvements do not directly relate to an immediate public safety concern.

With that much time lapsing, it is unreasonable to ask a property owner to prove that previous improvements were completed by permit. The City only has electronic records back to 1990 and records previous to that are poorly maintained. Additionally, it is not always clear what was acceptable forty years ago to know how it should be enforced today. Unless a health, safety, or

fire issue is present it seems prudent that the City adopt some level of grandfathering, possibly to changes made prior to electronic records.

These cases are costing individual owners tens of thousands of dollars, causing tenant evictions, and hurting the reputation of the City. Furthermore, since these cases have been ongoing for a year or more the cost to the City in the form of staff time must be substantial.

With one of these cases under appeal, we understand it would not be prudent for City Council to comment on the appeal itself; however, we believe that the Council should look at the overall effect and policy implications of these two cases and make appropriate changes. If this process continues, we have considerable concern with how many more property owners will find themselves in such a position when they are simply trying to make repairs to their property. This is a time sensitive matter that we hope the Council will address before new enforcement cases occur.

As background information we are providing the following documents:

1) The February 4, 2014 Gazette Times article regarding the Ostby case.
2) The August 26, 2013 e-mail from Joyce DeShon sent to the Mayor and City Council.

##########

CORVALLIS Gazette-Times

# City, property owner battling over permits on converted triplex

FEBRUARY 04, 2014 1:00 PM • BY JAMES DAY, CORVALLIS GAZETTE-TIMES

In 1987 Pam and Kevin Ostby purchased a triplex on Southwest 11th Street in Corvallis.

After managing the property as a rental for 25 years they accepted an offer to sell the building in December of 2012.

During plumbing and foundation repairs that were undertaken to facilitate the sale the Ostbys were advised that the building was an illegally converted triplex.

City officials mandated that the Ostbys either reconvert the building to its original function as a single-family home or bring it up to current code as a triplex.

Both options would have cost in the tens of thousands of dollars, and the Ostbys have appealed.

That appeal is scheduled to be heard March 21 by the Corvallis Board of Appeals, a group that rarely meets because appeals to it are so infrequent.

The Ostbys say that the house, which was built in 1911, was converted to a triplex decades before they purchased it.

"It is unreasonable to hold a new owner responsible for something that was done long before the building was purchased," Pat Ostby said.

The Ostbys also contend that the city "has no proof that the conversion was done illegally."

City permit records have been compiled in electronic form since 1990, with previous records existing in paper copies.

Of concern to the Ostbys is that although the city has no record of the conversion permits multiple factors point to the building's use as a triplex for perhaps more than 50 years.

Bill Clemens of WRTC Consultants, who has been representing the Ostbys in discussions with the city, said he has seen Corvallis Fire Department records showing the building as a triplex dating to 1972, as well as power bills that refer to three meters on the property and telephone books that show three residents listed at the address.

Also, the Ostbys have been paying taxes on it as a triplex as well as the $12 per unit annual fee that funds the city's rental housing program.

The city, meanwhile, is standing firm.

"There is no pre-determined grandfathering clause or statute of limitations for building permits," said Ken Gibb, Corvallis Community Development Department director.

And Dan Carlson, development services manager for the city, advised Clemens in a Nov. 27, 2013 letter that "while the structure may have been used as a triplex, there is no documentation you found to conclude a process for legal conversion from a single-family residence to a triplex."

City officials met Friday with Clemens in a session Gibb described as "productive."

Clemens, however, noted that "we didn't pull our appeal yet."

"Here is the way these things should be handled," Clemens said. "If you catch somebody doing something without a permit you start a compliance case. Or if it's a safety issue ask them to bring it up to code.

"But to have your case rely on permits from the 1960s and 1970s is bizarre to me. This is a big problem for a city like Corvallis with a lot of older homes being turned into student housing."

"The other reason we had to appeal," said Pam Ostby, "is because we know this could set a precedent for other property owners as well. If they can get away with forcing us to bring a 100-year-old building to current code, how many other people will they do this to?

"Realtors are watching this case."

They are indeed

"Our concern is the way the city is handling these things," said Debbie Weaver, a member of the governmental affairs committee of the Willamette Association of Realtors, which serves Benton and Linn counties.

"Everybody knows that property that old doesn't have building permits. They weren't required. For a long time we didn't have a building code.

"All these property owners want to do is the right thing."

## APPEAL DATE

The appeal case involving 804 S.W. 11th St. is tentatively scheduled to be heard at noon March 21 by the Corvallis Board of Appeals at the Madison Avenue Meeting Room, 500 S.W. Madison Ave.

## ABOUT THE BOARD

The Board of Appeals hears appeals relating to building and fire codes. It has six members and a City Council liaison.

Board members: Phil Ermer, John Evans, Shawn Stoneberg, Charles Fletcher, David Sillars and Gerald Voorhees

Council liaison: Penny York (Ward 1)

# MAYOR & COUNCIL EMAIL



## Denied Use of Nonconforming Triplex

- *To*: "mayorandcitycouncil@xxxxxxxxxxxxxxxxxxx" <mayorandcitycouncil@xxxxxxxxxxxxxxxxxxx>, "ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, "ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Denied Use of Nonconforming Triplex
- *From*: Joyce DeShon <jdshon@xxxxxxxxxxx>
- *Date*: Mon, 26 Aug 2013 07:30:00 -0700

Mayor Manning and Council Members,

As another school year approaches, my rental property sits empty. The letter attached describes my experience with the Development Services Division since the Stop Work Order & Notice of Violation detailed below denied the continued use of my triplex.

I know; it's a long letter. It has been a very long ordeal.

Because of the mounting debt I've incurred as a direct result of the city's actions, I will likely be forced to sell my house at a diminished value. Changing requirements and arbitrary code interpretations imposed by the division have now cost me more than the flood damage that initiated this process.

Mine is not an isolated case. The division's practices directly contribute to the rental housing shortage in Corvallis. More importantly, they endanger tenants, as landlords hide potentially unsafe building practices and repairs in an effort to avoid the very system that should ensure safe housing in this community. If you wonder why responsible homeowners would deliberately bypass the permit process, my story could serve as a case study.

Since the flood loss of my basement over a year ago, I have tried my best to do what is right. I am now asking the City of Corvallis to do the same.

Sincerely,

Joyce DeShon

## Notice of Violation

According to the Notice of Violation I received on 1/2/13, a site inspection of my property conducted on December 21 confirmed both an unapproved change of occupancy in the basement, and the creation of an additional dwelling unit in "the attic area of the structure." The lack of permit to change the occupancy constituted an "unlawful act" on my part, and I was "Ordered to discontinue the unapproved occupancy" by obtaining all necessary permits to support the change of use and alteration to the structure, or ceasing the occupancy of the separate, created dwelling units and obtaining all necessary permits to revert the use to "its single family occupancy" by January 28.

The Notice is baffling for many reasons:

1. I had not changed the occupancy of my triplex.
2. The inspection was done not because a complaint was received alleging a change of use to create a separated dwelling unit in the basement (as the notice "informed" me), but specifically because my contractors had applied for—and been granted—permits from the city to restore and upgrade the plumbing and electrical work, as required.
3. The city was aware of these "separate, created dwelling units" in 1978, and has allowed their occupancy for 35 years.
4. The reason (RE:) given is BUILDING PERMIT REQUIRED. My general contractor asked Development Services staff which permits were needed, and was told a structural building permit was not required unless weight-bearing walls would be moved.
5. I didn't receive the notice in time to give my tenants their lawful 30-day notice to vacate.
6. According to the notice, records from the Benton County Assessor's office identified me as the owner of a "one and half story, single family dwelling with +/- 840 square feet of unfinished basement," yet the county's own website shows I own a Residential 2-4 Plex (property class: 108) with six bedrooms, three baths, and a finished basement and upper level.
7. The City of Corvallis has billed me for three rental units since the inception of its Rental Housing Code program in 2002.

8. Thousands of dollars and seven months of continued effort on my part have not led the City of Corvallis to grant the permits I was required to obtain by January 28 to "promptly correct this violation."

**Attachment:** `Triplex.doc`
*Description:* MS-Word document

- Prev by Date: **Check out the Local Business of the Week: August 25 - 31**
- Next by Date: **FW: USDA Grant - Assistance for Rural Micro entrepreneurs**
- Previous by thread: **Check out the Local Business of the Week: August 25 - 31**
- Next by thread: **FW: USDA Grant - Assistance for Rural Micro entrepreneurs**
- Index(es):
  - **Date**
  - **Thread**

Mayor and Councilors,

In June of 2012, I lost the basement unit of my triplex to flooding from a broken pipe. My tenants were on break, leaving up to two feet of standing water undiscovered for several days. It was a great loss—for my tenants and for me.

My house was built in 1922, and divided into three stacked apartments in 1978. Contractors who bid the repairs told me the electrical and plumbing work had not been done to code. One plumber asked if I really wanted to "open this can of worms." At the time, I didn't know what he meant. Now, I do.

Two "as is" offers were made on the house, both contingent on the City of Corvallis not knowing about the damage. A contractor offered to do the electrical and plumbing work on a weekend while the city was closed, then rebuild the apartment without permits. Contractors, friends, even a local firefighter advised me to avoid the city at all costs.

I absolutely want my house to be safe, and wouldn't want a future owner to be put in the situation I'm now facing. I wanted to do what was right, so despite the warnings (and growing sense of dread) I hired a general contractor to restore the basement apartment with all necessary permits and full compliance with the City of Corvallis.

My contractor asked about permits at the Development Services counter, and was told a structural building permit wasn't required unless load-bearing walls would be moved. He contracted out the electrical and plumbing work, and I asked the same electrician to replace some heaters and a fan in the middle apartment.

The electrician asked for separate permits for the work, making it clear he'd be doing two different jobs at two apartments within a triplex. He gave the staff woman at Development Services both addresses—243 NW 10th St for the basement unit, and 962 NW Van Buren Ave for the middle unit—but she could only find the Van Buren address (which is how it's identified by the county). He told her each apartment had its own meter, and had been addressed this way for decades. Instead of questioning the disparity, she told him this was common with older houses around the college and granted him one permit encompassing both jobs, attached to the only address her computer system could access. He was led to believe this was "no big deal," and didn't mention it to me. It was only after the permitted electrical and plumbing work was paid for and nearly completed that a Stop Work Order and Notice of Violation was issued for an "unapproved change of occupancy."

My triplex meets the criteria for a legal nonconforming structure and use as defined in Chapter 1.4 of the Corvallis Land Development Code, as it was lawfully established as a triplex in the 1970s, prior to becoming nonconforming. Correspondence from the fire department and City of Corvallis to previous owners in 1978 and 1979 (concerning stairways and egress exits) identifies the property as an Apartment House or 3-Plex. The City of Corvallis never questioned—nor requested permits to establish—this occupancy. Records from Pacific Power show a meter specifically assigned to 243 NW 10th St (the flood-damaged basement apartment) was installed on March 1, 1978. The Benton

County Assessor's Office identifies the property as a 2-4 Plex under the single (Van Buren) address used for the permits.

## Plan A

During my first meeting with Code Enforcement Supervisor Chris Westfall and Project Coordinator Johnathan Balkema on January 7, I was told the house I bought in good faith as a triplex in 1989 could no longer be used in that way. It was not (they claimed) a legal triplex, as no change of occupancy permits existed; it was not a legal single-family residence because it had been divided and used as a triplex. Chris laid out minimum permit application requirements for my only two options: converting the house to a single-family residence (SFR) or a duplex.

Given the flood loss in the basement, the house had essentially become a duplex, but between the permitted plumbing and electrical work and flood mitigation, $31,000 had already been spent on what was now a 900 SF utility room. We felt the best use of the property was to finish restoring the lower apartment, and then combine the middle and upper units to create the second apartment.

I brought a printed copy of Community Development POL 1073 to the meeting, which states: "...legally established dwelling units that do not meet present day ceiling height...may continue to serve as dwelling units provided...the ceiling height provides an unobstructed headroom clearance of at least 6'6" when measured from the finished floor to the lowest overhead projection..."

I told Mr Westfall then that the ceiling height in my basement was less than seven feet, but would meet the 6'6" requirement. I made it clear I didn't want to waste any more money rebuilding the apartment if I couldn't use it, and specifically asked if the ceiling height would be an issue. I was told it would not be (others in attendance can verify this). The letter summarizing that meeting and requirements to approve the apartment restoration makes no mention of ceiling height. A structural assessment (but not current code compliance) is a listed requirement for the exterior spiral staircase.

My contractors and I spent the next six months trying to comply with the city's application requirements for a duplex conversion. It was a costly and frustrating process, as the city was vague about some requirements, and changed their decisions on others (see list of damages, below).

To ease their transition, my property manager offered the remaining tenants full deposit refunds and alternate housing options, consulting with Housing Program Specialist Bob Loewen throughout the process. Despite these efforts, my main floor tenants were very angry about the move, saying we should have foreseen this situation and any zoning issues that might arise. I was worried they would file a claim against me, but couldn't meet the city's requirements for discontinuing the "unapproved occupancy" and altering the structure if the tenants stayed. It was a no-win situation for everyone. They were willing to move out at Spring Break, but I will now have to clean, repair, and paint both apartments at my own expense.

We were finally able to submit the required documents, site plan, scaled drawings, permit application and fees for the duplex conversion on April 2, 2013. My general contractor expected approval of the plans by mid-April.

## Plan B

Despite out best efforts, approval of our application was never granted. Instead, on May 7, Johnathan Balkema responded to our request with a revised plan review letter for the duplex conversion, imposing a new set of requirements based on Land Development Code revisions enacted in December, but never mentioned before. These new codes were intended for use when adding a new dwelling unit to an existing structure, not for the continued use or repair of a pre-existing one.

According to Corvallis LDC Section 1.4.30.01, reconstruction of structures in existence prior to December 31, 2006 may occur consistent with how the structures previously existed in their legal nonconforming state.
Section 1.4.40.01-Alterations of a Legal Nonconforming Use states: "Nothing in this Chapter shall be construed as prohibiting normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law."

Many of the revised plan requirements were impractical, if not impossible; others directly contradicted what we had been told in the past. The spiral staircase was now required to meet current code—which it doesn't. The handrails are 2" too short and 1/8" too narrow, among other things. Certified welders start at $100/hour, making on-site modification cost-prohibitive. By this time, I had already spent $150 to demo the concrete treads so they could be restored. The exposed metal continues to deteriorate, and the staircase will now need to be removed.

During my first meeting with Development Services in January, I was told the gravel portion of the parking area off 10th Street could remain unpaved if I could prove it existed prior to 1980. I was able to do this, using an aerial photo taken in 1970. The revised plan required expanding and hard-surfacing this area without cutting, filling, or compacting the soil within a perimeter located 5 feet outside the drip line of an existing tree. A large tree overhanging the parking area made this requirement impossible to comply with, leaving us no option to move forward.

My tenants could have stayed through the summer as they wanted to, and their rent would have offset over $10,000 of expenses.

## Plan C

I then set up a phone appointment with Chris Westfall and Johnathan Balkema to clarify what could be done to use my house again. It was during this conference call on June 27—nearly six months after our initial meeting—that Chris first told me the ceiling height in the basement apartment would need to be seven feet. Johnathan's letter summarizing that call includes a link to a Portland webpage on attic and basement conversions, allowing for a 6'8" ceiling height. My basement ceiling would

5. The main and upper floors will need to be cleaned, repaired, and painted at my expense, and the $1,950 monthly loss of rent for these units is ongoing.

6. The gutted basement will need to be cleaned; the old refrigerator, range, bathtub, and other plumbing fixtures removed; and old electrical and plumbing lines hauled away. Something will need to be done with the new tub and shower surround, left outside since the Stop Work Order was issued in December.

More than a year after the flood, I'm faced with mounting debt; a gutted basement; no rental income; a 3,000 SF house I still can't use, repair, or sell for a reasonable price; and the prospect of starting this whole process again—just to ultimately create a single-family house with fewer bedrooms, less income potential, and a lower resale value than the triplex I invested in 24 years ago. This has already taken a huge emotional and financial toll, and I see no end in sight.

The work begun in December was not to convert a basement or create a new dwelling. With permits granted by the City of Corvallis, I am simply trying to restore an apartment that has existed for 35 years, in the triplex I've owned and cared for since 1989. I have invested considerable time and resources trying to comply with the city's ever-changing code requirements. Besides the damages listed on the pages below, the decreased income potential of my property (if I'm able to keep it) is an ongoing loss that will impact my retirement income.

I ask each of you to imagine yourself or a family member in this situation, and lend some reason and oversight to this process. Specifically, I am asking for compensation for my losses, and the recognition of my property for what it is—a pre-existing, nonconforming triplex—so I can repair and/or sell it as such.

Each day I wait for permission to use my property, I loose $100 to taxes, utilities, maintenance, and unrealized rental income. Your prompt reply would be very appreciated.

Sincerely,

Joyce DeShon

## Damages

**$1,120** Corvallis CAD's charge to create scaled "as is" and "proposed" floor plan drawings, per Chris Westfall's instructions, for the duplex conversion he later disallowed.

**$969** Udel Engineering nearly conducted an unnecessary $1,875 boundary survey, based on 4.5 hours of consultation with various city employees and departments in a fruitless

Division—have already cost me over $40,000.

## Plan D

After City Manager Jim Patterson was made aware of my situation, I had a long phone conversation with Chris Westfall. Though he still says a single-family residence is my only option, he did retract the 2012 Land Development Code requirements as an error, saying, "we consider the SFR to be the existing legal use of the structure." In another reversal, he now says Development Services Policy 1073—the one I brought to our first meeting in January—could be utilized to accommodate a lower ceiling height in the basement.

The problem is, I didn't buy a SFR—I specifically invested in a triplex as a means to help finance my retirement, and have lost far too much money in this long process to rebuild a basement I can no longer rent as an apartment. My Actual Cash Value insurance policy doesn't cover most code upgrades, and has paid only $20,452 toward the original $51,988 rebuild bid. I would be responsible for the $31,536 balance if I rebuilt, and have already lost well over that amount as a direct result of the city's actions. My total losses for the basement would exceed the price I originally paid for the house, and the extra rebuilding costs could not be recovered in the sale of a single-family home.

If the basement remains unfinished, the (now 4 BR) house will have a greatly diminished resale value, and thousands more will be required to "pursue" this occupancy I never wanted:

1. The electrical wiring would need to be permitted for a SFR. Combining all the wiring to a single panel (if required) would be very expensive.

2. The upstairs kitchen will need to be removed and remodeled for some other purpose.

3. If not considered allowable as part of the nonconforming structure, the spiral staircase and upper deck railing installed with the city's knowledge (if not consent) in 1978 would need to be replaced, as they don't meet current code requirements. This would require the removal and rebuilding of a 120 SF manufactured deck I replaced less than two years ago for around $2,600. The upper egress door would need to be taller, requiring a change to the roofline of the structure.

4. Alternatively, the proposed creation of an internal staircase between the main and upper floor would replace most of the kitchen pantry and/or master bedroom closet. Constructing a new closet would compromise the master bedroom space.

   The exterior stairs would still need to be replaced or removed, the upper deck removed and rebuilt, and the deck guardrail replaced or made 2" higher, to meet code. A certified welder and special inspector would be required to extend the height of the railing on-site and inspect each weld as it is done. (All the railing posts were examined during the new deck installation in October of 2011. All front posts were cleaned, repainted, and caulked.)

5. The main and upper floors will need to be cleaned, repaired, and painted at my expense, and the $1,950 monthly loss of rent for these units is ongoing.

6. The gutted basement will need to be cleaned; the old refrigerator, range, bathtub, and other plumbing fixtures removed; and old electrical and plumbing lines hauled away. Something will need to be done with the new tub and shower surround, left outside since the Stop Work Order was issued in December.

More than a year after the flood, I'm faced with mounting debt; a gutted basement; no rental income; a 3,000 SF house I still can't use, repair, or sell for a reasonable price; and the prospect of starting this whole process again—just to ultimately create a single-family house with fewer bedrooms, less income potential, and a lower resale value than the triplex I invested in 24 years ago. This has already taken a huge emotional and financial toll, and I see no end in sight.

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**$969** Udel Engineering nearly conducted an unnecessary $1,875 boundary survey, based on 4.5 hours of consultation with various city employees and departments in a fruitless

effort to determine what they required. The city reversed their decision on this three times. Udel charged me $365 for "dealing with the City of Corvallis," $304 for the duplex site plan, and $300 for an unsuccessful corner pin locate required by the city for the duplex conversion "option."

**$1,755** Demolition not covered by insurance, required to upgrade plumbing to the damaged basement apartment I've now been told cannot be restored.

**$2,800** Permitted plumbing for that damaged apartment (insurance payment subtracted). It would cost over $3,000 more to attach plumbing fixtures. The new tub/shower unit has been lying outside since the Stop Work Order was issued last year.

**$4,797** Permitted electrical work done to rebuild the basement apartment before the Stop Work Notice was issued (insurance payment subtracted). The city may now require me to have the wiring changed and permitted *again*—at my own expense—to meet new requirements for a single-family dwelling.

**$997** Plan Review & Permits required by the City of Corvallis to apply for a change of occupancy to duplex, before they decided this was not an option.

**$5,023** Overhead & Profit to my contractor for this project, to date

**$700** Fuel costs to contractor

**$2,700** SDB Time on project (Communications and meetings) charged by my contractor

**$150** Demo of concrete on exterior spiral staircase to repair damage to tread. This required my tenants to move out, and was done before the city told me the staircase would have to meet current code.

**$88** Travel to meet with Development Services (155 miles round trip)

**Total**
**$21,099**

## Losses since the use of rental property was denied (through July, 2013)

**$12,964** Lost rent 2/15/12 to 7/31/13 only. My remaining tenants moved out prematurely, as required (to cease occupancy of the "separate, created dwelling units" and allow for

stairway construction to combine their apartments for the duplex conversion later rescinded by the city). My tenants suffered a hardship, and each day the project is delayed, I loose $86 in potential rent income (management fees subtracted).

**$1,152** Benton County property taxes (at last year's annual rate of $3,269) prorated for March 25-July 31 only. While Corvallis suffers a rental housing shortage, I pay the county $272 a month for a vacant rental I can't use.

**$380** City of Corvallis water & sewer bills since house was vacated (through July)

**$216** Management fees since tenants moved out (through July)

**$322** Electric Bills since tenants moved out (through July)

**$1,000** Conservative estimate of future cost to clean, repair, and paint the two upper apartments. Tenants were offered full deposit refunds as incentive to move out early so their apartments could be combined.

**Total**
**$16,034**

## Ongoing Monthly Losses after July 31, 2013

**$2,845** Gross rental income loss (at last year's rate) for each month of delay after July.

**$272** Property taxes per month (at last year's rate) for unusable rental property.

**$31** Pacific Power basic electric bill (3 meters)

**Total**
**$3,148/month**

**Total Damages through August 31 = $40,281**