CORVALLIS
CITY COUNCIL AGENDA

April 21, 2014

6:30 pm
[Council Work Session immediately follows]

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

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATION / PRESENTATION / RECOGNITION

A. Proclamation of National Multiple Sclerosis Walk Week – April 28-May 3, 2014

B. Proclamation of Arbor Week (presentation of Tree City USA Award) – April 19-25, 2014

C. Proclamation of National Library Week – April 13-19, 2014

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 – April 7, 2014
2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
a. Airport Commission – April 1, 2014

b. Commission for Martin Luther King, Jr. – March 18, 2014
c. Corvallis-Benton County Public Library Board – March 5, 2014
d. Downtown Commission – March 12, 2014
e. Historic Resources Commission – April 8, 2014
f. Housing and Community Development Commission – March 12, 2014
g. Parks, Natural Areas, and Recreation Board – March 20, 2014
h. Planning Commission – March 19, 2014
i. Public Participation Task Force – April 3 and April 10, 2014

B. Announcement of vacancy on Public Art Selection Commission (Rickey, Jr.)

C. Schedule interview dates for Historic Resources Commission and Planning Commission

D. Cancel an Executive Session scheduled for April 21, 2014 at 6:00 pm under ORS 192.660(2)(d) (status of labor negotiations)

E. Schedule an Executive Session on May 5, 2014 at 5:30 pm under ORS 192.660(2)(a)(e) (i) (status of employment of a public officer; status of employment-related performance) (status of real property transaction)

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. UNFINISHED BUSINESS

A. *Second reading of an ordinance relating to a Comprehensive Plan amendment (Campus Crest/The Grove) modifying Ordinance 98-53, as amended,* **to be read by the City Attorney** [direction]

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

A. Human Services Committee – April 8, 2014
1. Council Policy Review and Recommendation: 91-1.02, "Liquor License Approval Procedures" [direction]
2. Council Policy Review and Recommendation: 94-4.07, "City Owned or Funded Art Objects on City or Private Property" [direction]
3. Public Art Selection Commission Annual Report [direction]
4. Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities" [information]
5. The Arts Center Annual Report [direction]

B. Urban Services Committee – April 8, 2014
1. Council Policy Review and Recommendation: 10-1.12, "Community Sustainability" [direction]
2. Council Policy Review and Recommendation: 91-7.08, "Sidewalk Policy" [information]
3. Permit to Occupy ROW (Retreat at Oak Creek) [direction]
4. Collaboration Project – Neighborhood Baseline Traffic Counts [direction]
5. Residential Parking Districts [information]

C. Administrative Services Committee – April 9, 2014
1. Neighborhood/Property Maintenance Code Program [information]
2. Utility Rate Structure Review [information]

D. Other Related Matters

1. *A resolution authorizing the City Manager to execute an Oregon Department of Transportation Fund Exchange Agreement for a Surface Transportation Program grant ($400,440) and any future amendments related to the SW 15th Street/Washington Way Improvements project, and appropriating funds,* **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 – March 2014 [information]
2. City Council Goals Update [information]
3. Economic Development Monthly Business Activity Report – March 2014 [information]

XI. NEW BUSINESS

XII. PUBLIC HEARINGS – none

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

APRIL 17 - MAY 3, 2014

MONDAY, APRIL 21

- Economic Development Commission – 5:15 pm – Oregon State University International Living-Learning Center, SW 16th Street & SW Western Boulevard (special meeting)
- City Council – 6:30 pm – Downtown Fire Station, 400 NW Harrison Boulevard (Work Session immediately follows)

TUESDAY, APRIL 22

- No Human Services Committee
- Urban Services Committee – 5:00 pm – Madison Avenue Meeting Room, 500 SW Madison Avenue
- Commission for Martin Luther King, Jr. – 5:15 pm – Osborn Aquatic Center, 1940 NW Highland Drive
- Budget Commission – 7:00 pm – Downtown Fire Station, 400 NW Harrison Boulevard

WEDNESDAY, APRIL 23

- Administrative Services Committee – 3:30 pm – Madison Avenue Meeting Room, 500 SW Madison Avenue
- Watershed Management Advisory Commission – 5:15 pm – Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, APRIL 24

- Public Participation Task Force – 11:00 am – Madison Avenue Meeting Room, 500 SW Madison Avenue
- Budget Commission – 7:00 pm – Downtown Fire Station, 400 NW Harrison Boulevard

SATURDAY, APRIL 26

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

MONDAY, APRIL 28

- Public Participation Task Force – 6:30 pm – Library Main Meeting Room, 645 NWA Monroe Avenue (public forum)

TUESDAY, APRIL 29

- Budget Commission – 7:00 pm – Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, MAY 1

- Public Participation Task Force – 11:00 am – Madison Avenue Meeting Room, 500 SW Madison Avenue (work session)

- Budget Commission – 7:00 pm – Downtown Fire Station, 400 NW Harrison Boulevard

FRIDAY, MAY 2

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

SATURDAY, MAY 3

- No Government Comment Corner

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Office of the Mayor
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PROCLAMATION

MULTIPLE SCLEROSIS WALK WEEK

APRIL 28 – MAY 3, 2014

WHEREAS, Multiple sclerosis (MS) disrupts the flow of information between the brain and the body and stops people from moving and is an unpredictable, often disabling disease of the central nervous system; and

WHEREAS, More than 2.1 million people worldwide and more than 7,700 people in Oregon and Southwest Washington live with multiple sclerosis; and

WHEREAS, Last year in Corvallis we moved closer to a world free of MS, including the development of effective treatments and a range of client programs and services to improve the lives of individuals and their families living with MS in Corvallis; and

WHEREAS, This investment is paying off in significant advances in treating MS, such as new research, which could prevent more people from being diagnosed with MS; and

WHEREAS, We are committed to ensuring that people living with MS have the information and quality care they need to live healthy, productive, and independent lives; and we are relentlessly pursuing prevention, treatment, and a cure; and

WHEREAS, We devote programs and services to enhance the lives of those with MS, in Corvallis and work to meet the constantly changing needs of those with MS and their families living in Corvallis; and

WHEREAS, To further raise awareness, an MS Walk will occur on Saturday, May 3, 2014 at the Corvallis Riverfront Commemorative Park;

NOW, THEREFORE, I, Julie Jones Manning, Mayor of the City of Corvallis, do hereby proclaim **April 28 to May 3, 2014** as **Multiple Sclerosis Walk Week** in Corvallis and commend this observance to all our citizens.

_____
Julie Jones Manning, Mayor

_____
Date

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CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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PROCLAMATION

ARBOR WEEK

APRIL 19-25, 2014

WHEREAS, The City of Corvallis recognizes the importance of the urban forest to its citizens for the many economic and ecological benefits it provides; and

WHEREAS, We are continually reminded of our forest's beauty by the multitude of trees that bloom in the spring and the colors of turning leaves as they retreat into Fall announcing the seasons as they have for over a century; and

WHEREAS, There are trees within our community forest that are part of our collective heritage connecting us by anchoring moments in the past to places in the present; and

WHEREAS, Heritage trees, through their size and graceful form, cause children and adults alike to pause and wonder; and

WHEREAS, We recognize certain trees and groves of trees as part of our heritage, and we hope the trees we plant today will become a part of that heritage for future citizens.

NOW THEREFORE, I, Julie Jones Manning, Mayor of the City of Corvallis, proclaim **April 19-25, 2014** as **Arbor Week** in the City of Corvallis in recognition of **Arbor Day April 30** and encourage people throughout the City to join together in the planting, preservation, and appreciation of our urban forest.

_____
Julie Jones Manning, Mayor

_____
Date

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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PROCLAMATION

NATIONAL LIBRARY WEEK

APRIL 13-19, 2014

WHEREAS, Libraries help lives change in their communities, campuses, and schools; and

WHEREAS, Librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls; and

WHEREAS, Libraries and librarians bring together community members to enrich and shape the community and address local issues; and

WHEREAS, Librarians are trained, tech-savvy professionals, providing technology training and access to downloadable content like e-books; and

WHEREAS, Libraries offer programs to meet community needs, providing residents with resume-writing classes, 24/7 homework help, and financial-planning services to teens applying for student loans and to older adults planning their retirements; and

WHEREAS, Libraries continuously grow and evolve in how they provide for the needs of every member of their communities; and

WHEREAS, Libraries, librarians, library workers, and supporters across America are celebrating National Library Week.

NOW, THEREFORE, I, Julie Jones Manning, Mayor of the City of Corvallis, do hereby proclaim **April 13-19, 2014** as **National Library Week** and encourage all residents to visit the library this week to take advantage of the wonderful library resources available @ your library. Lives change @ your library.

_____
Julie Jones Manning, Mayor

_____
Date

A Community That Honors Diversity

Bennett Hall wrote in a February 25, 2014 G-T story ("OSU phasing out tuition break for full-time students"), that "President Ed Ray told the board's Finance and Administration Committee on Monday that the tiered pricing structure is based on an outdated model of full-time students moving steadily through a four-year degree program." He goes on to quote Ray: "Now you have many students who are part-time, who are in and out of school, who have families and work responsibilities ... Things have kind of flipped on us." This story highlights what we all know about how a four-year undergraduate education has become increasingly unaffordable for young people in Oregon whose families cannot afford to just casually write a check for the full four-year ride.

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CITY OF CORVALLIS

These students work hard to support themselves and have to squeeze their college education into their busy schedules, which may involve multiple daily commutes around the area and taxes their limited resources. As their older peers have already shown all of us, in the midst of wrenching economic changes in our community, our state, and our country, students face high debt and uncertain economic prospects even if they successfully complete a four-year undergraduate education in four or five years. Therefore, on review of the Collaboration's work product, it is disappointing that rather than making access to an affordable education for the large number of working and commuting students who must drive to campus an overriding goal, the Collaboration's approach to neighborhood livability and parking issues cast students as the problem. This viewpoint that students are the problem, and a source for new revenue, has also dominated coordinated planning of the City's new parking districts and OSU's on-campus parking plan.

Although we have not been given firm estimates for the cost of the City's parking district plan, there are indications it could cost upwards of $300K per year to administer and only generate less than $50K per year in enforcement revenues. Similarly, as far as I've seen in the public record OSU has not provided firm estimates for the costs and revenues of its parking plan. OSU and Corvallis are also about to embark on an update of the OSU Master Plan after a period of capital construction that has resulted in the elimination of thousands of on-campus parking spots. In view of this, it seems clear that students, the City, and OSU would be well served if Council were to do the following:

1. Rather than adopt parking districts at a net operating loss to the City on the order of $250K/year, Council should offer to pay OSU $100K/year for OSU to provide free student parking in the Reser stadium lot.

2. To encourage OSU to collaborate with the City in this way, in the new 10-year Master Plan for any new construction or redevelopment the City would require that OSU would construct new parking capacity at the greater of an over 1-1 ratio for any parking destroyed or industry-standard estimates provided by the City of the parking required for the new construction based on its usage.

3. This latter requirement would be in effect until on-campus parking is restored to the greater of 2004 levels, or City-provided estimates of the required parking for all campus facilities. OSU would provide the City with a yearly report to assess if

total on-campus parking capacity is on the trajectory required to meet the target goals and plans to construct additional parking if it is not.

The City should also require that OSU enumerate other mitigation requirements for OSU projects that the City could invoke to address other adverse impacts that are unanticipated at the time the new 10-year Master Plan is approved.

This strategy is far from unusual in the creation and approval of Master Plans for large entities with significant land use activities in a community. It would provide City Council with tools to effectively represent the interest shared by the public and students --- students being one of the largest single constituencies in Corvallis --- in insuring that an OSU education is as affordable and accessible for students as possible.

Submitted by,
Rick Hangartner
Corvallis, OR

CITY OF CORVALLIS
COUNCIL ACTION MINUTES
April 7, 2014

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Proclamation/Presentation/Recognition 1. Fair Housing Month 2. US Hwy 20/Pioneer Mtn/Eddyville Project update 3. Medical marijuana dispensaries Pages 134-135	 Yes Yes		• Proclaimed
Visitors' Propositions 1. Medical marijuana (Dalatto) 2. Porter Park/CHS creek shrubbery (Wolfe) 3. Font styles (Marquering) 4. Homeless criminal behavior downtown (Semadini, Wessell, Columbe, Edwards, Eaton) 5. RPDs (Nudelman, Cloyd, Wydronek, George, Sanders, Hess, Crati, Caruso, Cauthorn) 6. Healthy Living & Sports Expo (Dwyer) Pages 135-137	Yes Yes Yes Yes Yes Yes		
Consent Agenda Pages 137-138			
Unfinished Business 1. Consideration of Findings of Fact and Order – Campus Crest/The Grove Pages 138-140		2nd reading 4-21-14	• Adopted Findings passed 5-4 • ORDINANCE 2014-03 passed 5-4
USC Meeting of March 18, 2014 1. Residential Parking Districts Pages 140-145			• Approved RPD design elements as amended passed U • Directed USC to complete RPD details and develop ordinances passed U
ASC Meeting of March 19, 2014 1. Ambulance Rate Review 2. Second Quarter Operating Report 3. Council Policy Review 97-10.01-10.08, "Financial Policies" Pages 146-147			• Retained rates passed U • Accepted report passed U • Amended policies passed U
Other Related Matters 1. Resolution to apply for a grant for MLK Park/Walnut Barn Page 147			• RESOLUTION 2014-10 passed U

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Council Reports 1. Spring Garden Festival (Hogg) 2. HOUR Exchange (Beilstein) 3. Government Comment Corner (Brauner) 4. PERS (Sorte) 5. Porter Park/CHS creek shrubbery CRFR (Traber) 6. Words of support (Hervey) Page 147	 Yes Yes Yes Yes		
Executive Session 1. Labor Negotiations – CPOA Pages 147-148	 Yes		

Glossary of Terms

AFSCME	American Federation of State, County, and Municipal Employees
ASC	Administrative Services Committee
CPOA	Corvallis Police Officers Association
CRFR	Council Request Follow-up Report
MLK	Dr. Martin Luther King, Jr.
Mtn	Mountain
PERS	Public Employee Retirement System
RPD	Residential Parking District
U	Unanimous
US	United States
USC	Urban Services Committee

CITY OF CORVALLIS
COUNCIL ACTION MINUTES
April 7, 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 April 7, 2014 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Acting Mayor Hervey presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Acting Mayor Hervey; Councilors Brauner, Brown, Beilstein, Hirsch, Hogg, Sorte, Traber, York

ABSENT: Mayor Manning (excused)

Acting Mayor Hervey directed Councilors' attention to items at their places, including a memo from Councilor Brown (Attachment A), a letter from Irene Sussman (Attachment B), a letter from Stella Coakley (Attachment C), an email from Kent Daniels (Attachment D), an email from Jeff Hess (Attachment E), an email from Courtney Cloyd (Attachment F), and a copy of a PowerPoint presentation from Jerry Wolcott (Attachment G).

IV. PROCLAMATION/PRESENTATION/RECOGNITION

A. Proclamation of Fair Housing Month – April 2014

Acting Mayor Hervey read the proclamation. Housing Division Manager Weiss said Housing staff provide advice and resources to people with housing questions or complaints.

B. US Highway 20/Pioneer Mountain/Eddyville Project Update

Oregon Department of Transportation (ODOT) Project Leader Jerry Wolcott gave a presentation on the Highway 20 project (Attachment G). In response to Councilor Beilstein's inquiry, Mr. Wolcott said storm water management principles were the same for the City and ODOT and his organization used best practices with regard to environmental mitigation.

C. Medical Marijuana Dispensaries

Police Chief Sassaman highlighted the provisions of Senate Bill (SB) 1531. Local jurisdictions have the option to institute a one year moratorium on medical marijuana dispensaries if they act by May 1, 2014. SB1531 also allows local jurisdictions to place conditions relative to time (operating hours), place (zoning), and manner (signage interpretation, etc.); requires child resistant containers; and specifies product packaging requirements. In response to Councilor Hirsch's inquiry, Chief Sassaman said he had heard from people on both sides of the issue. As a Police Chief, his concerns related to

broader accessibility to children and people with addiction issues, noting many of the problems are anticipated to parallel alcohol. Chief Sassaman said additional resources will be required to address issues as they surface.

V. VISITORS' PROPOSITIONS

Todd Dalotto, Can! Research, said the Corvallis Dispensary Owners Association met on April 7, 2014 and Chief Sassaman was in attendance. Mr. Dalotto said the group could act as a resource to address community needs and concerns, and they could be a liaison to the Police Department. He urged the Council to reject a moratorium. In response to Councilor Beilstein's inquiry, Mr. Dalotto said he expects more people will come to Corvallis since Albany, Philomath, and Lebanon do not appear to be in favor of the dispensary law. In response to Councilor Hirsch's inquiry, Mr. Dalotto said he hoped there would not be any taxes on medical marijuana, but taxes have been mentioned in discussions about proposed recreational use. Councilor Sorte said it would be helpful if Mr. Dalotto could bring back taxation information at a future Council meeting.

Mark Wolfe said he has lived near Porter Park for 25 years and there is a major problem with drug use in the park. He picks up trash during morning walks through the park and has found hypodermic needles. Mr. Wolfe said the three-sided structures that were built around the team benches have given people a place to sleep and use drugs. He asked the Council to direct removal of structures around the benches to discourage such illegal activity. Mr. Wolfe also said students are walking into brush near the creek by Corvallis High School to use drugs. City Manager Patterson noted the structures at Porter Park may have been paid for with privately raised funds and the illegal behavior needs to be addressed. Mr. Wolfe said he had called the Police many times. He agreed to forward to staff a letter he had sent earlier to Councilor Hirsch.

Louise Marquering read from prepared testimony concerning the use of font styles in City publications (Attachment H).

John Semadini, a downtown business owner, said he agreed with earlier comments regarding increased drug use in the community. He has noticed criminal behavior by some homeless individuals and he is concerned people are afraid to come downtown to shop. Mr. Semadini said accountability and checks and balances are needed, and the community needs to practice tough love. He suggested a think tank to get as many people involved as possible and he asked what restrictions could be placed on the new homeless shelter facility. Mr. Semadini emphasized that he is supportive of helping those who need assistance, but he is not in favor of ignoring irresponsible behavior. Councilor Traber suggested that Mr. Semadini become involved with the County's Ten Year Plan to Address Homelessness.

Stan Nudelman urged Council to adopt the Residential Parking Districts (RPD) as recommended by Urban Services Committee (USC).

Courtney Cloyd, Central Park Neighborhood Association, referred to his email regarding the RPD proposal (Attachment F). In response to Councilor Hogg's inquiry, Mr. Cloyd confirmed bicycle lanes have replaced on-street parking in some areas.

Joan Wessell, Downtown Corvallis Association (DCA) Executive Director, referred to illegal and threatening behavior occurring downtown and to an email submitted by Irene Sussman (Attachment B). She thanked Chief Sassaman for preparing a tactical action plan (TAP) to address those behaviors, noting the DCA's support. In response to Councilor Hogg's inquiry,

Ms. Wessell said the Police Department had been a great help to the downtown. She referenced a similar TAP implemented a few years ago that successfully addressed late-night obnoxious student behavior downtown. Ms. Wessell said Mr. Patterson gave the DCA a heads up when Eugene's Whoville homeless camp was disbanded, as it was anticipated some people from that camp would come to Corvallis. Councilor Sorte said he would like to know what provisions are being made by other communities to address the problem.

John Wydronek said he supports USC's RPD recommendations in general, but he did not agree enforcement is needed during the summer. He opined the proposed permit allocation method is biased against multi-family properties and he supported allocating them on a per-kitchen basis instead. In response to questions by Acting Mayor Hervey and Councilor Traber, Mr. Wydronek said he has owned and managed two Corvallis properties since 1987 and 2002, and 16 of the 20 units in one of his buildings are single bedroom apartments.

Steve George said he has lived near Franklin Park since 1999. He recently learned Oregon State University (OSU) provided free parking on campus during the first week of each new term. He said OSU should provide free year-round parking on campus.

Kevin Dwyer, Corvallis Chamber of Commerce Executive Director, offered to work with Ms. Wessell and Chief Sassaman to see what other cities are doing to address criminal behavior by some homeless. Mr. Dwyer announced the first annual Healthy Living and Sports Expo will be held April 12, 2014 at the Boys and Girls Club (Attachment I). In response to Councilor Hogg's inquiry, Mr. Dwyer said Corvallis is getting a reputation as a place with opportunities for homeless people to find services.

Brendan Sanders, with OSU Interfraternity Council, said he was representing students and Greek houses. He noted parking is limited at most fraternities and sororities due to the age of the structures.

Jeff Hess referred to his email (Attachment E). Councilor Brown said he liked Mr. Hess' idea about allocating permits according to property frontage, but he was worried it would be a difficult sell to the Council. Mr. Hess noted many developments have required widening of single car driveways, which has resulted in removal of some on-street parking. In response to Councilor Brauner's inquiry, Mr. Hess said if a property has room for three cars, two permits should be issued, with a third being available as a visitor permit.

Frank Crati acknowledged RPDs are complicated and one size does not fit all, but he emphasized one of the proposed districts will affect residents on his 6th Street block between Harrison Boulevard and Tyler Avenue. The neighborhood has many historic homes with little parking. He would be satisfied if the district did not include the area between Harrison and Tyler. He did not see the need to enforce the districts year-round, as he did not want to distribute permits to his guests who visit during the summer.

Liz Columbe said she works downtown and in her discussions with homeless people, she learned they were here because of available services. She did not feel threatened by the homeless and did not have a problem with them in general, but she did not like begging, busking, and the threatening behaviors displayed by some. She opined having medical marijuana dispensaries downtown is inviting trouble and she supported a moratorium.

Fred Edwards said the homeless behavior had gotten out of hand and Corvallis needs to focus on the problem or it would only become worse. Councilor Traber noted that Mr. Edwards' security

company was helpful when student parties were out of control, so he could perhaps assist in addressing the homeless behavior problem.

Doug Eaton said he loved living downtown and the homeless behavior situation was a difficult conversation for some because nobody wanted to be seen as heartless. Mr. Eaton said the Whiteside Theatre spent money to install protection for the marquee so it would not be vandalized. He said the next time a homeless shelter is proposed, a citywide goal should be established to ensure there is a community conversation about where it should be located.

John Caruso said he attended a USC meeting several months ago when many people were against the RPDs as proposed at that time. The change to keep two-hour parking was a good step, but he believed the RPDs were restrictive and affected Corvallis' character. He opined that parking at Reser Stadium should be free and the matter should be kicked back to OSU so they can contribute more to the solution.

Paul Cauthorn lives downtown near 6th Street and Western Boulevard. He said if 6th Street was excluded from the parking zone, and everything else was included, those free spaces along 6th would always be filled. Mr. Cauthorn said if Council passed the RPD proposal, he was confident he could secure enough signatures to refer the matter to the voters. Councilor Sorte said Mr. Cauthorn would be pitting students against the people who are trying to address the problem.

VI. CONSENT AGENDA

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

A. Reading of Minutes
   1. City Council Meeting – March 17, 2014
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Arts and Culture Commission – March 19, 2014
      b. Bicycle and Pedestrian Advisory Commission – March 7, 2014
      c. Citizens Advisory Commission on Civic Beautification and Urban Forestry – March 13, 2014
      d. Citizens Advisory Commission on Transit – March 11, 2014
      e. Downtown Commission – February 12, 2014
      f. Economic Development Commission – March 10, 2014
      g. Historic Resources Commission – February 25 and March 11, 2014
      h. Planning Commission – March 5, 2014
      i. Public Art Selection Commission – March 19, 2014
      j. Public Participation Task Force – March 20 and March 27, 2014

B. Announcement of vacancy on Corvallis-Benton County Public Library Board (Mackey)

C. Schedule a public hearing for May 5, 2014 to consider the Community Development Block Grant/Home 2014-15 Action Plan

D. Confirmation of an Executive Session following the April 7, 2014 regular meeting under ORS 192.660(2)(d)(status of labor negotiations)

E. Schedule an Executive Session for April 21, 2014 at 6:00 pm under ORS 192.660(2)(d) (status of labor negotiations)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA - None.

Acting Mayor Hervey recessed the meeting from 8:23 to 8:34 pm.

VIII. UNFINISHED BUSINESS

A. Consideration of Findings of Fact and Order – Campus Crest/The Grove

Adoption of Findings of Fact and Order relating to a Comprehensive Plan Amendment request and appeal of associated Zone Change, Planned Development, and Subdivision decisions (CPA11-00002, ZDC11-00005, PLD13-00003, and SUB13-00001 – Campus Crest/The Grove)

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 – Councilors York, Brauner, and Traber said when they were approached by constituents they were clear they could not discuss the topic, only the process; there were no discussions of consequence; and no information was received that was new to the record.

Declarations of Site Visits – None.

Rebuttals to Declarations – None.

Councilors Beilstein and Hirsch, respectively, moved and seconded to adopt the Formal Findings and Conclusions related to a Comprehensive Plan Amendment request and appeal of associated Zone Change, Planned Development, and Subdivision decisions.

Councilor Sorte said the development affects his constituents the most and the project makes a long-term mistake for a short-term gain. He said the findings of fact need improvement and they rely far too much on the applicant's expertise and not enough on citizen expertise. Councilor Sorte outlined the following four examples:

1. *Exhibit A, page 11, General Findings: The City has followed the correct procedures in this matter… and Exhibit A, page 13, Goal 1: Citizen Involvement.* Councilor Sorte believed there was inconsistent treatment of his requests to provide analysis and statements made by Councilor Brauner that did not receive an opportunity for rebuttal. Councilor Sorte said he was severely cautioned to avoid introducing any evidence that could not be directly traced back to the public record. He was told even common knowledge from established sources like the United States Census Bureau (USCB) could not be brought up. However, when addressing one of Councilor York's arguments to restate the testimony in the public record that Council was going against the will of the voters by changing the use of the property, Councilor Brauner provided an analysis of past annexation votes, as well as his attribution of reasons for changes in those votes.

Councilor Sorte said he could not find any basis for that analysis in the public record. He appreciated that Councilor Brauner had good reason and logic for making the analysis, but Councilor Sorte was counseled against that approach. He said at a minimum, the public and the applicant should have been given the opportunity to rebut or support the analysis. As such, Councilor Sorte said the record should be re-opened only for testimony related to that analysis.

2. *Exhibit A, page 21, second paragraph: The Council relies on testimony from a land use economist at the firm Johnson Reid who concluded there is a significant need for additional student housing...* Councilor Sorte opined that testimony from opponents, proponents, and neutrals should be used to guide staff toward common databases that will have no taint of bias when they are used. He said to think an economist hired by the applicant would not try to make a strategic argument is naive. Councilor Sorte said Council should not rely on analysis that does not consider the current vacancy rate from the USCB, seasonal fluctuations in student enrollment, the potential for double counting students in need that did not consider students already residing in the region, or utilize the definition of need that only included one variable (where students went to school). The analysis did not consider opportunities for nearby employment, sharing family resources, and other factors. Councilor Sorte said he attempted to help with this portion of the analysis in the only way he knew how, which was asking questions of staff. Portions of his questions were answered, and he appreciated that, but he said he was told it would take too long to obtain answers to the remaining questions. Councilor Sorte said using his computer, he found the data using publicly available sources in less than one hour. He said that information would have been pertinent to weighing the advantages and disadvantages of the change, as well as in estimating the economic effects of changing the land use designation.

3. *Exhibit A, page 24, last bulleted item: Approval of the Applications would facilitate development of the Property; however, the City Council finds that this disadvantage is mitigated by the fact that the Applications will protect a greater amount of the Property from development.* Councilor Sorte noted, as found in two recent denials for developments in Ward 9, unless the use of the land can be established with certainty into the future, then Council must assume the highest possible level of development. Community Development staff agreed the designation could be changed by future Councils to allow development in what is now being set aside as open space. Councilor Sorte said Councilor York tried to address that issue, but the majority of Councilors decided to trust that future Councils would not change the open space designation.

4. *Exhibit A, page 28, second paragraph: Opponents did not offer an alternative plausible interpretation…Council finds that Applicant has stated on the record that Applicant will not discriminate based on family status…* Councilor Sorte said the business model for multi-bedroom, shared facilities apartments is not feasible for a traditional family. He said it does not make sense that a family would separately rent bedrooms for parents, a son, a daughter, a mother-in-law, etc. Councilor Sorte said this analysis should be pulled from the findings of fact. He does not believe doing so would change the decision.

Councilor Sorte said the findings of fact took weeks to write, but Councilors only had days to read them, and he thinks Council should have a longer period of time for review.

Councilor Sorte also believed Council should have received two motions to consider: one to accept the Findings of Fact and one to deny them. He suggested tabling the decision to allow more time to review the findings of fact.

The motion tied four to four based on the following roll call vote:
Ayes: Councilors Beilstein, Brauner, Traber, Hirsch
Nays: Councilors Hogg, York, Sorte, Brown

Acting Mayor Hervey cast the tie-breaking vote in favor of the motion.

The motion passed five to four.

City Attorney Brewer read an ordinance relating to a Comprehensive Plan amendment modifying Ordinance 98-53, as amended.

ORDINANCE 2014-03 tied four to four based on the following roll call vote:
Ayes: Councilors Beilstein, Brauner, Traber, Hirsch
Nays: Councilors Hogg, York, Sorte, Brown

Acting Mayor Hervey cast the tie-breaking vote in favor of the motion.

The motion passed five to four.

The ordinance will return for a second reading at the April 21, 2014 Council meeting.

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

A. Human Services Committee - None

B. Urban Services Committee – March 18, 2014

1. Residential Parking Districts

Councilor Hogg provided introductory comments, highlighted the process used by Urban Services Committee, and thanked citizens, staff, the Collaboration's Parking and Traffic Work Group, and Councilors for their thoughtful and through participation. Mr. Patterson introduced Public Works Director Steckel, who gave a presentation relating to the recommendation (Attachment J).

Councilor Hogg said the RPDs will improve the quality of life for those who live near campus.

In response to Councilor Traber's inquiry, Acting Mayor Hervey said historically, the number of kitchens was the allocation method. Street frontage was considered at USC, but it was deemed unworkable. Councilor Brown said using the number of kitchens creates issues for group homes and some rental properties, but in the past, there were different standards to address the differences. He noted the underlying problem is there are not enough parking spaces to serve everyone and the Municipal Code is clear that no one is guaranteed a parking space. In response to Councilor Traber's inquiry,

Councilor Brown said permits are issued to residents on a first come, first served basis. Ms. Steckel confirmed that is the method used for existing parking districts.

Councilor Beilstein observed that while three permits per kitchen are being allocated, only one permit per kitchen is being sold on average, so the potential exists to sell more given the existing system. He said it was discriminatory that those who own larger properties would have greater access to parking because they would be eligible for more permits. He believed it would be fair to sell permits to anyone who lives within the RPD, but he would support the consensus.

Councilor Brauner said he also struggled with the number of permits to be issued based on lot size. He said the per-kitchen method seemed unfair if the permit goes to the renter instead of the landlord. In the case of multi-unit apartments with onsite parking, a person who purchased a permit could choose to use the onsite parking, but the tenant who could not obtain a permit to park in the street may not have a spot in the parking lot either. Ms. Steckel said this potential exists currently, even with the per-kitchen method.

Councilors Hogg and Sorte, respectively, moved and seconded to approve the RPD as recommended.

Councilor Sorte said the largest issue to overcome is creating an adaptable policy and he believed the estimated administrative costs are under-budgeted. In response to his inquiry, Ms. Steckel confirmed each side of the street is counted as a block face, even if there is no parking allowed on the side. In response to Councilor Sorte's inquiry about suspending enforcement during the summer and only hiring a parking enforcement officer to work during the school year, Chief Sassaman said hiring and training a parking enforcement officer is an intensive process. A background investigation is required and the new hire must be trained in the law, CPR, first aid, ethics, and diversity among other things. Chief Sassaman said it would not be easy to find a qualified person who only wished to work part of the year, and having that person absent for three months each year would require an updated background check when they started again in the fall. He noted existing RPDs are enforced year-round. Councilor Sorte said he also shares the equity issues raised earlier by Councilors Beilstein and Brauner.

Councilor Brown assured Councilor Sorte that concerns expressed in Ms. Coakley's letter were addressed in the RPD proposal, as District I would be able to form through a "grandfather" clause.

Councilor Brown said there were some "two-to-one" votes at USC and he assured his fellow committee members he would bring those topics to the full Council. He referred to his handout (Attachment A) that outlines motions he wished to make and the reasons for those motions.

Councilors Brown and York, respectively, moved and seconded, to amend the list of RPD design elements by adding that expansion of the RPD will be

accomplished through a petition process involving the affected residents rather than through imposition by the City government.

Councilor Brown said Ms. Steckel's presentation was clear that implementation of the RPD Program Phase I Boundary is accomplished by Council direction without a neighborhood petition process. Councilor Brown said he supported having residents vote as to whether they want to be included in an RPD and he believed that approach would save the City money.

Councilor Hogg said USC considered the neighborhood petition concept, but it died for lack of a second. He explained some neighborhoods have many absentee landlords and obtaining signatures had proved very difficult, so the RPD petition process was not working.

Councilor York said she supported USC's goal to improve neighborhood livability, but she did not support the Collaboration's goal to form a ring of districts around the campus. She believed the best opportunity to address the parking problem was through the Campus Master Plan (CMP) update, which will come to Council next year. Councilor York preferred to use that process to determine if OSU had exceeded the capacity of its land. She added the current CMP said OSU was to reduce parking impacts in the surrounding neighborhoods, but that was not happening.

Councilor Brauner agreed with Councilor York about the opportunity to affect parking through the CMP update, but he disagreed it should take the place of adopting the RPDs now.

In response to Councilor Sorte's inquiry, Councilor Hogg said the proposal before Council is to establish RPDs by Council action. He said the current petition process does not work for neighborhoods adjacent to OSU. For example, nearly 70% of the homes in the neighborhoods near Central Park are not owner-occupied. Tracking down the property owners, who may not even live in Corvallis, and getting them to sign a petition for an RPD was very difficult. Councilor Hogg said people who live in these areas have watched their quality of life deteriorate over the years because they were not able to establish an RPD. He said those people are looking to the City to provide a comprehensive solution.

In response to Councilor Sorte's inquiry, Acting Mayor Hervey said the USC proposal was to have Council establish districts in certain areas of the city. Areas that were identified by the Collaboration, but not addressed by Council action, would have an expedited RPD process.

The amendment to the motion failed two to six, with Councilors Brown and York supporting.

Councilors Brown and Sorte, respectively, moved and seconded to amend the motion to modify the list of RPD design elements by adding enforcement of the residential permit requirement would cease during OSU's summer and winter breaks.

Councilor Brown said having lived in an RPD for 20 years, the approach would be one of the best ways to make the imposition that the City makes on people more attractive. He said residents are frustrated when they have parties or a visiting grandparent receives a $50 ticket because they stayed longer than two hours.

Councilor Hogg said the summer/winter break enforcement issue was considered at USC and it failed. Initially, he shared Councilor Brown's thoughts, but he ultimately decided year-round enforcement was preferable. All cities that were contacted, including Eugene, enforce their districts year-round and he also agreed with Chief Sassaman's reasoning about staffing.

In response to Councilor Traber's inquiry, Ms. Steckel said resident permits were not transferrable.

Acting Mayor Hervey referred to the financial slide in Ms. Steckel's presentation. He noted some revenue comes from permit sales, but the bulk of RPD funding comes from citations. Twelve months of parking enforcement staff costs can be covered mostly from citation revenue received during nine months of the school year.

In response to Councilor Traber's inquiry, Councilor Brown said the issue that a student who returned in the summer would have to purchase a summer and a fall permit was raised during public testimony. The requirement to do so relates to the timing of apartment leases, not subletting. Councilor Brown said all financial projections are conjecture and he opined the RPDs would cost the City much more than what was being discussed. Sources of money to offset added costs could include the Parking Fund, the General Fund, or raising the price of a permit. Councilor Brown said permit costs may reach a point where people would not want to pay for them.

Mr. Patterson said it was likely RPDs would not pay for themselves. He emphasized the City was trying to respond to an issue raised by citizens and the effort was not about the City trying to make money. Mr. Patterson said public testimony was evenly divided about whether RPDs were needed.

Councilor Sorte also agreed costs may exceed revenues, but he did not believe summer enforcement would produce significant citations so money could be saved having a three-quarter time parking enforcement. Chief Sassaman expressed concern about the feasibility of finding someone to work nine months of the year, as well as the need to update the person's background check upon his/her return. He said while the Police Department had not historically hired someone who enforces the law for only nine months and brought them back after a three month break, it did not mean it could not be done. Human Resources Director Altmann Hughes said seasonal Parks workers are laid off and return to work the following year, and that is provided for in the labor agreement. She agreed with the staffing continuity concerns raised by Chief Sassaman.

Ms. Steckel cautioned the need to be clear about which days would constitute a break, as the dates change each school year. As such, wording on RPD signs

would need to be carefully considered. Ms. Steckel urged Council to adopt a year-round approach for one year to gain some experience.

In response to Councilor Brauner's inquiry, Ms. Steckel said permits are valid from September 1 to August 31, the proposal is for one guest permit per address, and selling permits in late August or September is better for a first come, first served approach, as many students do not return until that time. Ms. Steckel added that permits sold in July for the remainder of the permit year are dramatically discounted.

The amendment failed four to five, with Councilors Brauner, York, Sorte, and Brown supporting.

Councilors York and Hirsch respectively, moved and seconded to amend the motion to direct staff to negotiate with OSU to contribute financially to the additional costs of implementation of RPDs, based on the current OSU Campus Master Plan, pages 7-14, "…(OSU is willing to)…participate financially in the implementation of the neighborhood parking districts based on a pre-determined and agreed upon level of support.

Councilor Hirsch said he supported the idea of negotiating with the University in good faith.

In response to Councilor Taber's inquiry, Mr. Patterson said the topic had not been discussed with the Parking and Traffic Work Group.

In response to a concern about making a decision at the Council table for financial support that had not been discussed with the other party, Councilor Brauner said the issue of adding police officers in the original levy proposal conditioned adding an officer if OSU contributed financially. Councilor York's amendment speaks to negotiating with the University and the issue is addressed in the CMP.

Councilor Hogg said he did not necessarily disagree with the sentiment of the motion, but he was not sure attaching it to the parking proposal was appropriate. He wanted to keep the two items separate.

Councilor Brauner said he did not believe the amendment was conditioning the RPD. He said it may be more appropriate to have it as an independent motion after the vote on the main motion. Councilor Brauner said he hoped the University would not take offense at the amendment, as it addressed something that had already been agreed to in the CMP.

Mr. Patterson expressed concern that a conversation about the matter had not yet occurred with OSU.

Councilor York referenced earlier comments from staff and Council about RPD program cost concerns, noting the CMP says OSU is willing to participate. She emphasized her amendment directs staff to negotiate with the University and she believed her amendment and the RPD are tied together. Councilor York said OSU is a tough negotiator and the City can be as well.

Councilor Beilstein said he was interested in OSU paying for some of the services the City is providing to them, including parking, but he did not believe it needed to be included with the RPD action. However, he did encourage the Council to act separately to direct staff to explore OSU paying for part of the RPD.

The amendment passed five to three with Beilstein, Hogg, and Sorte opposing.

Councilor Brauner said he took into account what Mr. Patterson said about surprising OSU, but he did not believe the Council was surprising the University with an action. The direction was not part of an ordinance; rather, Council was asking staff to negotiate with OSU.

Councilor Hirsch agreed the direction was not a demand.

Acting Mayor Hervey recessed from 10:29 pm to 10:39 pm.

The motion, as amended, passed unanimously.

Councilors Hogg and Brown, respectively, moved and seconded to request that USC complete work on the RPD program details and develop implementing ordinances for Council action based on the Council approved RPD design elements.

Councilor Traber said the City was asking OSU's neighbors to bear RPD program costs and he would like to see one free permit per household. Councilor Brown said the fee for parking permits is outlined in financial policies, not the Municipal Code, so it is an independent decision. He welcomed discussion about what would be expected. Councilor Brown said his interpretation of the testimony was that $15 to $20 per year was not far from free, but $100 was too much. He said he appreciated sensitivity to preventing an excessive fee for those in his ward who are affected by the RPD. He said free would be fine with him.

Councilor Beilstein said he did not support action on free permits and he believed $20 was an appropriate permit fee.

Councilor Brauner agreed with Councilor Beilstein. He said if free permits were allowed, he believed those would have to be for owner-occupied dwellings and he was not certain that would be legal. If a free permit was allowed for all addresses, who would the landlord give the permit to? He stated if that was the case, it was probably best to retain the current system.

The motion passed unanimously.

Councilor Brown noted the RPD boundaries are included in the Municipal Code.

C. Administrative Services Committee – March 19, 2014

1. Ambulance Rate Review

Councilor Traber reported the Committee reviewed rates from comparator cities and Corvallis' basic ambulance rate was below the median. The Committee discussed bringing it closer to the median, but 60% of those who use basic ambulance services are Medicare patients whose reimbursement rates are fixed. The remaining 40% primarily included hardship cases such as people who do not have insurance or those with high deductible insurance policies. Given those factors, increasing the rate would not result in more revenue, so the Committee agreed with staff's recommendation to retain current rates.

Councilors Traber and Hirsch, respectively, moved and seconded to retain current ambulance rates for Fiscal Year 2014-15. The motion passed unanimously.

2. Second Quarter Operating Report

Councilor Traber said second quarter finances were as expected.

Councilors Hirsch and Brauner, respectively, moved and seconded to accept the Second Quarter Operating Report. The motion passed unanimously.

3. Council Policy Review and Recommendation: 97-10.01-10.08, "Financial Policies"

Councilor Traber reported modifications to financial policies related to a recommendation from Finance staff and the Investment Council (IC). The policy change strengthens language that fiduciary and policy making responsibility rests with the Council. In addition, it was recommended that review of quarterly investment reports should be assigned to the Administrative Services Committee (ASC), who would then report to the full Council.

Councilors Traber and Brauner, respectively, moved and seconded to amend Council Policies 97-10.01–10.08, "Financial Policies," as recommended and include language to award the investment advisor contract per City purchasing policy. The motion passed unanimously.

Acting Mayor Hervey noted he had served on IC since he became Council President and they had been working from an approved list of 13 companies from which the City might purchase corporate bonds. He said it was not clear to him from the staff report if that list was still in effect or when ASC would be reviewing it if it was in effect. Ms. Brewer said due to staff turnover at the City's investment advisor firm, City staff had just met with the company's new representatives. They will provide staff with lists of both the bond underwriters and commercial paper vendors that meet the City's investment criteria. Staff expected this information would come to ASC with the third quarter operating report, most likely at the second meeting in May.

Acting Mayor Hervey suggested presenting the list of socially responsible investment companies to ASC for approval or rejection, rather than creating a separate policy on socially responsible investment.

D. Other Related Matters

1. Deputy City Attorney Brewer read a resolution authorizing staff to apply for a State Parks and Recreation 2014 Local Government Grant Program for improvements to Dr. Martin Luther King, Jr. Park and Walnut Barn.

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

RESOLUTION 2014-10 passed unanimously.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports – None.

B. Council Reports

Councilor Hogg noted the Spring Garden Festival on May 4 from 9 am to 4 pm in Central Park.

Councilor Beilstein said an HOUR Exchange trading event would be held on April 13 at Old World Deli.

Councilor Brauner said he received many citizen comments at the April 5 Government Comment Corner and he would relay the information to staff for follow-up.

Councilor Sorte said the Public Employees Retirement System (PERS) rate of return last year was 16%, which greatly reduced the PERS debt.

Councilor Traber requested the earlier discussion about Porter Park and shrubbery by the creek at Corvallis High School be assigned as a Council Request Follow-Up Report; Council agreed.

Acting Mayor Hervey said he appreciated the responses he received following his announcement that he would not seek another Council term.

C. Staff Reports – None.

XI. NEW BUSINESS – None.

XII. PUBLIC HEARINGS – None.

Council entered executive session at 10:56 pm.

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 such a disclosure. Council or staff members not able to maintain the Council's confidences were asked to leave the meeting room.

Ms. Altmann Hughes updated Council regarding labor negotiations with the Corvallis Police Officers Association.

XIII. ADJOURNMENT

The meeting adjourned at 10:58 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

To: City Council
From: Dan Brown

April 7, 2014

Subject: Amendments to the RPD Proposal

The proposal brought from USC to the Council differs from previous proposals. It was prepared in haste, and will require further refinement and consideration. Despite months of work, a number of procedural issues slowed our process down, and USC deliberation is not complete.

Like any regulation, this proposal has costs and benefits. In the RPD case there will be real financial and lifestyle costs which will reduce "livability" among those it is designed to protect.

I want the RPD expansion to be as easy on the residents and on the City (costs and bad will) as possible. I am offering up two amendments for this purpose.

Amendment #1 - Petition Process

I move to amend: ***Expansion of the RPD will be accomplished through a petition process involving the affected residents rather than through imposition by the City government.***

(1) I believe that a democratic process will provide a remedy and allow the affected residents an opportunity to sort out the costs and benefits to them personally. This process has been used successfully in the past to expand existing Districts and, in 2010, to add a new one. Imposition by the City will cause lots of citizen complaints.

(2) Simultaneous creation of several new districts will cost a lot of money, hundreds of thousands in one-time costs (creating and planting signs) and hundreds of thousands in continuing annual expenses (paying several new enforcement officers). I wonder where the money will come from. Will the Council find it in the general fund, the parking fund, or through revenue generated by selling expensive permits to residents?

Amendment #2 - Seasonal Enforcement

I move to amend: ***Enforcement of the residential permit requirement will cease during OSU's summer break and during OSU's winter break.***

(1) Although well-intentioned, the guest permit system has a negative impact on livability. Unless it can be accomplished with certainty in less than two hours, it is practically impossible in a RPD to have a weekday shower, kids' birthday party, tea party, etc. Out-of-town relatives who arrive by car cannot visit for two weeks. Grandchildren and grandparents, are nailed with $50 tickets. Residents are especially frustrated during times when there is no good reason for enforcement. Commuter parking is not a problem during the summer months or the winter holidays.

(2) In Corvallis, many landlords require one-year leases, and the turnover is in June. New tenants who rent during the summer must purchase one permit for the end of the last year and a second one on September 1.

(3) Overall, the purpose of this amendment is to improve "livability" through the perceived benefit to cost ratio for residents.

From: A I SUSSMAN <anacapa26@i
Subject: Downtown Corvallis experience
Date: April 5, 2014 10:55:08 AM PDT
To: "joan@downtowncorvallis.org" <joan@downtowncorvallis.org>
Cc: "mayor@council.corvallisoregon.gov" <mayor@council.corvallisoregon.gov>

Hello,

I have lived in Corvallis for 24 years. Yesterday something happened that made realize Corvallis has reached a tipping point; the small town desirability is no longer there.

My daughter and I were enjoying an afternoon downtown. After browsing through Peak Sports, we headed down Second Street. As we crossed Monroe a man on a bicycle began calling out to us. He came onto the sidewalk in front of us, weaving back and forth calling to us. At the point where we walked in front of the hot dog shop another man looked at my daughter and commented on her shirt. (I would like to point out, although it shouldn't matter, that I am a teacher, I dress fairly conservatively and so does my daughter). Meanwhile, the other man went back to the street, still calling out to us. He came up on the sidewalk again in front of Five Star and then rode right next to us as we crossed the street onto the next sidewalk. I grabbed my daughters arm and we turned and walked down Madison. We then turned left on Third street, saw him again, and so ducked into the Inkwell, watching through the window until he left.

I wish I could say this is the only awkward experience I've had downtown, but it's not. Three weeks ago I left the Book Bin to walk to the library. Upon entering the park there was a large group of people on the corner, some of whom called out to me making comments about me, my clothes, and asking me for money.

The end result is, I will not walk along Second Street between Monroe and Madison again. This means I will no longer patronize the businesses on that part of Second Street. But sadly, it means that wandering downtown Corvallis is no longer something that is fun. It's changed. And while I do not enjoy big box stores, I know if I take my daughters to 9th street there will not be men making lewd comments at me or at them.

Irene Sussman

April 6, 2014

Corvallis City Council

RE: Recommendation of the Urban Services Committee to Expand Residential Parking Districts

Dear Council,

Please consider my input as comment on the recommendations being made at the April 7, 2014 City Council Meeting in regards to the Agenda Item being presented by the Urban Services Committee.

When I discovered that I had not received a post-card about the proposed expansion of parking districts, I sought to learn why. Having discovered our neighborhood was not under consideration, I immediately provided input on the issue of the proposed parking districts to each of the Urban Services Committee members as well as to Councilman Dan Brown. I am dismayed to see that the proposal remains in its focus on the originally identified expansion areas. There is irony in the recommendation to "form a ring of districts around the Oregon State University Campus." Right now, the proposal is for a partial ring.

I live on the dead-end of west Jackson Ave. Our roughly 3-block section of Jackson Avenue is bounded by 35th avenue on the east, entirely on the south and west face by OSU agricultural property and the south east face is directly across the street from OSU Family Housing. Our street is already heavily impacted by OSU students, faculty, and staff who park up about ½ or more of our long block on a daily basis. This problem became increasingly acute over the last two years when additional parking lots were removed from the north side of campus and no north side parking was added. Drive ways are frequently partially blocked, cars cruise in and out, turning in driveways to find a spot or way out. I have experienced more than one near miss when returning to the neighborhood after 5 p.m. and having people still leaving the street by making U-turns mid-block.

If the proposed districts as now laid out are approved, our street will become solidly parked---it will be the closest available "free" space on the northwest side of campus. I would anticipate the parking-up will likewise impact Van Buren, one street to the north.

Due to the uniqueness of Jackson (roughly 3 blocks long), we would not meet the proposed criteria of requiring a minimum of 10 block face to create a new district. I have spoken with Jackson St. neighbors and many would like to see us included in District A effective immediately. Other than the request to be included now in District A, I am generally fine with the other aspects of the recommendation to Council. That said, if anyone is questioning the impact of OSU parking on our neighborhood currently, I invite them to come spend a few days observing the parking patterns.

At the very least, please allow our neighborhood to demonstrate now that we wish to be added to Parking District A; it would significantly improve the safety and liveability of our section of Jackson. Thank you for consideration of my request.

Sincerely,

Stella M. Coakley

Corvallis, OR
Coakley.sm@
541-

Holzworth, Carla

From: Gibb, Ken
Sent: Monday, April 07, 2014 3:25 PM
To: Holzworth, Carla
Cc: Patterson, Jim
Subject: FW: Communication and collaboration Downtown Commission (DTC) and the Central Park neighborhood Association (CPNA)

Carla, could you please make copies of this for the CC as requested. Thanks.

-----Original Message-----
From: Kenton Daniels [mailto:kentonofbenton@
Sent: Monday, April 07, 2014 11:39 AM
To: Gibb, Ken
Cc: Courtney Cloyd; Michael Pope; Garry Stephenson; Roen Hogg
Subject: Communication and collaboration Downtown Commission (DTC) and the Central Park neighborhood Association (CPNA)

Good morning Ken. I'd like to express some concern that I think many in the Central Park Neighborhood Association share. We would have appreciated some communication from someone either on the DTC or City staff that a recommendation to change the proposed parking district in our neighborhood to exclude 6th St. was being considered. I know that the President of the CPNA, Courtney Cloyd, will be submitting a letter to the City Council today opposing any such change.

We would have appreciated the opportunity to have met with the DTC before they took this step, or to at least have been contacted and told that the recommendation was in the works. Eliminating 6th St. from the parking district would have serious implications for persons living on 6th St., some of whom have either no off street parking or very limited options. For myself, I think it is inappropriate for part of our neighborhood to be considered as a parking lot for downtown employees any more so than for OSU employees or students. The way this has transpired lacked adequate transparency and is a small example of inadequate community member participation in the City's decision-making process.

I am probably going to be unable to attend the City Council meeting tonight, so I would appreciate your sharing my email with the Council. Thanks for everything you do for our community,

Kent Daniels

Holzworth, Carla

From: Ward 3
Sent: Monday, April 07, 2014 3:22 PM
To: Holzworth, Carla
Subject: FW: Assigned-Parking Space Model

Ditto, for our places tonight.
Richard

From: Jeff Hess [mailto:jeffhess100@
Sent: Monday, April 07, 2014 12:49 PM
To: mayorandcitycouncil@corvallisoregon.gov
Subject: Fwd: Assigned-Parking Space Model

In consideration of neighborhood parking districts I'd like the council to consider alternate models to the status quo. Below is one example (there were a number brought to the Collaboration WG which were not forwarded-on but the reasoning was not documented anywhere so it's unclear what, if any, consideration was given). Contemporary decision analysis tools used in private industry for some time now focus on comparing benefits and costs of options prior to making a decision but the approach below was shot down by city staff based on a "problems-only" analysis whereas even cursory brainstorming by city staff would have likely remedied the primary problem their analysis raised (essentially there are streets where there is no parking allowed and where would homes on that street get to park? A- same place they will with status quo approach, a different street). My feeling is that so much time had already been spent on the status quo idea that by the time this idea came before the urban services committee there was a significant push not to look outside the box resulting in quick dismissal of new ideas with no benefit analysis performed and minimal brainstorming. This is probably even more so the case now as we've continued to invest more and more resources into the status quo approach. At a minimum I'd ask the council to consider a permit allocation scheme based on street frontage for each property (i.e. if you have on street parking in front of your lot you get parking permits for those sites {up to two max}). This would equitably distribute parking permits based on how you've developed your property and place appropriate value on on-street parking from the developers perspective (currently there is no incentive to leave on-street parking in place and most sites rely on adjoining properties not developed to extremes for their on street parking). Additionally, this approach links the number of permits allocated to developments as they occur producing a system that is self-regulated (using the currently proposed method of permit allocation the city will have to step in periodically and lower the number of permits issued in each district as new development continues to occur and consumes on-street parking).

regards,
jeff hess

---------- Forwarded message ----------
From: **Jeff Hess** <jeffhess100@
Date: Fri, Oct 11, 2013 at 10:10 AM
Subject: Assigned-Parking Space Model
To: ward3@council.corvallisoregon.gov, "ward2@council.corvallisoregon.gov" <ward2@council.corvallisoregon.gov>, city.manager@corvallisoregon.gov

Councilor Brown asked for more information about the idea I've been proposing at the last few urban services committee meetings which I've written below. The implementation strategy I've outlined is but one of many

ways to do this and shouldn't be held to too much scrutiny as what I'm proposing is to examine what advantages attainable by designing an address-specific parking space system, then (if advantages are compelling), brainstorm ways to achieve it.

Potential advantages of an Assigned Parking Space Enforced on a Complaint Basis model *relative to the current parking district model*:

- **Much easier sale.** Consider this: "in exchange for your permit fee you get a guaranteed parking spot in front of your house" instead of "in exchange for your permit fee you *may* be able to park *within blocks* of your house". Parking in front of your residence is worth significantly more than parking in your district. And, because this approach should prove significantly less expensive (see below) the permit fee should be much lower.

- Assigned parking spaces **ends "space patrolling"** where vehicles cruise within district looking for a site, **returns livability to neighborhoods**.

- **No district boundaries** or interactions - simpler system.

- Complaint enforced should be **significantly less expensive** to enforce as no roaming vehicles are utilized and no permits are printed/issued/maintained.

- Complaints are much more likely to result in a ticket/fine producing **increased efficiency in enforcement** time (reduced FTE).

- The increased likelihood of getting a ticket in a complaint based model should **reduce the number of infractions**.

- Complaint enforced model allows visitors and service vehicles access with **no special permit needs (for properties with on-street spaces)**.

- Complaint enforced model allows neighbors to work together in forming **parking communities** (parking for neighborhood events, visitors, etc.).

- **Equitable distribution of on-street parking**; as it provides each property with the number of on-street parking sites they would have access to if all adjacent properties were developed the same way they did.

- **Evolves with city development** resulting in less maintenance of districts and saves city staff time; alternate proposals of permit/kitchen will need to be periodically adjusted as districts see further development, this approach links the number of on-street "permits" to the number of on-street sites.

Motivation: Contemporary studies* show that the greatest way to promote alternate transport use is by making parking difficult/expensive. This is primarily achieved using a destination-based model: If you're driving to a business, the business provides parking space for you and if you're driving to a house the house provides a parking space for you...placing the cost of parking spaces on the traffic originators.

How it might be implemented:

For a typical street; parking sites are painted along the length of the street. Each property with a space in front of it has the right to park in that space (or they can let visitors or service vehicles park in that spot), up to a maximum of two spaces. Left over sites might be assigned to: Community service vehicle use, Community visitor space (with 2 hr limit), assigned to properties with high bedroom/off-street-parking ratios, other uses.

Each property owner is given a UUID (unique identifier) only they know. This UUID is required to initiate a parking enforcement response. Parking enforcement responds to complaint, ticketing (or towing) the offending vehicle identified in the complaint.

* http://www.tlcminnesota.org/pdf/mythoffreeparking_PUBLIC.pdf

Finally, thanks for all the work you're putting into this problem. No solution will be free of faults but continuing to not take action only increases the amount of pain that will ultimately be felt when districts are put in place.

Best,
Jeff Hess

Holzworth, Carla

From: Ward 3
Sent: Monday, April 07, 2014 3:20 PM
To: Holzworth, Carla
Subject: FW: Comments on Urban Services Committee's Residential Parking District Proposal

Carla,

Just in case you aren't reading Julie's email, while she is out of town, could you put this email at our places tonight?

Richard

From: C Cloyd [mailto:cloydjc@
Sent: Monday, April 07, 2014 12:10 PM
To: mayorandcitycouncil@corvallisoregon.gov
Subject: Comments on Urban Services Committee's Residential Parking District Proposal

Mayor Manning and Councilors,

The Central Park Neighborhood Association (CPNA) supports the Urban Services Committee's (USC) proposal to expand Residential Parking Districts (RPD), as summarized in Public Works Director Mary Steckel's March 28, 2014 memorandum. We do, however, have two concerns to bring to the Council's attention.

Residents on both sides of 5th and 6th Streets between Jefferson Avenue and Western Boulevard currently find it difficult to park near their houses because weekday commuter parking largely takes up on-street parking. Some of the houses in this area were built in the early 1900s without off-street parking, making on-street parking a necessity. If this area is not included in Parking Zone "F", it will be practically impossible for residents or visitors to find parking.

CPNA urges City Council to avoid this looming problem by taking these actions:

1. **Move the proposed eastern boundary of USC's Zone "F" to the west side of 5th Street from the south side of Jefferson Avenue to Western Boulevard, which is within a block of the original Collaboration Corvallis study area boundary.**
2. **Reject the Downtown Commission's recommendation to exclude 6th Street from RPD Zone "F". Metered parking in residential areas does not contribute to livability, and would inconvenience Central Park and Library visitors.**

Thank you for considering these actions, and for your contributions to Corvallis.

Courtney Cloyd, President
Central Park Neighborhood Association

Oregon Department of Transportation

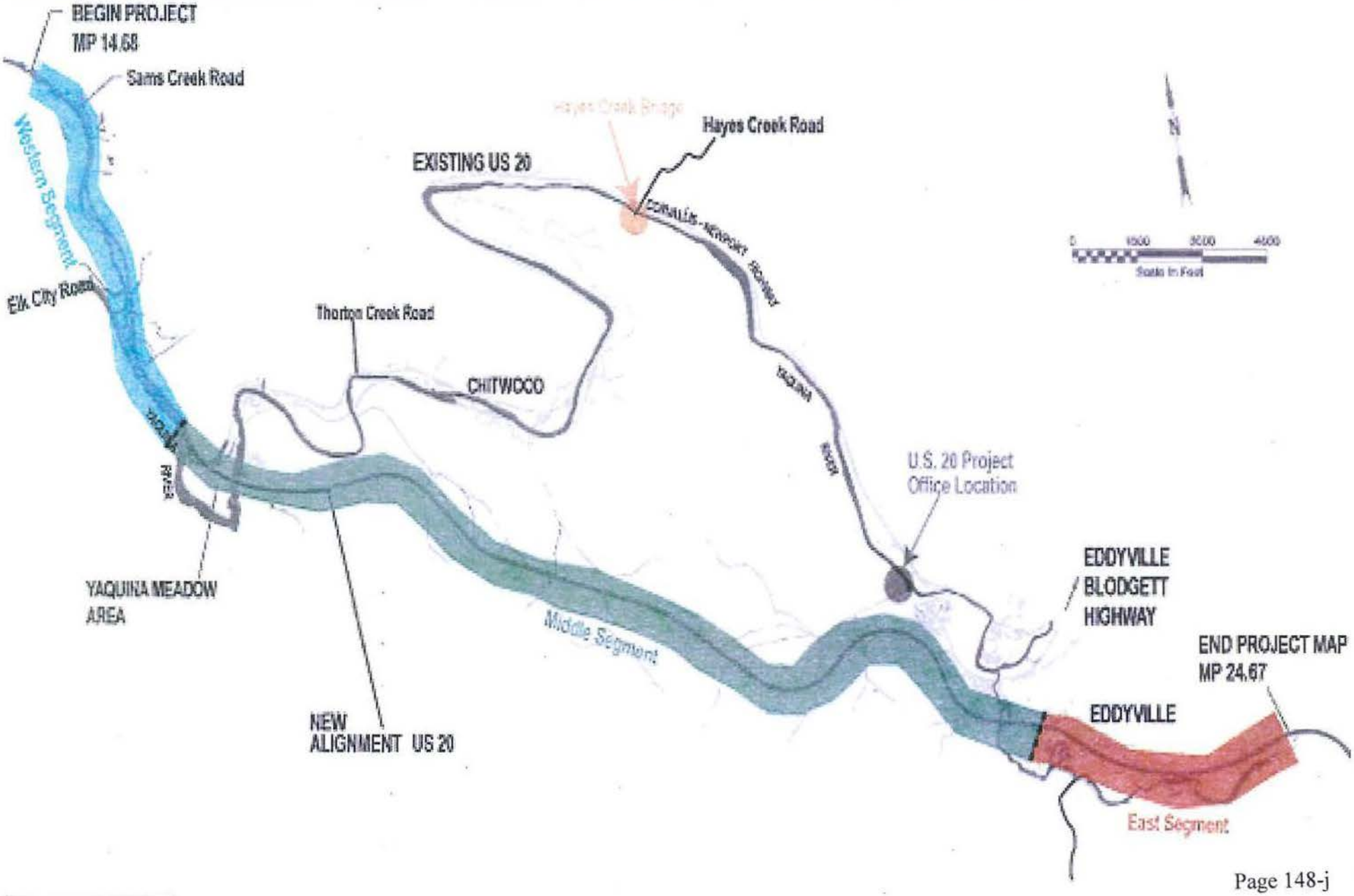
US20: Pioneer Mountain – Eddyville

Update

Winter/Spring 2014

Jerry Wolcott, Project Leader

Oregon Department of Transportation



Oregon Department of Transportation

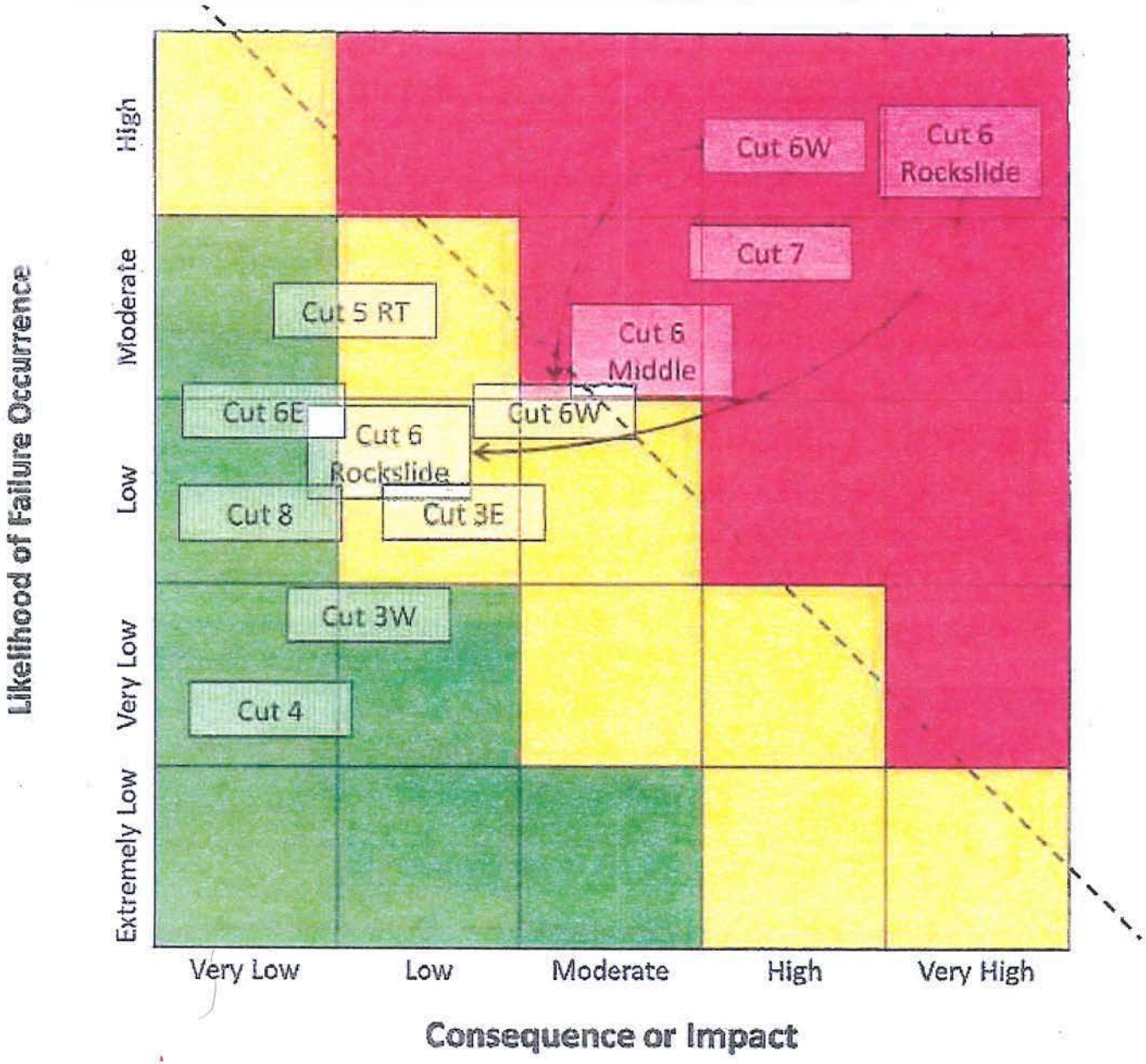
The Big Picture

- The landslide activity is big. Really big.
- It rains there. A lot.
- The rain raises the water table and makes land masses slide faster.
- Therefore, the plan is to channel and drain the water, and stack up large amounts of rock to buttress against the slides.
- We are also using toe keys and ground anchors to stabilize

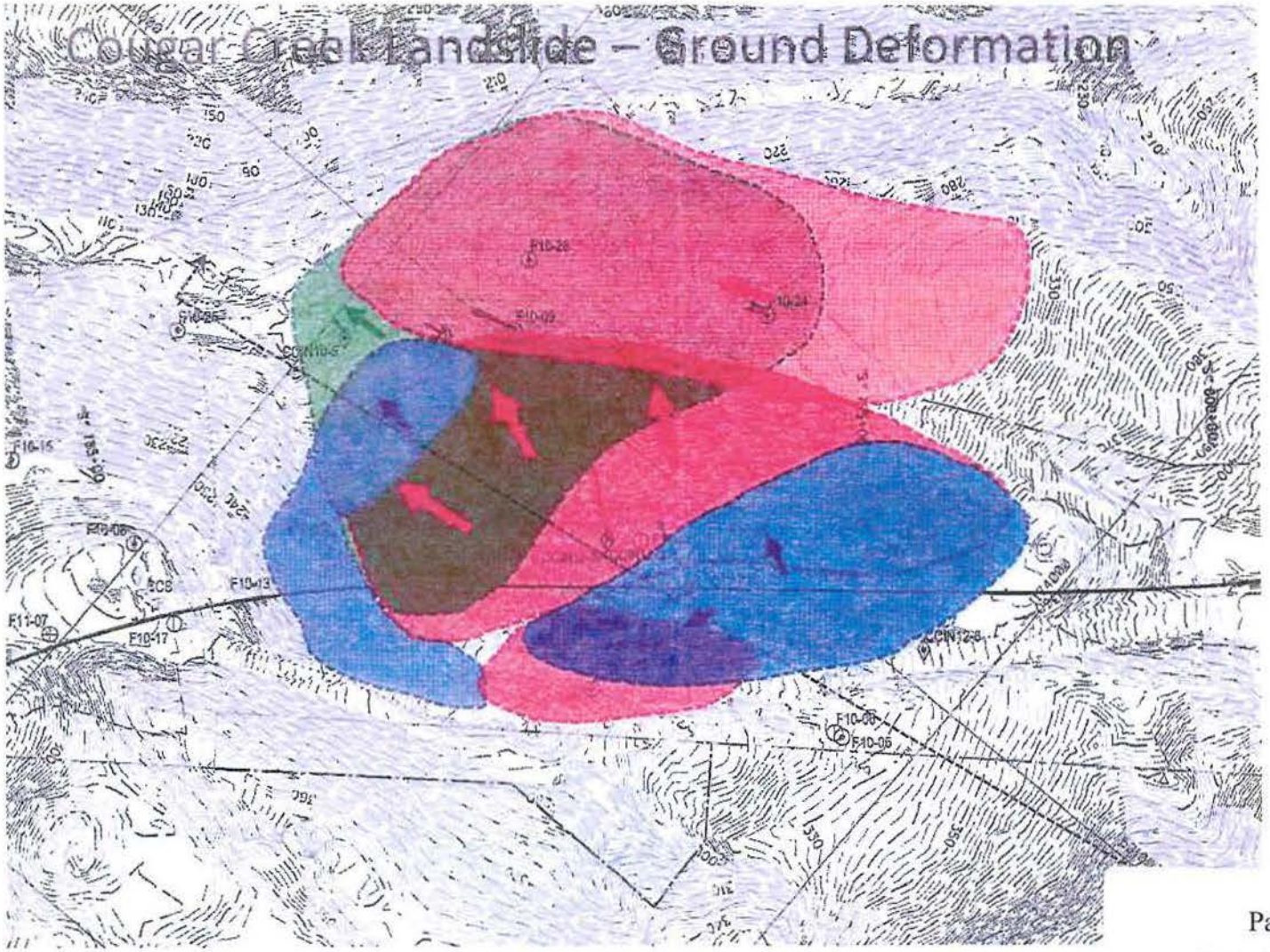
Oregon Department of Transportation

Oregon Department of Transportation

Oregon Department of Transportation

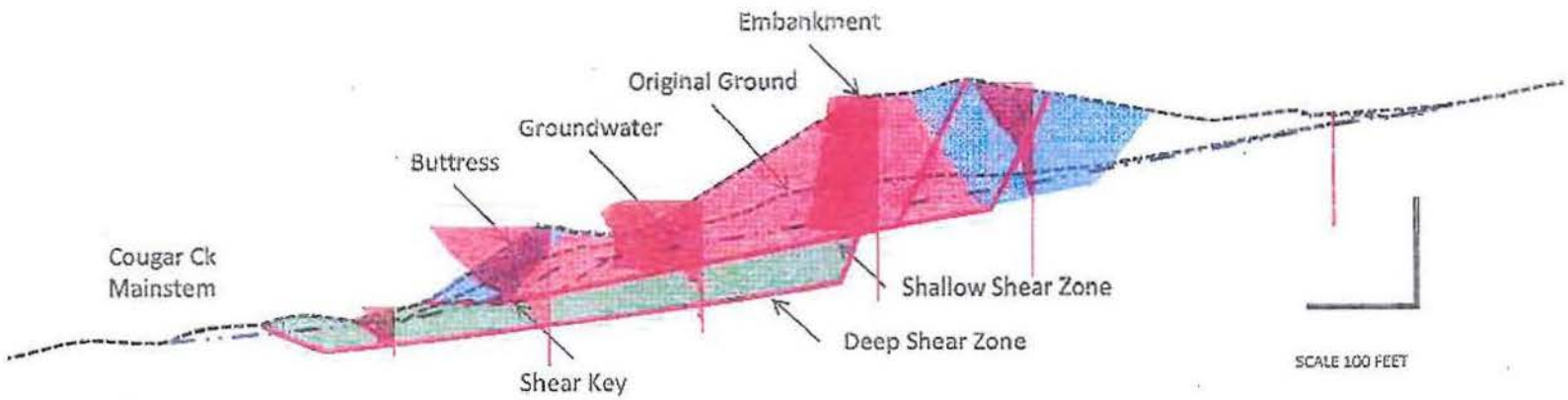


You can't fix the problem until you truly understand the issue.



Understanding the problem, (cont.)

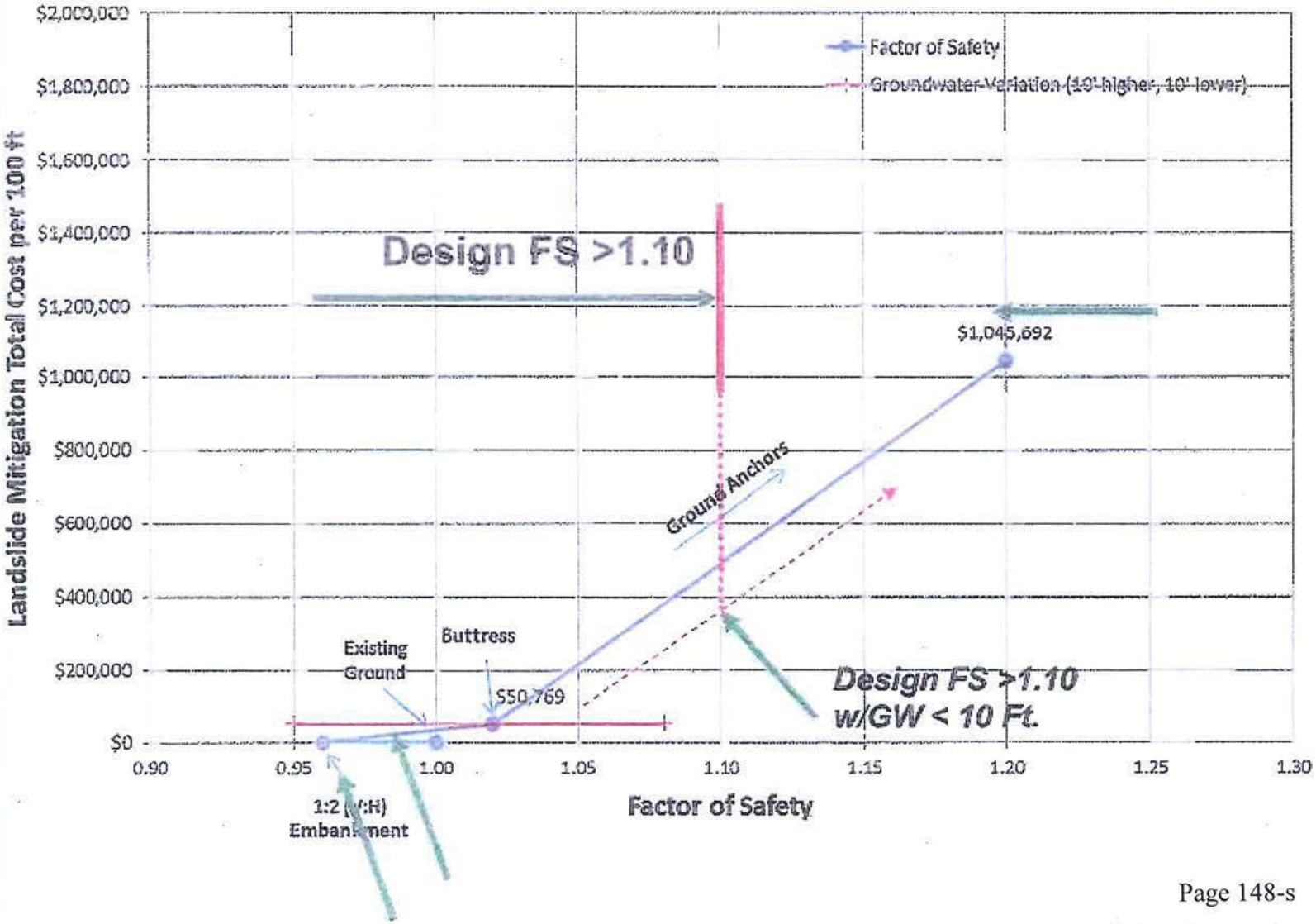
Cougar Creek Landslide – Analysis Section



At what point do you say, that's enough, this fix is good?

- When it's safe
  - Low risk of catastrophic failure
- Maintainable
  - Still may be some movement in some areas.
- To stop all movement is cost-prohibitive

Eddy Creek Trib C along Mainstem
(Trib. C Confluence to Trib. D)



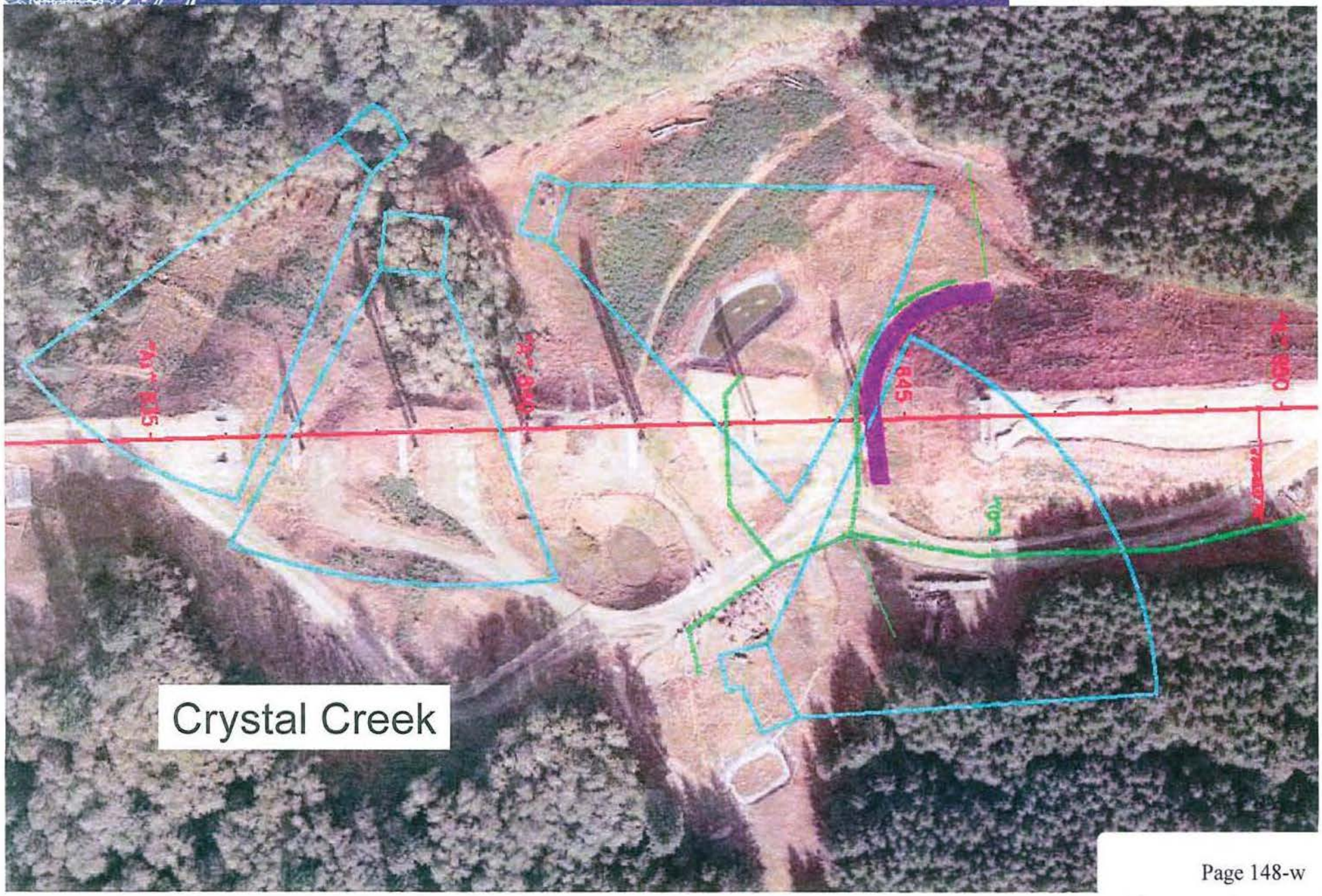
Solutions...based on conditions at each cut/fill

- Horizontal drain
- Trench drain
- Blanket drain
- Buttress
- Key
- Ground anchor

Horizontal drain installation

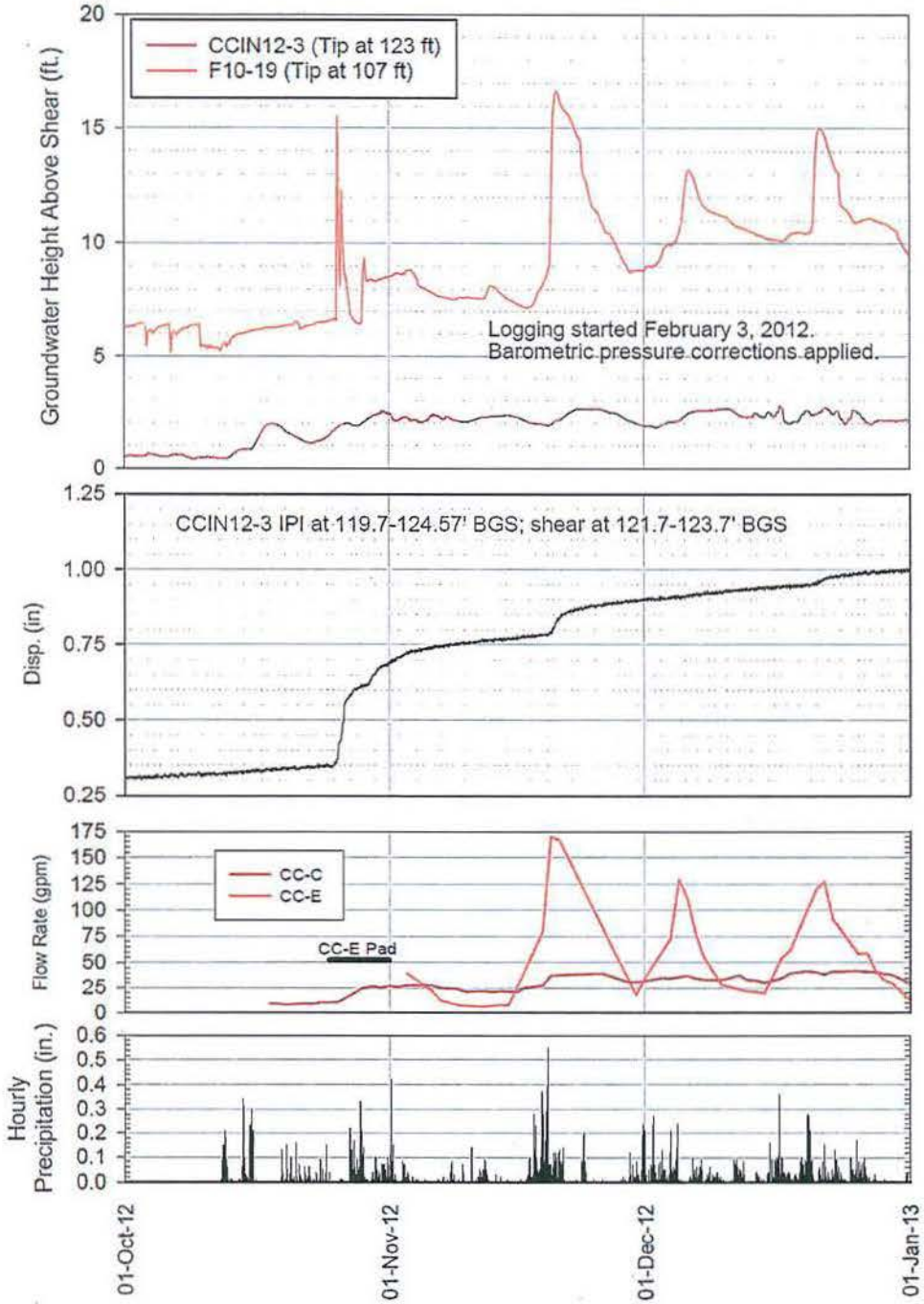
Oregon Department of Transportation

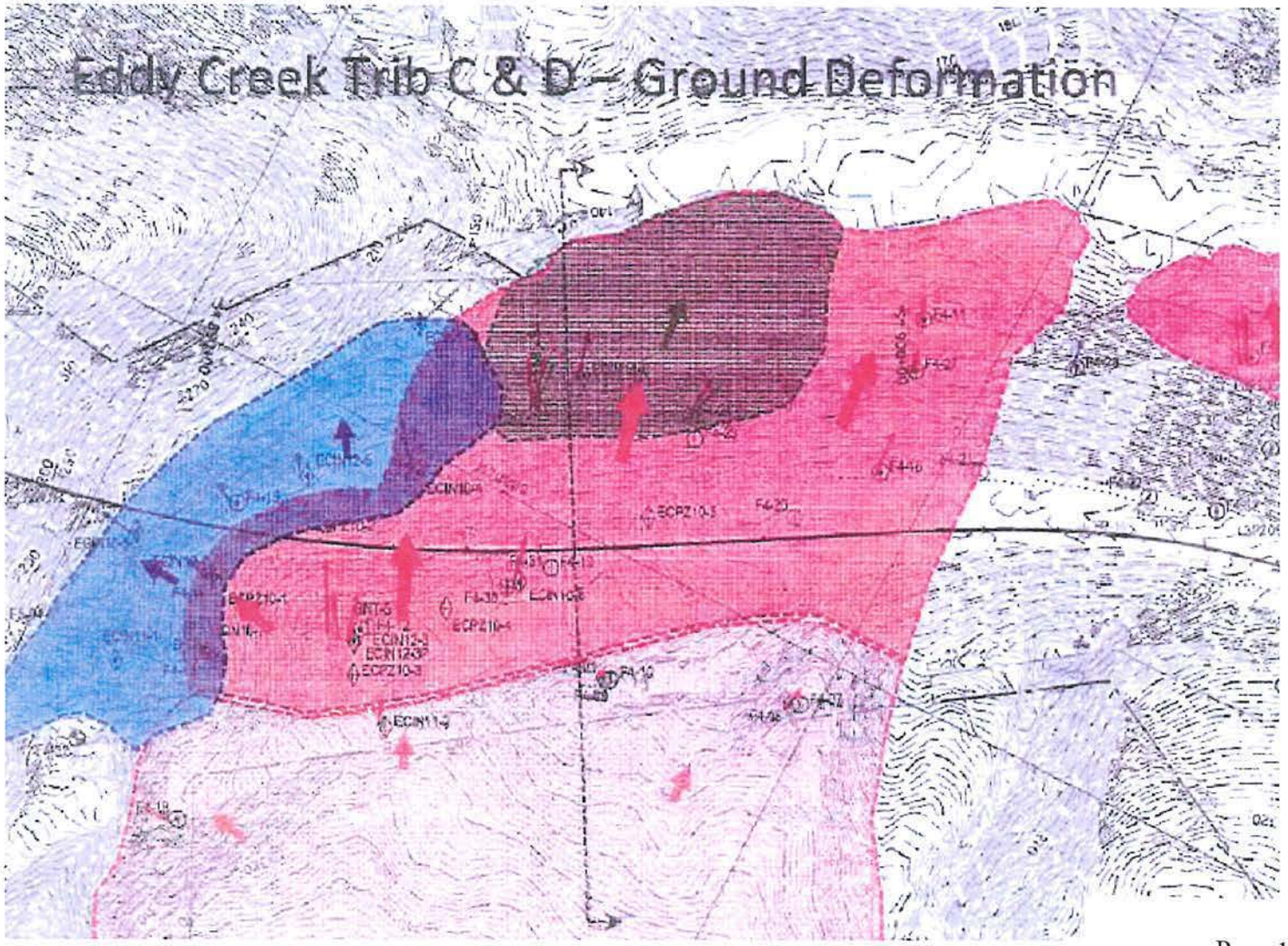
Oregon Department of Transportation



Oregon Depart

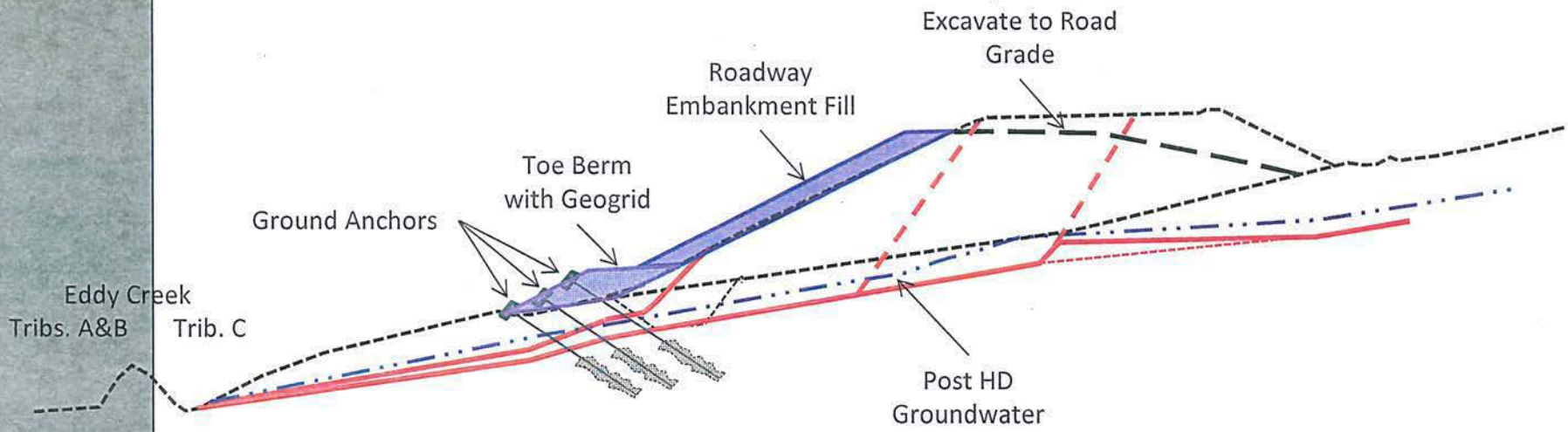
Inclinometers,
groundwater
and
slide movement




Eddy Creek Trib C & D – Ground Deformation

3D Graphic of Eddy C drainage

Eddy Ck Trib C – Phase 3 Design



Ground Anchors

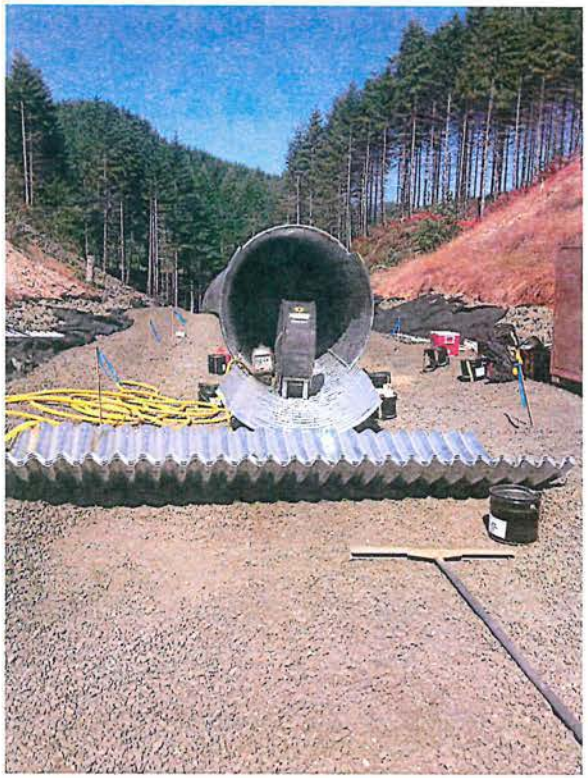
What's happened recently (Summer 2013)

- **Phase 2**
  - Horizontal drain drilling (total 90 miles)
  - Trench and blanket drain installation
  - Culvert installation (four, 590-850')

- **Phase 2a –**
  - Safety improvements

Completed on time and on budget

Culvert pipe installation



Phase 2a: Construction of Curve Improvement, new signs and striping

East end curve (Phase 2a)

Timeline

- Phase 1 – Structure demolition, trench drains and horizontal drains (2012/2013, Completed)
- Phase 1A – Horizontal drains, blanket drains, and instrument preservation (2013, Completed)
- Phase 2 – Culverts, embankment foundations, underdrains, horizontal drains (2013, Completed)
- Phase 2a – East end curve realignment (2013, Completed)
- Phase 3 – Earthwork, ground anchors, buttresses (2014/2015)
- Phase 4 – Subgrade, pavement and roadway (2016)
- Phase 5 – Environmental Mitigation (2014-2015)

Why so many phases? Faster, less expensive, provides opportunities for smaller local contractors

So...what does it look like now?

Cougar Creek

Cut 6, east

Cut 6

Oregon I

Eddy C

Oregon Department of Transportation

Crystal Creek

Questions?

For more information:

- **Public Information Office: Rick Little (541) 726-2442 richard.little@odot.state.or.us**
- **Project Leader (Development): Jerry Wolcott (541) 757-4164 jerry.o.wolcott@odot.state.or.us**
- **Project Manager (Construction) Steve Schultz (541)757-4156 steven.schultz@odot.state.or.us**
- **Ass't. Project Manager (Construction) Jaime Viramontes 541-757-4280 jaime.viramontes@odot.state.or.us**

For Email updates, sign up at the web site:

www.us20pme.com

To the City Council,

When I looked through my copy of the Land Development Code I found it very difficult to read. I realized that all city documents are in Arial, which is not an easy font to read. It is a san serif font, which has no curly cues. The up and down lines are more difficult for the eyes to follow. The LDC is inhibiting enough without making it more difficult to read because of the font. The LDC does not encourage citizen participation because of the font in which it is written.

If you notice, newspapers and other media are still using Times or Times New Roman fonts for their printing. When desktop computing became part of our lives people experimented with using a variety of fonts. I understand that the city chose to have a uniform font for all documents and communication, rather than everyone using something different. I agree with that. Consistency is more professional. Note the curly cues in this font. They break up the up and down lines and are easier to read.

Recent research has shown that the federal government could save money by using Garamond. Garamond is still a serif font, but not available on my e-mail program.

Which of the above paragraphs is easier for you to look at? How did your eyes feel when you read the second paragraph? Should the city consider using a serif font for all documents rather than a san serif like Arial? There is research that claims Arial is best for computing, but I think the city should do some resesarch as to which font should be used for its published documents.

Louise Marquering

Corvallis
541-

Corvallis Healthy Living & Sports Expo
April 12, 2014, 10am-3pm at the Boys & Girls Club

1112 NW Circle Blvd, Corvallis

Corvallis Chamber of Commerce

BOYS & GIRLS CLUB OF CORVALLIS

FREE!

- Health Screenings
- Advice
- Exhibitor Booths
- Interactive Demonstrations
- Presentations
- Food Samples

1 of 10 speakers:
Balz Frei of the Linus Pauling Institute
Should I Take a Multivitamin?

**For more information on sponsorship opportunities and participation, please contact the Corvallis Chamber of Commerce at (541) 757-1505 or visit*

THE SUE LONG TEAM

MUELLER IMPLANTS & PERIODONTICS

Nutritional Healing Center

TIMBERHILL ATHLETIC CLUB

MID-WILLAMETTE KELLERWILLIAMS

The Corvallis Clinic

MyFoot Supplies.com

HERESCO CHIROPRACTIC AND ASSOCIATES

Residential Parking District Program Proposal

City Council Presentation
April 7, 2014

Program Goal and Objectives

- Goal – Improve neighborhood liveability
- Objectives –

  Combined with OSU on-campus parking changes
  - Reduce non-resident parking
  - Reduce traffic in neighborhoods
  - Encourage use of alternative transportation

Project Timeline

- Collaboration Corvallis — November 2011
- Parking and Traffic Work Group — April 2012 - March 2013
- Urban Services Committee — August 2013 - present

Public Outreach

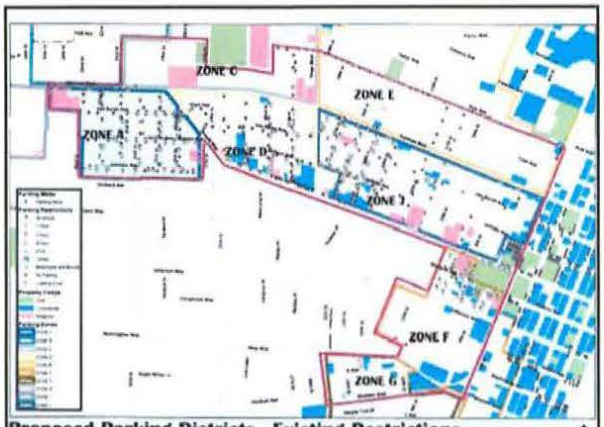
- Collaboration Corvallis
  - Kick-off, Senior Center, November 16, 2011
- Parking and Traffic Work Group
  - Public Workshops

    Senior Center, April 9 and 24, 2012
    LaSells Stewart Center, May 15, 2012
    Madison Avenue Meeting Room, February 7, 2013
- Urban Services Committee
  - Eleven Meetings

    From August 2013 to March 2014
  - Postcard Mailing – 3,300

Program Elements

- Seven districts – expanded
  - Formed by City Council decision
- Two-hour parking once per day – no change
- Permit-only blocks – new
  - Where parking exceeds 90% of capacity
- Restrictions enforced – no change
  - All year, Monday through Friday, 8 am to 5 pm



Proposed Parking Districts - Existing Restrictions

Program Elements

- Resident permits
  - Valid for one year in one district, not transferable
  - Allocated on lot size; one per 2,500 sq. ft.
    - Minimum of two
- Visitor permits – changed
  - Valid for one year in one district, transferable

Program Elements

- Employee permit – changed
  - Valid for one year in one district; transferable
  - Allocated on office space; one per 400 sq. ft.
    - Minimum of two
- Service Provider permit – new
  - Valid for one year in all districts
- Non-resident permit – no longer in program

Future District Formation/Expansion

- Follow land use zoning
- Formation requires 10 block face minimum
- Expansion can be smaller
- Initiated by neighborhood
  - Petition signed by 50% of property owners
  - Parking exceeds 70% capacity in OSU fall term
- Exception

Why All Year Enforcement

- Eliminates confusion; sets consistent expectations
- Summer-term students and students that come back in advance of the academic year
- Part-time enforcement employment problematic
  - Training requirements are extensive
- Full-time employment/academic year enforcement means personnel expenditures supported by General Fund

Program Financial Assumptions

- Permit fee revenue sufficient to offset all program administration costs
- Permit fee revenue sufficient to offset a portion of enforcement costs
- Citation revenue sufficient to offset a portion of enforcement costs

Annual Financial Projections

EXPENSES

• Enforcement	$350,000
• Administration	$20,000
• Maintenance	$25,000
• Municipal Court	
– Impact unknown	

REVENUES (*estimates based on broad assumptions*)

• Citations	$290,000 - 410,000
• Permit sales	$15,000 - 35,000

To Meet Implementation Date...

- Enforcement
  - Nine months for recruitment and training process
  - Start by January 2014 to meet implementation date goal
  - Decisions needed to proceed—district boundaries, type of parking restrictions, desired enforcement level
- Signage
  - Five months to secure contractor, create signs and install posts
  - Start by April 2014 to meet implementation date goal
  - Decisions needed to proceed—district boundaries, type and location of parking restrictions
- Permits
  - Two months to design and produce permits
  - Start by June 2014 to meet implementation date goal
  - Decisions needed to proceed—permit categories, number of districts, allocation method to estimate quantity

AIRPORT COMMISSION
MINUTES
April 1, 2014
DRAFT

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

Staff
Dan Mason, Public Works

Visitors
Ty Parsons
Jack Mykrantz

Absent
Todd Brown, excused

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Open Meeting, Introductions	X		
II. Review of February 4, 2014 Minutes			Approved
III. Visitor Comments			N/A
IV. Old Business • None			N/A
V. New Business • None			N/A
VI. Information Sharing • Update on the Airport Industrial Park • Update on the Airport • Update on the City Council • Monthly Financial Report	 X X X 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 Zoeller moved to approve the February 4 minutes. Commissioner Dean seconded the motion and the minutes were approved unanimously.

III. Visitor Comments

None.

IV. Old Business

None.

V. New Business

None.

VI. Information Sharing

Update on the Airport Industrial Park

Mr. Mason reported the following:

- 2 Towns Ciderhouse has moved their equipment in.
- A water pipe in 480 Airport Avenue sprung a leak in the ceiling during the recent freezing temperatures. The estimate for repairs to plumbing, drywall, and insulation is more than $5000. This building has not been leased for over a year. If anyone is interested in leasing the building, it can be repaired in a couple weeks. The long-term plan is to lease the three-acre parcel the building sits on to someone who would tear the building down. Commissioner Woods asked Mr. Mason to check into the possibility of using the building for a burn-to-learn by the Corvallis Fire Department. There was general discussion that the building is an eyesore and the land would be more marketable without the building.

Update on the Airport

Mr. Mason reported the following:

- Weeds growing in the cracks on the main runway have been sprayed. Staff is working to keep all of the drains and ditches clear of vegetation and debris.
- Engineering staff is working on environmental approvals and pre-design for the FAA funded cargo access road project.
- Staff applied for Connect Oregon V grant funds for a cargo apron, but the request is ranked at Tier 3 and only Tier 1 projects are expected to be funded this time.
- Staff has completed the first stormwater sampling under the new stormwater permit. The results are all below benchmarks, indicating low pollutant levels.
- A coyote and a bald eagle were observed on the south closed taxiway, about half a mile from the active runways.
- Eric Dapp submitted the building permit application for his new hangar.

The Commission discussed whose responsibility it should be to install utilities for building projects at the Airport, either the tenant who is building/developing or the Airport as the owner. There was a long discussion about the costs to extend these utilities to the east side of the airport hangar complex. It was agreed that it would be premature for the Airport to extend services

before there is a need. Mr. Mason noted that if a large project on that side can be secured, then staff would look at working with the developer to make those infrastructure improvements which could be funded, in part, by the increased revenue to the Airport Fund.

Update on the City Council

Councilor Traber provided an overview of the history and current status of the work of the Public Participation Task Force. It was formed in response to a goal established by the City Council. One of the charges of the Task Force was to look for possible efficiencies in the boards and commissions structure and to address gaps that may exist. To that end, a draft recommendation has been developed that examines the possibility of combining some of the existing commissions. Councilor Traber emphasized that this is still preliminary and that a more complete draft document will be available for review in the next week or two. The Task Force will be holding a public meeting at the Library on Monday, April 28, from 6:30 p.m. – 8:30 p.m. Councilor Traber encouraged the Commissioners to review the draft recommendations when they become available and to be involved in the process. Commissioner Parsons opined that there are advantages to having more focused commissions and that one effective tool that has been used in the past are occasional joint meetings of various commissions when this interaction is important to mutual interests.

Monthly Financial Report

Mr. Mason noted that the report now includes the audited numbers for fiscal year 12-13's operating budget.

The meeting was adjourned at 7:59 a.m.

NEXT MEETING: May 2, 2014, 7:00 a.m., Madison Avenue Meeting Room

THE COMMISSION FOR MARTIN LUTHER KING, JR
MINUTES
March 18th, 2014

Present
Jasper Smith, Chair
Esmeralda Reyes, Vice-Chair
Megha Shyam
Joseph Orosco
Chareane Wimbley-Gouveia

Council Liaison
Bruce Sorte, Ward 7

Absent
Luis Rosa
Roni Sue
Marna Claywoman

Visitors
None

SUMMARY OF DISCUSSION

Agenda Item	Action Recommendation
I. Approve minutes	February minutes approved with the correction that Bruce Sorte was present.
II. Discussion of Charge	See discussion record below
III. Event Update	Harvest of Empire will be shown April 4th at 7 PM at the Corvallis-Benton County Library.
IV. Other business	Discussed request from Corvallis Police Department to review training materials. Commission agreed to review materials for CPD.
V.	
VI.	

CONTENT OF DISCUSSION

Discussed and shared recommendations in from the Public Participation Task Force. The commission agreed that we have a unique mission that should continue to have its own commission and our work could not be adequately subsumed under a broader diversity board. The goal should be to increase diversity on all the boards and commissions not just to have a diversity board. See discussion below.

Accomplishments in the past year:

- Presentation from Teryl Ross on diversity trends and issues in Corvallis.
- Completed kiosks for MLK Park.
- Put up posters in kiosk as temporary display until permanent display can be implemented.
- Community discussion on progress towards Dr. King's dream 50 years after the "I Have a Dream" speech.
- Successful essay contest with a large number of applicants and four scholarship recipients.
- Well-attended MLK holiday event with John Hunter and World Peace Game film.

- Partnered with OSU on our main event.
- Made connections with NAACP and Lonnie B. Harris Black Cultural Center.
- Screening of Harvest of Empire upcoming.
- Community picnic and recognition of community diversity groups planned for the summer.

Discussion of possible ideas related to our charge (further discussion for April meeting):

- Coordinate with city and community groups.
- Develop MLK Park as a resource for promoting diversity and goals of Dr. King.
- Promote inclusion of diverse people and communities within Corvallis.
- Educate around diversity, economic justice, social justice, and nonviolence.
- Pursue nonviolent solutions to economic and social injustices in Corvallis.
- Help overcome racism, violence, and poverty in Corvallis.
- Use the MLK holiday as an opportunity for education and gathering the community.
- Work with community groups such as NAACP and CLUBC to facilitate and advocate for their perspectives with the city.
- Advise city on impacts of decisions on communities.
- Issue a diversity report on the status of issues in Corvallis and make recommendations for improvement.
- Hold a diversity summit to convene community groups and individuals to assess issues and make recommendations.
- Gather and present information
- Partner with OSU around MLK celebration events.
- Serve to convene, facilitate, and educate around nonviolent solutions to social and economic challenges.
- Provide an annual report to the city on our activities.
- Provide mini-grants to community groups.
- Share information among city and community groups.
- Possible connections with City Club of Corvallis, churches, OSU Office of Civic Engagement.
- Review city policies and procedures for impacts on communities.
- Help prepare city for the changing demographics of the future.

Other issues to discuss:

- We discussed what might be the appropriate connection point with the city. We are currently under Human Resources and though there is personnel experience on the commission, it is unclear if this is the best place for the commission and its expertise has not been called upon. It might make sense to have the Mayor or City Manager's office as the connection point. The current structure does not seem to optimize the contributions the commission can make to the city.
- We discussed that to pursue some of the initiatives that could be within our charge, that more time might need to be committed to commission business. Commissioners already put in time outside of commission meetings for events and other activities, but this might increase and meeting time might also need to increase.
- We discussed confusion over our name. We are sometimes the Dr. Martin Luther King, Jr. Commission and sometimes the Dr. Martin Luther King, Jr. Commemorative Commission. We discussed a desire to clarify and perhaps simplify our name. We

discussed a desire to honor the role of Coretta Scott King as well as Dr. Martin Luther King, Jr. in the work and the legacy that is honored. Coretta Scott King did a great deal of work alongside Dr. King and is primarily responsible for creating the King legacy. We discussed some variation of The King Legacy Commission and a possible name change.

- If the Public Participation Task Force's recommendations are accepted, we would need to figure out our relationship to some broader Diversity Board that may cover some but not all the scope of our work.

CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
March 5, 2014

Board Present	Staff Present
Scott Elmshaeuser, Chair	Carolyn Rawles, Library Director
Jacque Schreck, Vice-Chair	Carol Klamkin, Management Assistant
Jennifer Alexander	Andrew Cherbas, Extensions & Technology Manager
Katherine Bremser	Mary Finnegan, Adult & Youth Services Manager
Martha Fraundorf	Lori Johnston, Circulation Supervisor
Paula Krane	Felicia Uhden, Access Services Manager
Cheryl Maze	Linda Hart, Senior Administrative Specialist
Linda Modrell	
Jana Kay Slater	
Steve Stephenson	
Sravya Tadepelli	
Excused:	
Hal Brauner	
Isabela Mackey	**Visitor**:
	None

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Action
Call to Order	7:30 pm	
Visitors' Propositions		None
Minutes: February 5, 2014		Approved as submitted
Library Board Packet	x	
Library Board Sub-committee Discussion		Chose 3 items to work on
Director's Report	x	
Budget Discussion	x	None
Division Manager Reports	x	
Renaming of Victor Brookes Reading Room		Recommended change to Martha & Victor Brookes Reading Room
Council Policy Reviews	x	
Board Reports • Friends of the Library Board • Foundation Board	 x x	
Information Sharing	x	
Adjournment	8:57 pm	

CONTENT OF DISCUSSION

I. CALL TO ORDER

Chair Scott Elmshaeuser called the meeting to order at 7:30 pm.

II. VISITORS' PROPOSITIONS

None.

III. APPROVAL OF MINUTES

Motion: Jacque Schreck moved approval of the February 5, 2014 minutes as submitted. The motion was seconded by Jana Kay Slater and passed.

IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

The letter from Mary Willett was discussed. Carolyn Rawles has responded to Ms. Willett personally. She explained she has asked for police walk-throughs, which seem to be helping to alleviate the situation. There are still a lot of sleepers in the Library, so many upholstered chairs have been removed to discourage this activity. Corvallis Police Department is developing a tactical action plan in response to complaints from area merchants to enforce behavioral laws downtown. Carolyn said late afternoons and Saturdays are the times the Library has the most problem, and this is when the Police are doing their walk-throughs. They sometimes find people they have been looking for, so it is beneficial for everyone.

V. LIBRARY BOARD SUB-COMMITTEE DISCUSSION

Scott noted there was lively discussion at the February meeting, and that the goal for this meeting was to develop three goals for the Board for the rest of the year. Jacque said she recalled Board members were to independently select items on which to focus; she said some of the goals are better handled by Friends or Foundation. Steve Stephenson mentioned the "Humans of New York" project as the one that seemed to be one on which the Friends of the Library might focus, perhaps during National Library Week in 2015. Multnomah County has a project where people write love letters to their Library. Martha Fraundorf said she thought the focus was to be on things to do to promote the Library, not promote the Board.

Steve suggested not doing Legislative Day in Salem; Board agreed to cross this off the list.

Martha suggested the Board do the welcome the first Sunday the Library is again open; this will be June 22, the first Sunday of the new fiscal year. It was suggested that refreshments be served. A show of hands had a majority supporting this idea.

Carolyn talked about how the public could contact the Board. If contact by email was made possible, any emails would come through the City email system, and would go to Carolyn. She would then forward to the chairman of the Board. She said there cannot be a separate email, such as through gmail, because this is an official City Board. Board members are listed on the City's web site but just names, not personal contact details. A show of hands showed support for creating an email link on the web site. Linda Modrell questioned the idea, saying she herself would not send an email to a general email address. Carolyn said that having separate City email addresses for each Board member would have to be discussed with the City, as no other Board has separate email addresses. Carolyn said people can send an email or letter to the Staff person associated with each Board or Commission; she gave Finance as an example, where Nancy Brewer, Finance Director, manages the email for the Budget Commission. She said the Public Participation Task Force (PPTF) may have some input on how Boards and Commissions work; Scott suggested this discussion be tabled until the PPTF has made its recommendations.

Carolyn mentioned that Calendar, Goals, Board Training and Education all fit into a category for orientation and training. She suggested pulling these into one topic and having the Board implement. Paula Krane suggested revisiting all of the topics after some time has passed to see how things are going.

Carolyn said the PPTF is looking at orientation and training for new members of Board and Commissions. Jacque said a good orientation for new Board members is important, and should be done outside of the Board meeting with perhaps two current Board members plus Carolyn.

Jennifer Alexander said she thought the "developing three talking points" should be one of the goals. This might be something to discuss in the future. Jacque said development of Calendar and Goals is also important.

Martha will be retiring from the Board at the end of her term. She is a County apointee; Carolyn said it would be good to have someone who is from outside of Corvallis.

VI. DIRECTOR'S REPORT

Carolyn said the FY 14/15 budget will be released April 4, with Budget Commission meetings to follow. Department presentations will be made after that, starting in mid-April. She will confirm the date and time for Library budget presentation, and will ask the Board chair to attend.

City Manager Jim Patterson has asked Carolyn to write an article for his April monthly report, which coincides with National Library Week. Jana Kay suggested she also mention membership on the Library Board in the article.

During April there will be Steinway Day at the Library. A former Corvallis resident is a Steinway engineer, and will be in town the second week of April. A Steinway piano will be brought to the Library for a children's program on Saturday April 12 at 11 a.m.; the engineer will take the piano apart to show how it works. There will be an afternoon program that same day, at 3 p.m., which will be open to everyone and more of a general talk about pianos, music, etc. There is talk of bringing in historic keyboard instruments and possibly moving the Library piano to the lobby for concerts that week, with local students as the pianists.

Last month the Board talked about reorganization of the State Library. The State will hold off on changes until next year; there is not enough time to make those decisions right now.

A local person talked with Carolyn about a Community Mind Map idea. It would be a permanent display, so it cannot be done at the Library as the display policy allows only temporary displays. The Board recommended Carolyn decline a permanent display but offer the one-month display option, in the Main Meeting Room, as a place to gather input.

VII. BUDGET DISCUSSION

No further discussion.

VIII. DIVISION MANAGER REPORTS

Access Services: Felicia Uhden said Tech Services will cover for Mike Hanson and Ros Blair as they help Administration during Janelle Cook's absence. Felicia and Mary Finnegan are working on making use of the shelving donated by the OSU Bookstore, and will have a "shelving party" during a closed period. Non-fiction DVDs will be moved upstairs and put on the new shelving.

Administration: Carol Klamkin said the department is catching up after the short month, snow closure, holiday and preparation for Janelle's absence. Paying bills is a part of Janelle's job, and is now more customized to the individual who performs the task. She hopes Janelle will be able to come back for brief hours during her leave to do this.

Adult & Youth Services: The Division has been trying to connect more with schools. Two of the Youth Librarians went to Adams School, met with eight classrooms and a total of 225 students. Many of the students recognized the Librarians, greeting them enthusiastically.

Circulation: Lori Johnston said February statistics show usage is really going up.

Extension Services: Andrew Cherbas reported that the branch library programs are doing extremely well. Philomath had 65 children at story time; they are considering making this a ticketed activity because there isn't

enough space. Carolyn said Philomath Library really needs to be expanded. It opened in 1996, and the meeting room was too small even then. The building is owned by the City of Philomath, which has a new City Manager. Monroe had 450 people walk in today between 4 and 7 p.m.; they are open late on Wednesdays. They have had to bring in extra subs to accommodate the increased usage. The funds from the sale of the old Bookmobile went into the Library's vehicle reserve account.

IX. RENAMING OF VICTOR BROOKES READING ROOM

Carolyn provided background on the current Brookes Reading Room; this area, on the first floor in the back of the children's area, was a patio, and the Victor Brookes family raised money to enclose the area. After Victor's death, his widow, Martha, would come over and sit in the area, and was very comforted by it. She recently passed away and Carolyn suggested changing the name to the Martha and Victor Brookes Reading Room. If the Board concurs, Carolyn will bring the issue to City Council. Motion: Jacque moved to recommend to Council the Victor Brookes Reading Room be renamed the Martha and Victor Brookes Reading Room; Steve seconded. Jana Kay asked about expense; Carolyn said the only cost is a new plaque for perhaps $200, and possibly a photograph. Motion carried.

X. COUNCIL POLICY REVIEWS

CP 95-4.10 Public Library Gift and Donation Policy Carolyn said the Gift and Donation Policy needs to be reviewed and approved at the April 2 Board meeting. The donor board was discussed, including the levels of giving; the amounts shown as donated are cumulative giving, including donations to the Library, Friends, and the Foundation. Steve asked if it would cause problems to remove the levels/categories of giving. Jacque recalled that a previous Library Director said there would be public recognition in the form of a donor board. Carolyn asked that Board members review and come to the April 2 Board meeting with any questions or suggestions on the policy. She pointed out that gifts to the Library are public record.

CP 99-4.13 Internet Access Policy for the Corvallis-Benton County Public Library Carolyn stated there was a lot of concern about Internet access when the Library first offered computers. She recommends the Library continue to have a policy, even though it is no longer required. The Library no longer provides filtered computers, as they were not used much; filtered search engines are now offered instead. There is also information available on how to monitor use, Internet safety, etc. In the Adult section there are occasional problems with viewing of pornography; staff hand a card to those users asking them to exit those pages. Computers have also been repositioned so monitors face outward and are more visible, which has cut down on problems. She reminded the Board that viewing child pornography is illegal and is not allowed on Library computers, and the police can and have been called when necessary. She suggested deleting the last sentence of Section 4.13.020 C, and mention availability of filtered search engines instead.

XI. BOARD REPORTS

Friends of the Library: Jacque reported the February 21 - 23 sale was very busy, with an estimated $24,000 in revenue. The sale raises money, recycles books, and supports the Library in many ways. The Friends Facebook page has been reactivated; please "LIKE." There will be a book sale in April in Monroe, and another book sale on June 28 in Corvallis. Benton Books is doing well, selling quite a number of books on Amazon. In response to a question, Jacque said it is possible to search by vendor on Amazon to find what Benton Books is selling, and thus support the Friends.

Foundation Board: Steve reported there are two bequests from Esther and Norman Bolker. Each donated to various beneficiaries, including the Foundation.

XII. INFORMATION SHARING

Martha attended the Urban Services Committee meeting on March 4, during which parking districts were discussed. She believes that the Staff suggestion will be to leave the areas around Central Park and the Library outside of any defined district.

Jana Kay related that the Phoenix, Arizona Library has a terrific selection of eBooks. She has friends who flew from California to Phoenix to buy out-of-area Library cards for $30 so as to have access to the eBook collection. She said people must apply in person for an out-of-area card.

XI. ADJOURNMENT

The meeting was adjourned at 8:49 pm.

NEXT MEETING: April 2, 2014 7:30 pm

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

Approved as submitted, April 9, 2014

CITY OF CORVALLIS
DOWNTOWN COMMISSION MINUTES
Madison Avenue Meeting Room
March 12, 2014

Attendance
Heidi Henry, Chair
Liz White, Vice Chair
Mary Gallagher
Mike Wiener
Alan Wells
Dee Mooney
Ken Pastega
Kirk Bailey
Elizabeth Foster
Shelley Signs
Dan Brown, Council Liaison

Excused
Brigetta Olson

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

Visitors

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order	
II.	Approval of February 13, 2014 Meeting Minutes	Approved as presented.
III.	Public Comment	
IV.	Presentation/Discussion – Downtown mixed use project at 1st & Jackson; Tom Gerding, T.Gerding Construction	Information only.
V.	Follow-up Discussion – Residential parking districts; Urban Services Committee Meeting report	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 April 9, 2014, at 5:30 p.m., at Madison Avenue Meeting Room

Attachments to the March 12, 2014 minutes:

A. Graphic and floor plans handout for the new four-story building along the riverfront, situated at the southwest corner of the 1st and Jackson intersection, submitted by Tom Gerding, T.Gerding Construction.

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. She welcomed the newest member of the Commission, Shelly Signs, who gave a brief overview of her background. Ms. Signs is Director of University Events at OSU.

II. APPROVAL OF DECEMBER 11, 2013 MEETING MINUTES

Motion: Commissioner White moved and Commissioner Bailey seconded to approve the minutes as presented; and the motion passed unanimously.

III. PUBLIC COMMENT: None.

IV. PRESENTATION/DISCUSSION – DOWNTOWN MIXED USE PROJECT AT 1ST & JACKSON.

Tom Gerding, T.Gerding Construction, gave an overview of their downtown Mixed-Use project at 1st and Jackson, and made some observations about how he approaches such a project. He distributed a handout (**Attachment A)** showing a graphic of and floor plans for the new four-story building along the riverfront, situated at the southwest corner of the 1st and Jackson intersection. He explained that the ground floor would have commercial spaces, with the three upper-floors - of wood-framed construction - consisting of one-, two-, and three-bedroom apartments for rent. Twenty-four parking spaces would be provided with the requirement for additional spaces being met by "paying in lieu of" into the parking structure fund.

He discussed how he had attempted to keep the building in scale by not building up to the number of stories that would have been allowed in the Riverfront District. The minimum 2.5 Floor Area Ratio (FAR) had presented some difficulties for maintaining the scale of the project, and came close to requiring that an additional floor be built.

Due in large part to the cost of the property and expensive first floor foundation, the apartments are upscale and will be targeting a more affluent sector of the community. They have had many inquiries from prospective tenants, reflecting an older population who might be considering an apartment as a secondary home in Corvallis. He has a signed commitment for a portion of the commercial space, and a letter of intent for another portion.

In response to commissioner questions, Mr. Gerding made the following points:

- He would encourage the City to revisit/fine tune the FAR requirements for the Riverfront District.
- The project started to come together about three years earlier, and he has worked on it solidly for about a year.
- The minimum height required for the first floor was not an issue, and fit well aesthetically with the project.
- The concrete for the first floor is 14' thick; it is a standard rebar concrete slab.
- He had had to hire about six additional persons to augment his own crews working on the project, and commented on how hard it can be to get skilled trades workers for such work. He encouraged the support of programs to train new workers.
- The target date for completion is September of 2014.
- Meeting the fire access requirements was another complication, along with dealing with the existing power/cable utility lines.
- Corvallis' SDC fees are comparable to Eugene and the Portland area; Albany's are lower.

Commissioners thanked Mr. Gerding for his work and his presentation. Mr. Gerding, in turn, thanked the commissioners and the downtown community for putting up with the disruption of the project.

V. DISCUSSION – RESIDENTIAL PARKING DISTRICTS; URBAN SERVICES COMMITTEE MEETING DISCUSSION.

Community Development Director Gibb said that there had been a large turnout of people at the last Urban Services Committee discussion of the residential parking districts proposal. He had passed along the feedback from the Downtown Commission relating to removing 6th Street from a parking district, and installing a mix of ten-hour meters along with the short-term parking options for Central Park and library users. Liaison Brown said that their feedback had been appreciated, and that the Urban Services Committee would likely have long deliberations on the issue at upcoming meetings. It was City Council's hope to have a decision on what to do by September.

VI. COMMITTEE REPORTS AND OTHER COMMISSIONER UPDATES

Chair Henry announced that she would like to step down as Chair in June 2014. She encouraged others to give some thought to serving in the capacity, and it was noted that traditionally the Vice Chair moved up to the seat.

VII. UPDATES

- **Downtown Corvallis Association:** Commissioner Foster said that a Wine Walk would take place on March 22, 2014.
- **Parking Committee:** Commissioner White said that the next meeting would be April 1, 2014. She had nothing to report.
- **Community Development:** Staff will be sending out an email to the commissioners whose terms might be up this year to find out what their intentions might be.

VIII. OTHER BUSINESS:

Director Gibb suggested that the agenda for next meeting could include a discussion about the parking utilization study and potential directions to take for the downtown parking situation.

Liaison Brown mentioned the work of the Public Participation Task Force (PPTF) and the potential for some changes in the boards and commissions. He suggested that commissioners read the PPTF minutes accessible on the City's web page to keep up with their findings and potential recommendations.

Commissioner Pastega asked for a status report on the potential for incentives for downtown housing development. Director Gibb said that the City Council would likely be doing some discussing of the issue later this spring/early summer.

IX. ADJOURNMENT:

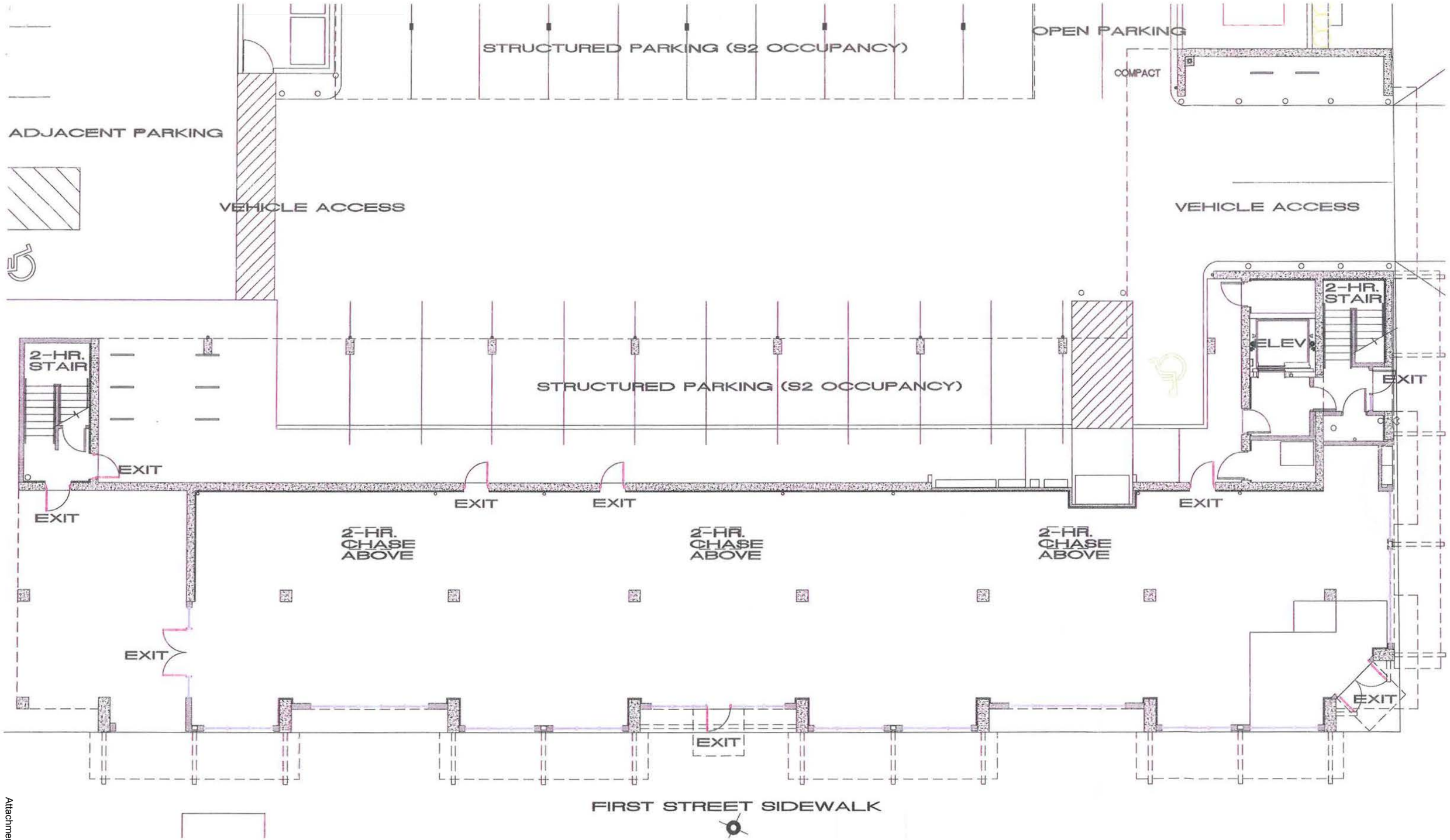
The meeting was adjourned at 6:30pm. The next meeting of the Downtown Commission will be held on April 9, 2014, at 5:30pm; at the Madison Avenue Meeting Room.

THE jax 118

NOW LEASING

1,2 & 3 BEDROOM
LUXURY LIVING

FOR INFORMATION CONTACT: TOMG@GERDINGCOMPANIES.COM



2
A0

COMMERCIAL FLOOR DIAGRAM

1/16" = 1'-0"

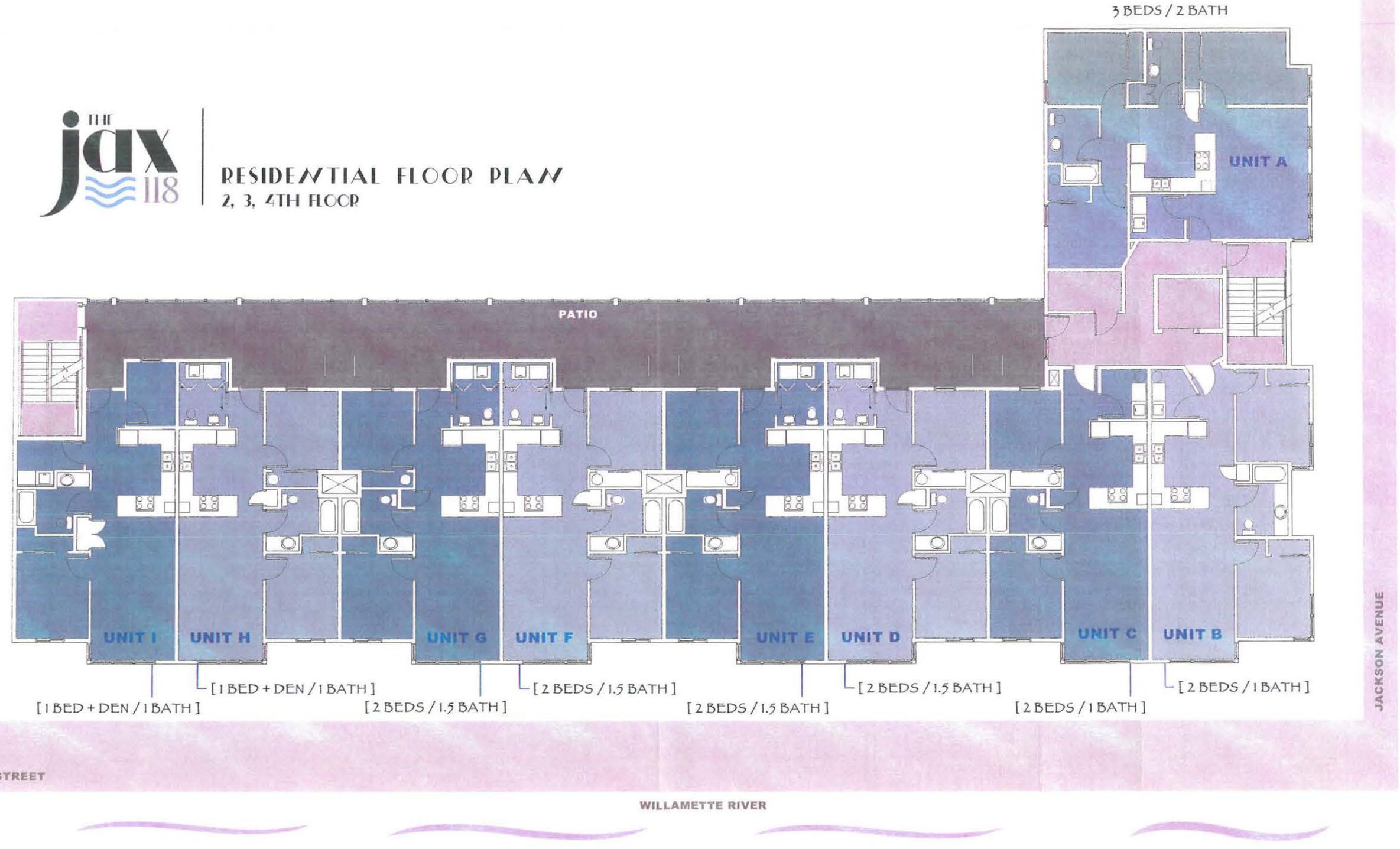
FIRST FLOOR - LEVEL OF EXIT DISCHARGE

Attachment A -2

THE jax 118

RESIDENTIAL FLOOR PLAN

2, 3, 4TH FLOOR



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

DRAFT
CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
April 8, 2014

Present
Geoffrey Wathen, Chair
Lori Stephens, Vice Chair
Rosalind Keeney
Charles Robinson
Tyler Jacobsen
Kristin Bertilson

Staff
Bob Richardson, Associate Planner
Claire Pate, Recorder

Absent/Excused
Cathy Kerr
Eric Hand
Roen Hogg, Council Liaison
Jim Ridlington, Planning Comm. Liaison

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I.	**Visitor Propositions**		None
II.	**Review of Historic Preservation Nominations**		Approved nominations
III.	**Revisions To LDC Chapter 2.9 – Historic Preservation Provisions**		Discussion and Recommendation
IV.	**Minutes Review** A. January 7, 2014 B. January 14, 2014 C. February 11, 2014 D. February 25, 2014 E. March 11, 2014		All minutes were approved as drafted
V.	**Other Business/Information Sharing**		
VI.	Adjournment		Next Meeting: May 13, 2014; 6:30pm, Downtown Fire Station, 400 NW Harrison

Attachments to the April 8, 2014 minutes:

A. Historic Preservation Award nomination for Sunnyside School, email submitted by BA Beierle.
B. Memo, regarding Revisions to LDC Chapter 2.9 – Historic Preservation Provisions, Submitter by Associate Planner Bob Richardson.
C. Q&A sheet on Historic Preservation planning, handed out by Commissioner Rozalind Keeney.

CONTENT OF DISCUSSION

Chair Geoffrey Wathen called the Corvallis Historic Resources Commission to order at 6:30 p.m. in the Corvallis Downtown Fire Station Meeting Room, 400 NW Harrison Blvd.

I. VISITOR PROPOSITIONS:

Ross Parkerson, Doug Eaton, M'liss Runyon: Mr. Parkerson shared a pamphlet and information about a project he has undertaken - with the assistance of others – to identify historic sidewalk markers in Corvallis. The pamphlet is a guide for the location of over 25 sidewalk markers found in five neighborhoods, and there will be a downtown tour offered on May 14, starting at Squirrel's Tavern. He noted that there are over 200 markers throughout town, most of which they have now identified and photographed. Mr. Eaton said they do not have the means to get this information posted and made available to the public, and asked for some assistance with this. This will be the tenth tour he has been involved with formulating, and BA Beierle added that all ten pamphlets, along with three developed by others, are on display at Visit Corvallis. Ms. Runyon added that she is putting together a book capturing Mr. Parkerson's historic preservation work over the past years.

BA Beierle: Ms. Beierle handed out a copy of the second printing of "Driving Tours in Benton County." The three loop tours are an economic development tool in that participants might be tempted with having a meal at a restaurant and possibly spending the night in the Corvallis area. The pamphlet is available at Visit Corvallis, and has been paid for with CLG grant monies. She thanked Doug Eaton for his help on the south loop tour.

Associate Planner Richardson mentioned that Mr. Parkerson had been a long-standing past member of both the Historic Preservation Advisory Board and the Historic Resources Commission.

II. REVIEW OF HISTORIC PRESERVATION AWARDS NOMINATIONS

The commissioners discussed the two nominees included in the packet, which included the Sunnyside Schoolhouse and the Kiger House. Commissioner Stephens asked that Deb Kadas' project, the Helen Johnson duplex renovation, also be considered.

- Sunnyside Schoolhouse: Julie & Dennis Hansen; Karen Emery and Jackie Rochefort (Corvallis Parks and Recreation; Friends of Parks and Recreation (nonprofit group); Scott Taylor Construction; and Karl Baker were nominated for their efforts to salvage and relocate the Sunnyside Schoolhouse from its location in NW Corvallis to the Knotts-Owens farm just north of the City. **Motion** made by Commissioner Jacobsen to grant the award. Commissioner Stephens seconded the motion which **passed** unanimously. **(Attachment A)**

- Kiger House (508 SW Jefferson): Richard A. and Tei A. Gordon were nominated for the extensive work they have accomplished over the past year in maintaining the Main House and the Carriage House structures. The Kiger House was built in 1914 and will be celebrating its 100th anniversary this year. **Motion** made by Commissioner Stephens to grant the award. Commissioner Jacobsen seconded the motion which **passed** unanimously.

- Helen Johnson Duplex (2807-09 NW Jackson): Deb Kadas was nominated for the exceptional restoration work she has done and is continuing to do on this duplex built in 1915. **Motion** made by Commissioner Keeney to grant the award. Commissioner Stephens seconded the motion which **passed** unanimously.

III. REVISIONS TO LDC CHAPTER 2.9 – HISTORIC PRESERVATION PROVISIONS.

Associate Planner Richardson said that the Planning Commission was currently reviewing the proposed Text Amendments to the Land Development Code, and OSU had proposed some additional revisions as part of that review. He handed out a memorandum outlining what the revisions were along with a copy of OSU's request and written testimony dated April 1, 2014 **(Attachment B)**. The Planning Commission was asking for additional feedback from HRC to this latest proposal which relates to increasing the maximum allowable height and maximum square footage of enclosure areas proposed in LDC Sections 2.9.70.aa and 2.9.100.03.1. Mr. Richardson stated that it would be helpful for commissioners to identify potential advantages or disadvantages with respect to impacts to the OSU Historic District. The Planning Commission, and ultimately City Council, will make a final decision based on all of the testimony and feedback received.

Commissioners offered the following feedback and comments:

- These issues had been discussed quite extensively already, which led to the originally recommended language.
- There could be issues with using the term "front façade", as it is used in Section 2.9.100.03.1.3. Some other terminology should be found. OSU buildings often have more than one front façade.
- Allowing for 14-ft. in height for screening could lead to obscuration of architectural features or windows, or some other negative impact that might warrant an HRC-level review.
- Increasing from 400 sq.ft. to 600 sq.ft. to qualify for a Director Level Review would warrant additional analysis.

It was the consensus of the commissioners that a middle ground of up to 10 ft. in height might be acceptable for screening to qualify as exempt. There was no support for increasing the square footage from 400 sq.ft. to 600 sq.ft. for Director Level Review. Planner Richardson said he would take those comments back to the Planning Commission for its consideration.

IV. MINUTES REVIEW.

A. January 7, 2014: Commissioner Bertilson **moved** approval of the minutes as drafted. Commissioner Keeney seconded the motion which passed unanimously.

B. January 14, 2014: Commissioner Stephens **moved** approval of the minutes as drafted. Commissioner Robinson seconded the motion which passed unanimously.

C. February 11, 2014: Commissioner Jacobsen **moved** approval of the minutes as drafted. Commissioner Bertilson seconded the motion which passed unanimously.

D. February 25, 2014: Commissioner Keeney **moved** approval of the minutes as drafted. Commissioner Robinson seconded the motion which passed unanimously.

E. March 11, 2014: Commissioner Stephens **moved** approval of the minutes as drafted. Commissioner Jacobsen seconded the motion which passed unanimously.

IV. OTHER BUSINESS/INFORMATION SHARING:

Associate Planner Richardson shared the following information with commissioners:

A. Historic Preservation Month:

Chris Bentley, Benton County Planning, had prepared a draft calendar for Historic Preservation Month, and staff would send a copy out to each commissioner, as well as put it on the City web site. The Birkenstock store window on Madison Avenue was reserved for Historic Preservation displays starting April 29, 2014, through mid-May. Commissioners Keeney and Robinson offered to spearhead the effort to find display materials. Planner Richardson said he would determine whether there was some money available for enlarging photos to poster-size. BA Beierle said that she would also help with the effort, and that Restore Oregon might have some resources.

B. HRC Work Plan Update:

Planner Richardson said he had not had time to get information together for a discussion, but would plan for a discussion next month around City Council's goals and prioritization of items on HRC's Work Plan. Commissioner Keeney felt that the Commission was behind schedule in having this discussion. One of their goals had been to improve the website; however, through the work the City has done to improve the overall City website the references and links for historic preservation resources have disappeared. Planner Richardson said he would have that discussion with the City's tech group; his understanding is that it would take a lot of time and effort to migrate the historic resources information to the new website. The information has not been lost, but is waiting for other priorities to get done. He will try to get it moved up on the priority list.

Commissioner Keeney handed out a Q&A sheet on Historic Preservation planning **(Attachment C)**, and felt that there was some urgency in accomplishing this task, in light of the fact that the Collaboration Project had been working on this. Planner Richardson said that staff would put some information together and bring it back for discussion, perhaps at the next meeting.

C. Other Information Sharing:

Commissioner Keeney said that the photo survey at the State level was winding up, and hopefully by May they would have SHPO's feedback and would be in a better place to begin to share the information. She suggested that BA Beierle might be invited to be a guest speaker for June or July so that she could do a similar presentation as the one she did for the League of Women Voters. This important effort would be adding a body of data for approximately 2,500 properties in the City.

Planner Richardson said that the terms for Commissioners Wathen and Robinson would be expiring June 30th. He encouraged them to reapply, or let him know of their intentions. There was still one vacancy for which they would be recruiting.

V. ADJOURNMENT:

The meeting was adjourned at 8:10 p.m. The next meeting will be on Tuesday, May 13th; at 6:30pm.

Richardson, Robert

From: BA Beierle [babeierle@comcast.net]
Sent: Saturday, April 05, 2014 10:31 PM
To: Richardson, Robert
Subject: Sunnyside School

Bob,

I would like to nominate the following for their collaborative leadership in the heroic save of Sunnyside School:

- **Julie & Dennis Hansen** for their outstanding generosity and determination to save this significant structure.
- **City of Corvallis Parks & Recreation Department** (Karen Emery and Jackie Rochefort) for providing a site to receive Sunnyside School, coordination of the move (with two movers!), site management, supervision, and access development, and for elevating Sunnyside to a priority Department project.
- **Friends of Parks & Recreation**, a newly-minted charitable organization, for their role as fiscal agents for the project.
- **Scott Taylor Construction** for donation of labor in excess of $25,000.
- **Karl Baker** for his capstone donation of $15,000 that put the project budget over the top.

Resource significance:
Sunnyside School was also known as Bryant School or Mudflat School -- due to the surrounding swampy area and muddy roads during wet weather. Records indicate that a one-room school house operated here before 1897. Around 1912, the earlier smaller school was replaced with the existing building that features an arched entry and Craftsman style elements including open, overhanging eaves, exposed rafter tails, and eave brackets. In 1929 when school districts reorganized, Sunnyside School closed, the property sold, and the building started a new life as a residence.

Award justification:
When a summer 2013 demolition permit was issued for Sunnyside, Julie Hansen immediately launched discussions with the owner to consider alternatives for the historic school, including moving the structure. Parallel work required identifying an appropriate site -- one that would have potential for public access -- to receive the structure. Corvallis Parks & Recreation Department already elevated the Knotts-Owens Farm to a priority project, and was willing to accept the structure as an education facility in keeping with the existing masterplan for Knotts-Owens Farm. Further research determined that the Owens' children attended Sunnyside and a family member also taught at the school. In consultation with Benton County Museum staff, a site was identified that would serve Knotts-Owens educational purpose, but would not intrude on the boundaries of the existing historic farmstead.

Approvals from City Council were secured. Move and stabilization bids were secured. Mid-project it was necessary to contract with an alternate mover. Although the distance from its original site to its new Knotts-Owens Farm site was less than a mile, Sunnyside needed to pass under power lines that serve Good Samaritan Regional Medical Center, necessitating complex and expensive power arrangements to assure uninterrupted power service to the hospital. By removing the roof and moving the school in separate segments, these expenses were avoided and the project was nearly on budget target.

With volunteer labor from Scott Taylor Construction, and a budget capstone gift from Karl Baker, Tom Owens nephew, plans advanced to move structure, build a foundation, reinstall the roof, and secure and stabilize the

building. On a foggy January Sunday morning, Sunnyside School inched north on Hwy 99W and then slowly climbed the hill west of the Knotts-Owens Farmstead to its new location.

Respectfully submitted,

BA Beierle

Memorandum

To:	Historic Resources Commission
From:	Bob Richardson, Associate Planner RAR
Date:	April 8, 2014
Subject:	Revisions to LDC Chapter 2.9 – Historic Preservation Provisions (LDT13-00002)

On January 14, 2014, the Historic Resources Commission (HRC) made recommendations to the Planning Commission regarding Text Amendments to LDC Chapter 2.9 – Historic Preservation Provisions. The Planning Commission is currently reviewing proposed Text Amendments, and through this process Oregon State University has proposed additional revisions, including two related to ground-level screening. The HRC recommended exemption regarding ground level screening is provided below, followed by the proposed OSU revision to the exemption language in Section 2.9.70, and a new Director-level criterion under Section 2.9.100.03.

The difference between the HRC recommended exemption and the OSU proposed exemption is that OSU is proposing to increase the height of exempt screen walls from 6-ft to 14-ft. OSU also proposes a Director-level criterion for screening enclosures larger than 400 sq. ft. and up to 600 sq. ft. Please refer to the attached letter from OSU regarding reasons for the proposed revisions.

HRC RECOMMENDED EXEMPTION

z. Required Ground-level Screening

1. <u>Required Ground-level Screening Within the OSU Historic District</u> - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:

a. Complies with development standards of Chapter 3.36 – OSU Zone;

b. 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.

c. 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;

d. 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.

1) 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.

2) **If freestanding, 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.**

e. **If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting.**

OSU PROPOSED EXEMPTION

2.9.70.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:

1. Complies with development standards of Chapter 3.36 – OSU Zone;
2. Does not exceed 14-ft in height, does not exceed 20 ft. in length or width, and does not enclose an area greater than 400 sq. ft.
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;
4. Is composed of either vegetation, stone, brick, masonry, wrought iron, solid wood fencing, or a combination of these materials. Metal gates/doors may be used to access enclosures.
    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.
    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.

OSU PROPOSED DIRECTOR-LEVEL CRITERION

2.9.100.03.l Required Ground-level Screening within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:

1. Complies with development standards of Chapter 3.36 – OSU Zone;
2. Does not exceed 14-ft in height, and does not enclose an area greater than 600 sq. ft.
3. Is not located between the street and the front façade of the building;
4. 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;
    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.
    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.
5. If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting.

The HRC is requested to consider the OSU proposed Text Amendment revisions, and at a minimum identify potential advantages or disadvantages with respect to impacts to the OSU Historic District.

Attached: OSU Written Testimony to the Planning Commission; April 1, 2014

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

April 1, 2014

City of Corvallis Planning Commission
c/o Planning Division Manager's Office
PO Box 1083
Corvallis, Oregon 97339-1083

Subject: Additional Written Testimony on revisions to Chapter 2.9 Required Ground-level Screening Exemption and Director-Level Review (Section 2.9.70.aa and LDC Section 2.9.100.03.l)

Dear Members of the Corvallis Planning Commission:

In response to Planning Commission members' questions during the March 19, 2014 Public Hearing on the proposed revisions to Land Development Code Chapter 2.9 (LDT13-00002), Oregon State University (OSU) is submitting additional written testimony, which has been divided into the following sections:

(1) Overview of ground level screening requirements in the Chapter 3.36: OSU Zone,
(2) Background on power outages on campus,
(3) Explanation of the request for LDC Section 2.9.70.aa exemption,
(4) Review of the request for LDC Section 2.9.100.03.l Director-Level review of Historic Preservation Permit applications, and
(5) Summary requesting the Planning Commission review and consider the heights in proposed LDC Sections 2.9.70.aa and 2.9.100.03.l

LDC CHAPTER 3.36 – GROUND LEVEL SCREENING REQUIREMENT

The Corvallis Land Development Code (LDC) Chapter 3.36: OSU Zone requires that all mechanical equipment, trash enclosures, and outdoor storage areas adjacent to a neighborhood or visible from a street, building, or pedestrian access way be screened. The layout of campus – with buildings fronting streets and opening onto internal quads – makes LDC Section 3.36.60.14 applicable to a majority of buildings in the OSU Zone, including areas outside the OSU National Historic District.

Since screening mechanical equipment, trash enclosures, and outdoor storage areas is required per LDC Section 3.36.60.14, OSU staff inventoried enclosures within and outside the OSU National Historic District to assess enclosure height, percentage of building footprint, method of screening, material(s), and location.[1] The assessment revealed that existing mechanical enclosures have been sited and designed to minimize visibility while providing LDC required screening in a way that complies with building code. It also revealed that due to equipment size, enclosures frequently range in height from seven (7) to over twelve (12) feet in height.[2]

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[1] Refer to Enclosure Exhibit, Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT G (Page 108 - 126 of 149)

[2] Refer to "Enclosure Height" as shown on Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT G (Page 126 of 149)

LDC Section 2.9.70.aa - Required Ground-level Screening exempts certain enclosures from Historic Preservation Permit requirements if they meet a set of specified conditions; however, the current language only exempts a structure that *"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."* Most of the enclosures on OSU's campus required by LDC Section 3.36.60.14 do not meet the criteria for this exemption. Due to the height necessary for fully screening mechanical equipment and the total square footage required to provide sufficient setbacks for accessing equipment within the enclosure, enclosures on OSU's campus typically exceed the maximum dimensional thresholds to qualify as an exempt activity. Consequently, every enclosure listed on Attachment A – 19 would require submittal of an HPP Application, review by City Staff, and Public Hearing before the HRC.[3]

BACKGROUND ON POWER OUTAGES ON CAMPUS

Since October 2010, OSU has had fifty-five (55) power outages of which only 11 percent were scheduled. Twenty-six (26) of the outages impacted the 4kv system – including the six (6) scheduled shutdowns – and were caused by, but not limited to, a faulty pole fuse, tunnel cable, transformer, insulator to a transformer, oil switch, and overhead cable. Additionally, there have been twenty-nine (29) 20kv system outages, of which twenty-five (25) were the result of a failure off campus (e.g., overhead cable, weather related issues, fuse, tap, squirrel/bird, traffic related events, etc.). The impact to campus is dependent on the location of the incident and which system is effected; an event can impact one building or the entire campus.

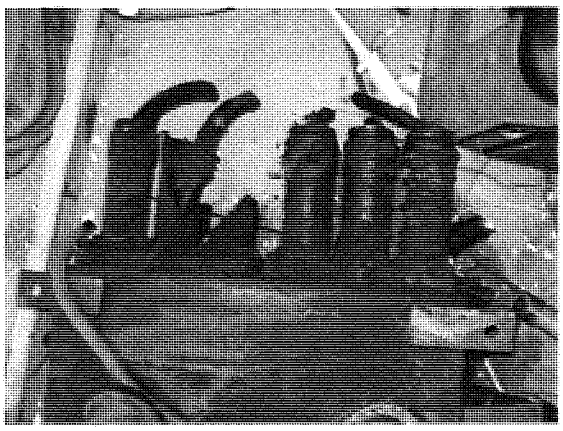

Image 1: PP&L Device Failure

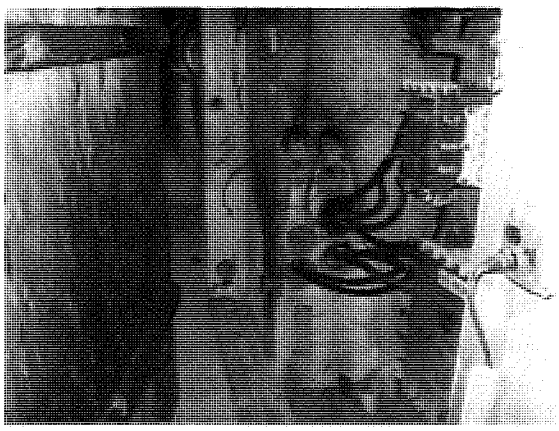

Image 2: PP&L Cable Fault in Tunnel

At Oregon's largest public research university, power outages are particularly concerning due to their potential to compromise on-going research projects and to cause health, life, and safety hazards. There are laboratories in many of the older buildings on campus that do not have generators. OSU has the ability to set up portable generators and equipment during an outage to provide temporary power to identified research equipment. Responding to outages takes time and is labor intensive given the size, location, and number of critical facilities on campus.

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[3] Refer to Enclosure Exhibit, Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT G (Page 126 of 149). *Note:* Some of the enclosures are located outside of the OSU National Historic District; however, if a comparable enclosure was proposed within the district, it would require an HPP Application and Public Hearing before the HRC prior to construction.

Image 3: Facilities Services Portable Generators

Image 4: Facilities Services Spider Box and Cord Locker

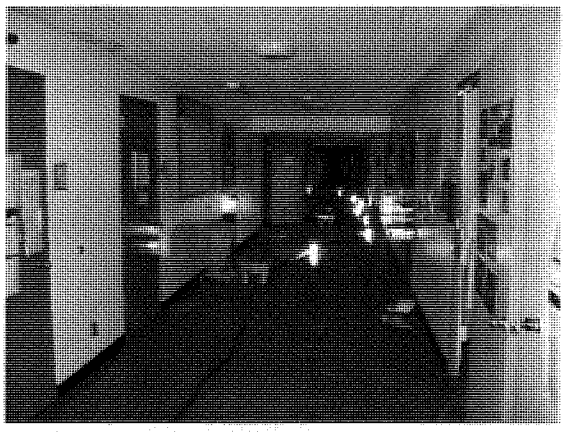

Image 5: Weniger Hall during Power Outage

Since 89 percent of power outages were unscheduled and nearly 50 percent occurred because of a failure off campus, OSU has continued to install permanent generators to provide electricity during power outages. Locating generators at specific buildings provides power to emergency and identified stand-by systems. Generators are selected to support the specific electrical demands of a building or complex, so equipment sizes and heights vary.

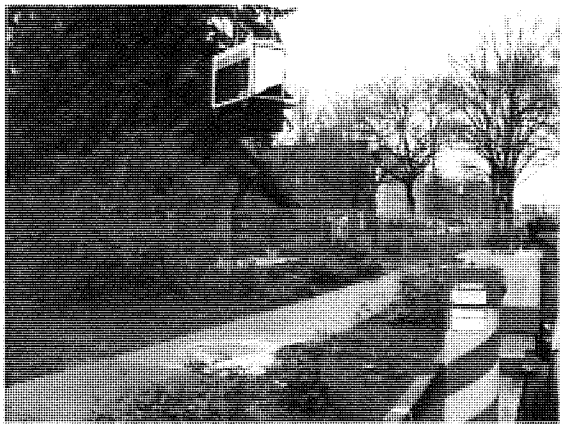

Image 6: Generator Installation

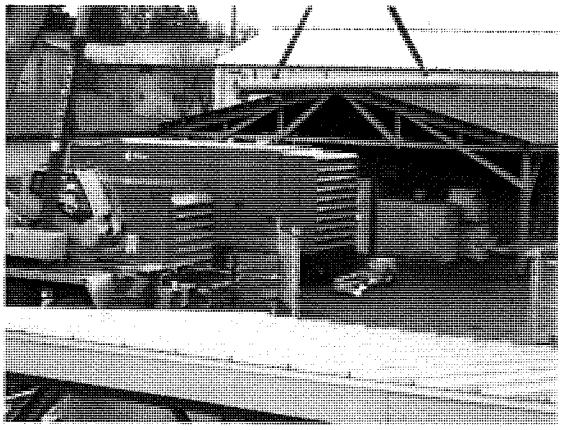

Image 7: Generators

OSU REQUEST HRC FOR HPP EXEMPTION (2.9.70.AA) – LANGUAGE SUBMITTED TO CITY STAFF ON DECEMBER 19, 2013 PRIOR TO SECOND HRC WORK SESSION ON JANUARY 7, 2014

Following the First HRC Work Session on December 3, 2014, OSU staff submitted proposed exemption language for Required Ground-level Screening (LDC Section 2.9.70.aa). The proposed exemption was divided into two parts, which was consistent with other proposed exemptions that needed to be different for resources within the OSU National Historic District and other historic districts (e.g., LDC Section 2.9.70.h1 and LDC Section 2.9.70.h2). OSU proposed language that would have allowed larger footprints for required mechanical equipment, trash enclosures, and outdoor storage areas in the OSU National Historic District, as the scale of buildings on campus is significantly larger than buildings in Corvallis' other historic districts. The proposed maximum enclosure area would have been comparable to many of OSU's existing enclosures[4] and would have facilitated the installation of much needed generators and mechanical equipment in a context sensitive manner (e.g., enclosures would be required to be constructed of the same material as the adjacent building and not detract from the architectural significance).

As part of this request, OSU staff did not specify a height limit for ground level screening for several reasons. First, a height limit was not specified in order to provide flexibility to accommodate future changes in technology and equipment design. OSU staff felt the inclusion of the proposed language *"if 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"* offered sufficient protection for OSU's Historic Resources by preventing mechanical enclosures from being sited in a manner that obscured windows or altered architectural features.

Second, OSU staff did not specify a height limit for ground level screening to avoid potential conflicts with LDC Section 2.9.70.h: Accessory Development. The HRC reviewed LDC Section 2.9.70.h: Accessory Development during the First HRC Work Session on December 3, 2013. The Accessory Development section specifies a maximum allowable height of 14-feet for free-standing accessory structures. While LDC Section 2.9.70.h does not apply to ground level screening and mechanical enclosures, OSU staff recognized the similarity in how a free-standing accessory structure and a free-standing mechanical enclosure relate to the primary structure and surrounding buildings.[5] Since the HRC did not make any changes to the 14-ft allowed height for accessory structures during the First HRC Work Session, OSU staff did not believe the HRC or City Staff were concerned about the allowed height of free-standing structures. Thus, OSU staff did not specify a height limit for ground level screening in hopes of providing flexibility for changes to equipment design and to avoid potential conflicts in different allowed heights between LDC Section 2.9.70.h: Accessory Development and 2.9.70.aa.1: Required Ground-level Screening within the OSU Historic District.

Language OSU Submitted to City Staff on December 19, 2013

2.9.70.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:

1. Complies with development standards of Chapter 3.36 – OSU Zone;
2. Does not exceed 30 ft. in length or width, and does not enclose an area greater than 600 sq. ft.

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4 Refer to Enclosure Exhibit, Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT G (Page 108 - 126 of 149)

5 Refer to Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT G (Page 21 of 149)

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;
4. Is composed of either vegetation, stone, brick, masonry, wrought iron, solid wood fencing, or a combination of these materials. Metal gates/doors may be used to access enclosures.
    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.
    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.

City Planning Staff reviewed the proposed language and reduced the maximum dimensional thresholds for the proposed exemption from 30 ft. to 20 ft. in length or width, and from an area greater than 600 sq. ft. to 400 sq. ft. City staff also added "Does not exceed 6-ft. in height" as part of the Second Iteration Revisions for review by the Historic Resource Commission at the January 7, 2014 work session.[6] OSU staff expressed concern over these changes to the Corvallis Planning Staff, as the revised language would greatly reduce the number of mechanical screening and generator enclosures that could be installed without the preparation and submittal of an HPP Application, review and noticing by City Staff, and Public Hearing before the HRC. This change in language increases the amount of work and time necessary to install LDC Section 3.36.60.14 required screening. This seems like an unnecessary review since OSU has demonstrated the university is already installing screening in a context sensitive manner both inside and outside the OSU National Historic district.

REQUEST FOR DIRECTOR-LEVEL REVIEW OF HISTORIC PRESERVATION PERMIT APPLICATIONS FOR CERTAIN REQUIRED GROUND-LEVEL SCREENING

On February 5, 2014, OSU submitted a memo requesting Director-level review of Historic Preservation Permit applications for certain Required Ground-level Screening within the OSU National Register Historic District that would not be exempt from Historic Preservation Permit requirements per the proposed revisions to LDC Section 2.9.70.aa. OSU proposed Required Ground-level Screening that would not exceed 8 ft. in height, would not enclose an area greater than 600 sq. ft., and would not be located between the street and front façade of the building be eligible for Director-level review. In response to Planning staff and HRC comments regarding compatibility, OSU proposed conditions for each potential type of screening. For freestanding screening, its materials would have to complement surrounding Designated Historic Resources. For screening attached to a Designated Historic Resource, its material would have to match those of the Designated Historic Resource, and the installation would have to be Reversible. OSU staff believe the conditions in the proposed language adequately address concerns about location and compatible construction materials. In recognition of City Staff's concerns, OSU conceded our preferred height in the proposed language (e.g., no height restriction or 14-feet), even though this would significantly limit the number of enclosures OSU can construct without going through the HPP application process.[7]

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6 Refer to Second Iteration Revisions of 2.9.70.aa, Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT G (Page 36 of 149) or ATTACHMENT G (Page 86 of 149)

7 Refer to MEMORANDUM dated February 5, 2014 (Planning Commission Staff Report, Package #1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), ATTACHMENT F (Page1 of 5)

Language OSU Submitted for Director-Level review of Historic Preservation Permit applications on February 5, 2014

2.9.100.03.l Required Ground-level Screening within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:

1. Complies with development standards of Chapter 3.36 – OSU Zone;
2. Does not exceed 8-ft in height, and does not enclose an area greater than 600 sq. ft.
3. Is not located between the street and the front façade of the building;
4. 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;
   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.
   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.
5. If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting.

Summary

In April 2013, the Corvallis City Council approved a bi-annual work program which included *"Work with the Historic Resources Commission and Oregon State University Planning Staff to streamline certain types of historic reviews through amendment of the provisions in LDC Chapter 2.9 ("Historic Preservation Provisions")"*.[8] With the exception of LDC Section 2.9.70.aa and LDC Section 2.9.100.03.l, OSU believes the proposed changes currently under review by the Planning Commission will help streamline the review process and have virtually no impact on the OSU National Historic District. As proposed, LDC Section 2.9.70.aa and LDC Section 2.9.100.03.l is not applicable to most of the Required Ground-level Screening OSU must install on campus. LDC Section 2.9.70.aa is too restrictive on height and enclosure area, and LDC Section 2.9.100.03.l is also too limiting with respect to height needed to screen mechanical equipment, trash enclosures, and outdoor storage areas.

OSU respectfully requests the Planning Commission review and consider increasing the maximum allowable height and maximum square footage of enclosure areas proposed in LDC Sections 2.9.70.aa and 2.9.100.03.l. Specifically, the Planning Commission may want to consider applying a 14 ft. height limit to LDC Section 2.9.70.aa and LDC Section 2.9.100.03.l. This is the same allowable height as is allowed for accessory structures under LDC Section 2.9.70.h and this proposed height limit seems appropriate given that the first floor of many of OSU's buildings are taller than many other buildings found in Corvallis.[9] This would adequately address the City Staffs' concerns about not specifying a height limit. It would also provide consistency within the LDC between LDC Section 2.9.70.h: Accessory Development and 2.9.70.aa.1: Required Ground-level Screening within the OSU Historic District.

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[8] Refer to Planning Commission Staff Report, Package # 1 Land Development Code Amendments (LDT13-00002 and LDT13-00003), Page 3 of 74)

[9] Refer to Planning Commission Staff Report, Package # 1 Land Development Code Amendments, (LDT13-00002 and LDT13-00003), Page 57-58 of 74)

Proposed LDC Section 2.9.70 Exemption Language for Planning Commission Consideration

2.9.70.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:

1. Complies with development standards of Chapter 3.36 – OSU Zone;
2. Does not exceed 14-ft in height, does not exceed 20 ft. in length or width, and does not enclose an area greater than 400 sq. ft.
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;
4. Is composed of either vegetation, stone, brick, masonry, wrought iron, solid wood fencing, or a combination of these materials. Metal gates/doors may be used to access enclosures.
    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.
    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.

Proposed LDC Section 2.9.100 Director Level Review Language for Planning Commission Consideration

2.9.100.03.l Required Ground-level Screening within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:

1. Complies with development standards of Chapter 3.36 – OSU Zone;
2. Does not exceed 14-ft in height, and does not enclose an area greater than 600 sq. ft.
3. Is not located between the street and the front façade of the building;
4. 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;
    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.
    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.
5. If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting.

Thank you for your time and consideration of this issue.

Respectfully submitted,

Rebecca Houghtaling

Rebecca Houghtaling, AICP
OSU Senior Planner

Historic Preservation Plan Q&A

What is a Historic Preservation Plan?
A Historic Preservation Plan is like a map that identifies community-agreed-upon destinations, offers multiple ways to reach those destinations, and establishes directions and priorities.

The Plan describes why preservation is important to the community and identifies those elements that define community character and merit preservation, promotion, or protection. A Historic Preservation Plan differs only in subject matter from housing, transportation, environment, land use, or recreation planning, for example.

Why does Corvallis need a Historic Preservation Plan?
Like all planning processes a preservation plan promotes a thoughtful, proactive strategy to reduce crisis decision-making and is key to effective historic, human and financial resource management. The Plan distinguishes the truly important from the merely urgent, and sets priorities among competing demands.

Why now?
A confluence of multiple factors identify now as an ideal time for preservation planning:

- Long-standing community concern
- Historic Resources Commission (HRC) consistent workplan priority
- City/OSU Collaboration's Neighborhood Planning Group (NPG) recommendation
- Neighborhood galvanized response to sudden housing pressure
- Neighborhood Photo Survey completed
- Skilled professional volunteer assistance

Who will do this?
The NPG recommended that the HRC serve as the lead planning group; the Collaboration's Steering Committee supported the NPG recommendations, and Council referred the matter to the HRC for their consideration, analysis and evaluation.

Typically, planning office preservation staff, with the involvement of the HRC and broad public participation collaborate to prepare a Preservation Plan. While a public/private process will be key to successful plan development, city staff will need to coordinate the project, provide oversight and fiscal management. Volunteers may assist with additional survey, research, writing, grant-writing and other activities as needed.

How much will it cost?
Depends. Although volunteers may accomplish much of the work, a professional facilitator and a public process will be needed to assure a holistic approach and impartial evaluation of data.

How will we fund the Plan?
In a time of increasingly tighter budgets, all agencies must work smarter to stretch municipal dollars even further. Multiple agencies and foundations support Preservation Planning; staff and volunteer time will provide in-kind match for potential grant programs.

Will the plan promote additional regulations?
The existing Land Development Code Chapter 2.9 regulates Designated Historic Resources.

Wherever men have lived there is a story to be told . . .
Henry David Thoreau, *1860*

Draft
Subject to review & HCDC approval

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION
MINUTES
March 12, 2014

Present
Judy Gibson, Chair
David McCarthy, Vice Chair
Kara Brausen
Ed Fortmiller
Kenny Lowe
Roger Lizut, Planning Commission Liaison

Absent
Gary Hamilton
Dave Henderer
Gerry Perrone
Dan Brown, City Council Liaison

Staff
Kent Weiss
Terri Heine

SUMMARY OF DISCUSSION

Agenda Item	Action/Recommendation
I. Consideration & Approval: HCDC Draft Minutes of February 18, 2014 and February 19, 2014	Approval
II. Status: Loan Funds & Recent Rehab Loans	Information Only
III. Draft FY 14-15 CDBG/HOME Action Plan	Recommendation
IV. Review of annual CDBG and HOME Allocation Process	Discussion

CONTENT OF DISCUSSION

I. Consideration & Approval: HCDC Draft Minutes of February 18, 2014 and February 19, 2014

Chair Gibson opened the meeting, asking for consideration of the HCDC draft minutes of February 18, 2014 and February 19, 2014. The minutes were approved unanimously.

II. Status: Loan Funds and Recent Rehab Loans

Housing Division Manager Weiss reported that no new First Time Home Buyer (FTB) loans have closed since the last meeting, adding that one is in progress and is expected to close soon. Regarding rehabilitation loans, Weiss noted that none have closed since the last meeting, adding that several are in the application/review process.

III. Draft FY 14-15 CDBG/HOME Action Plan

Weiss directed Commissioners to copies of the draft FY 14-15 CDBG/HOME Action Plan included in their packet. He noted that this Action Plan covers the second year of activity under the City's recently adopted FY 13-14 through FY 17-18 CDBG/HOME Program Consolidated Plan. The Action Plan continues the delivery of programs and funding to address priorities and achieve the programmatic goals identified in the Consolidated Plan.

Beginning an overview of the Action Plan, Weiss directed Commissioners to a table that includes the set of funding allocations as recommended by the HCDC at its February 19 meeting following agency presentations. The Plan also includes a section titled Annual Goals and Objectives, and describes the projects and activities that will occur, as well as the type and amount of funds that will be used, in order to meet the following four goals as originally outlined in the Consolidated Plan: 1) create and retain affordable housing opportunities; 2) maintain the quality of affordable housing; 3) support goals of the Ten Year Homelessness Plan; and 4) support agencies that provide direct services. Weiss noted that information included toward the end of the Plan provides descriptions of affordable housing activities, homeless and other special needs activities, and other actions that are planned to address obstacles to meeting underserved needs.

Following his overview, Weiss noted that in order to move the draft FY 14-15 CDBG/HOME Action Plan along to City Council, a recommendation is needed by the HCDC to either submit the Plan as written or with changes agreed upon by the Commission. Once approved, the Plan will enter a 30-day public comment period.

Commissioner McCarthy moved, with Commissioner Lowe's second, to recommend City Council approval of the draft FY 14-15 Action Plan as submitted by staff. The motion passed unanimously.

IV. Review of Annual CDBG and HOME Allocation Process

Weiss directed Commissioners to a memo included in their packet regarding review and critique of the annual CDBG and HOME allocation process. He noted that staff would like to get the Commission's feedback about this year's allocation process so that discussion can begin regarding adjustments for next year. Staff is interested in HCDC's thoughts regarding all facets of the process, including the program goals (especially for the Human Services Fund), the application document, the presentation process, and the approach the HCDC takes to get to consensus on allocation recommendations, as well as any other aspects that may stand out for the Commissioners. Weiss noted that staff would like to begin building a list of topics today for further discussion in future meetings.

Commissioner Lizut opined that setting the minimum award for Human Services Funds at $10,000 works well for both the agencies and staff, adding that he is impressed with the overall process including the approach used by the HCDC to come to a consensus on the allocation recommendations. Commissioner McCarthy agreed with a suggestion made by Commissioner Perrone that visits by Commissioners to the agencies' facilities prior to the presentations may be helpful in order to see the operations of each firsthand. Commissioner Lizut added that if agency visits were added to the process, it would be helpful to have some structure in place, such as sending a pre-determined set of questions to the agencies in advance of the visits. He noted that a mechanism to score each agency following the visits can also be put in place, although there can be controversy with this approach because scores tend to include content based on emotions, so it has been his experience that scoring agencies has limited value in the allocation process and can add difficulty to the conversation when trying to come to a consensus. Commissioner Lowe noted his experience has been that when a larger group breaks into smaller groups for agency visits, people tend to later advocate for the agency that they visited because of the work that they personally witnessed. He opined that if agency visits were to be added to the HCDC's process, it would be best if all Commissioners visited all of the agencies in order to keep things properly objective. Commissioner Lowe added that he likes the formality of currently having the agencies present their proposals to the HCDC, followed by the opportunity for Commissioners to ask questions. He then noted his only concern with the current process is the thinking that if an agency who successfully receives other types of funding does not receive City Human Services Fund funding, it will not be as potentially damaging for that agency. Weiss noted that this point has been a struggle for the Commission in the past, adding that staff would be very open for further discussion on this issue.

Weiss noted that staff would also like to spend some time at an upcoming meeting discussing the four primary program goals for the Human Services Fund, as the current goals have been in place for many years. He then thanked the Commissioners for their input and suggestions, noting that staff will provide a summary of the topics, along with copies of the Human Services Fund and capital project applications, for further discussion in future meetings.

There being no further business, the meeting was adjourned at 12:45 p.m.

DRAFT
CITY OF CORVALLIS
MINUTES OF THE PARKS, NATURAL AREAS AND RECREATION BOARD
MARCH 20, 2014

Attendance
Betty Griffiths, Chair
Lynda Wolfenbarger, Vice-Chair
Joshua Baur
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
Jon Soule
Ed MacMullan
Joel Hirsch, City Council Liaison

Staff
Karen Emery, Director
Jackie Rochefort, Park Planner
James Mellein, Aquatic Supervisor
Mark Lindgren, Recorder

Guests

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations
III.	Approval of January 24, 2014 Meeting Minutes	Approved as presented.
IV.	Visitors' Propositions	Information only.
V.	Budget Update	Information only.
VI.	Cost Recovery Annual Review FY 12-13	Information only.
VII.	Marys River Boardwalk Project	Information only.
VIII.	General Review of Goals	Information only.
IX.	Staff Reports	Information only.
X.	Council Liaison Report	Information only.
XI.	Board Member Reports	Information only.
XII.	Adjournment	The next regular meeting will be held May 15, 2014 at 6:30 p.m., at the Downtown Fire station meeting room.

CONTENT OF DISCUSSION

I. CALL TO ORDER

Chair Betty Griffiths called the meeting of the Parks, Natural Areas and Recreation Board to order at 6:31 p.m.

II. APPROVAL OF FEBRUARY 20, 2014 MEETING MINUTES

Deb Rose moved to approve the minutes as presented; Phil Hays seconded the motion and it passed unanimously.

III. INTRODUCTIONS.

IV. VISITORS' PROPOSITIONS. None.

V. BUDGET UPDATE.

Director Karen Emery related that at an all-department staff meeting today, she highlighted adjustments in the budget. Staff were notified today of lay-offs on June 13, 2014; one person whose position was eliminated was notified this morning. Six Parks seasonal workers were told the eight-month season would be reduced by two week; if there are any savings during the year, they can be kept on. Linda Wolfenbarger will assist her with the April 29 presentation to the Budget Commission on impacts of budget changes.

VI. COST RECOVERY ANNUAL REVIEW FY 12-13

Aquatics Supervisor and department budget liaison James Mellein highlighted the annual cost recovery report. The report is driven by Council financial policy that requires that the Department Director complete an annual review of cost recovery and the progress made. The Director is charged with setting fees, and cost recovery is a critical part of that.

He highlighted the five cost recovery tiers, listed in the packet. The lowest tier is comprised of programs and services that serve the entire community, while at the top of the pyramid are programs and services aimed mostly at individuals. The public helped establish where programs and services fall within the tiers, and cost recovery was adopted in January 2011, in FY 11-12. This report is for the last *full* fiscal year, FY 12-13, which was the first full year that cost recovery was fully implemented. He said that FY 10-11 served as the basis of where to start by consultants GreenPlay.

The first table illustrates FY 10-11, showing the target reach of tiers' minimums. Tier #2 has a minimum cost recovery of 45%; Tier 3 has a 90% target cost recovery minimum; Tier 4, 90%; and Tier 5 has minimum target recovery of 200%. He said the table showed improvement in all five tiers since the program was adopted.

Mellein explained that the percentages were related to cost recovery. For example, if it cost the department $2 million to service the entire Parks program, and there is no revenue generated generally at a park, a park is 100% subsidized with property tax dollars. Emery clarified that the tier percentages were minimums.

Mellein said Table 2 shows actual revenues brought in besides property taxes. In FY 10-11, $1.5 million or revenues were brought in, while FY 12-13 saw $1.87 million in revenues, a huge increase. Expenditures are staying relatively flat, while extra revenue is being generated. Staff

have been working hard to bring in alternative revenues, such as securing sponsorships and donors.

Griffiths asked about the new term "green line"; Mellein explained it is the line in the budget document that shows the sustainable budget and what is in operating dollars (above the green line). Below the green projects line are special and one-time non-recurring projects. Emery added that the City has now changed what is in operating budgets, so in FY14-15, CIP and Special Projects (currently below the green line) are now in the operating budget. The green line was asked for by the Finance Department to help clarify for the public.

Mellein highlighted Table 3, saying that cost recovery's intended purpose is not to reduce reliance on property taxes; however, in the same time period, there was a decrease of General Fund property taxes between FY 10-11 and FY 12-13. Table 4 shows participation in programs; those numbers *will* go down, and *have* gone down with implementation of cost recovery, since some programs didn't meet cost recovery and were cut or re-purposed, and those participants did not get served and there was a lower number of participants and programs. If staff were unable to find alternative funding for a program not meeting cost recovery, such as sponsorships, then the program was cut and the time re-invested in programs that *were* making cost recovery.

Hays asked about total participation; Mellein explained that the table figure reflected the number of registrations; it was not the number of visits or participation days. Hays asked the actual number of people using park services; Mellein replied that that data is not collected, as there isn't an efficient way to track park use. Mellein said the ActiveNet database would show every individual participating in programs and services; Emery added that it would show the number of people who are enrolled in a paid program, but there is no way of tracking drop-ins or park use.

Mellein said Tables 5 and 6 show figures for participation in the Family Assistance Program. He said the program was changed from a calendar year basis to the fiscal year to be able to match actual expenses with the fiscal year. In *calendar* year 2010, there was a utilization rate of only 12% (this means that if $100,000, say, was awarded to qualified families, then only $12,000 of services would have been utilized). In FY 12-13, with the changes that were made, the utilization rate really jumped, with 62% of awarded dollars being utilized for programs and services. Emery stated that this was one of the prime reasons for partnering with the Benton County Health Department; this has helped the department better connect with low-income residents. Mellein added that that partnership has helped with verification services as well, in terms of federal poverty guidelines. Mellein said in terms of actual dollars used, in calendar year 2010, only $2,600 was used by low-income families, while in FY 12-13, $138,000 of services were actually used by low-income families.

Mellein replied that those dollars come out of our expenditure authority. Because of the fixed expenditure limit, the board has stated that if we exceed the $125,000 cap for the program, we'll have to find dollars elsewhere or cut services. He clarified that a senior living alone would be counted as one family, but most applications were from multiple people within a household. He reported 731 applications were received in FY 12-13; a family will be defined as anyone living in that household and the household must meet federal poverty guidelines (defined as gross income for the household in relationship to the number of people in the household).

He concluded implementation of cost recovery had structured the planning process to improve the financial and service sustainability of the Parks and Rec programs and services, provides a budgeting tool for staff to accurately forecast direct costs of programs, and establishes minimum participation levels to meet or exceed cost recovery.

Staff goals for the next year include leveraging the Family Assistance program, possibly adjusting eligibility requirements and/or the cap; clearly defining roles and responsibilities of affiliates; making fee adjustments; review, seek and implement alternative funding sources; adjust program management strategies; improve marketing efforts; and consider capital improvement investments to increase participation during off-peak times at supervised Park facilities. He said the latter could include a climbing wall for the Aquatic Center to capitalize on indoor play features to drive participation numbers higher during cooler months when Otter Beach is not available. He said the goals were dynamic and would be adjusted to reflect the needs of the community over time, by re-purposing facilities, altering program designs, developing new programs, discontinuing programs, and effectively marketing.

Mellein said board's Funding subcommittee is looking alternative funding sources. Staff created a Marketing committee, which is designed to help increase cost recovery and public access to program services. Staff will continue to implement and refine the cost recovery methodology. Staff are asking that FY 13-14 cost recovery be reviewed in November by PNARB and in December by the ASC.

Highlighting Table 4, Marc Vomocil asked whether there were complaints; Mellein replied that some programs may have sessions throughout the year that could have been cut if they didn't meet cost recovery. Emery added that we discontinued youth softball; as well as Fantastic Friday fieldtrips. Mellein replied that public response was mixed, as some families had strong emotional ties to specific programs, while others have simply signed up for other Parks and Recreation programs. Emery added that some participants have been re-directed to now-thriving programs. We're being smarter in what is being offered.

Vomocil said cutting 800 programs out of 2800 was drastic; Emery stated that the reduction in programs offered in FY 12-13 as compared to FY 11-12 is due to changing how staff counts programs by condensing of individual programs into one over arching program category. Additionally, programs that were unable to meet cost recovery were cut. Lastly, hours were reduced at Osborn Aquatic Center reducing programming time.

Dierwechter said access by some participants has increased with the Family Assistance Program. Mellein added that while demographic information is not collected, anecdotally staff have seen a very large increase in Latino participants, and new customers coming through the doors. Griffiths suggested re-titling or explaining Table 4, saying it was confusing; Emery said it could be footnoted. Hays asked about potential adjustments to programs under cost recovery, given its success; Emery replied that staff were talking about doing more Tier 5 activities, since funding from those activities helps fund Tier 1 activities.

Mellein noted that the actual expenses in Table 2 were achieved through significant cuts, saying that program cuts affect revenue. He emphasized cost recovery was very dynamic, and staff were making adjustments as needed. Emery said the Senior Center Gold Pass was part of the cost recovery program, but it didn't work well, and staff responded by eliminating it.

VII. MARYS RIVER BOARDWALK PROJECT.

Planner Jackie Rochefort reported that neighbors put on a fundraiser at the Senior Center, raising about $3,500 with the auction, and several checks have come in since then. She said the OSU civil engineering students were using it as their senior capstone project, and coming up with good ideas. She reported Hays was helpful in looking at the footprint of the previous boardwalk in

terms of its failure, and had suggested an improved alignment. She was working with industry experts in footing designs.

Griffiths related questions about what would happen with donated funds if the boardwalk was not built; Rochefort responded that we will make the goal; there were a number of options. One is to shorten the length or reconfigure it. Also, loans are available, though this was not a preferable route. Staff will talk to the Brooklane developer about a trail in the wetland area. A recreational trails grant may be more successful by reducing impact to soils and incorporating a pedestrian bridge across the Marys River to the Caldwell Natural Area that is otherwise landlocked at this time. Vomocil spoke in favor of a pedestrian bridge. Hays said if the grant could pay for a bigger project, it was worth pursuing.

VIII. GENERAL REVIEW OF GOALS.

Regarding Goal #1, Phil Hays reported that the joint Trail Assessment Committee appeared to be dead. Rochefort said staffer Steve McGettigan did a trail assessment as part of the Master Plan Update. Emery said staff could prioritize improvements; Hays said he was willing to work on it with staff. He related that staffer Jude Geist had developed a list of trails in poor condition. He noted that trails were the number one priority in the survey.

Regarding Goal #2, Joshua Baur related the committee met February 25; he, Geist, and Bogatin discussed a number of projects, including the current shared component with Parks and other agencies and bodies, as well as a lot of partnerships. Future opportunities could include sharing specialty equipment; combining contracting tree care services to get a better rate; and sharing maintenance responsibilities, such as turf maintenance. Geist said some website development and maintenance could be done by 509J, LBCC, and OSU students. Some park natural areas were not getting the attention they need, and outside community organizations could help with that. Long-term partnerships, including between educational institutions, could include working with students not doing well in a traditional classroom setting. The next step will be prioritizing which are practical in the short term. School District Liaison 509J Kevin Bogatin related that the discussion hadn't gotten into details. Tatiana Dierwechter added that Health Department staff recently had discussion about overlap and duplication of County and City services and programs.

Regarding Goal #3, Deb Rose said the committee had previously come up with a list of ideas and shared with staff the top ideas. These include expanding Dog Day; expanding private concessions; grant opportunities; an annual campaign with Friends of Corvallis Parks and Recreation; and collaborating with the medical community on classes. Two of these, Dog Day and expansion of private concessions, could use general private volunteers, including board members.

Regarding Goal #4, there was nothing to report.

Regarding Goal #5, Michael Mayes related the group met on March 5, and talked about mission mesh with partners, yearly review, sharing ideas with the staff marketing committee, and guidelines and expectations for building new relationships.

Regarding Goal #6, Lynda Wolfenbarger said the group had planned on acting on feedback in fall.

Chair Griffiths said there needed to be further discussion regarding whether to go forward with the Parks and Rec District; the draft proposed date was 2015. There were different ideas on

boundaries for the district. Emery said there were three different boundaries studied (school district, City, and County); Griffiths said the board needed to hear about those completed results. She said the department needed to either move on it or drop it. It is a long-term goal and could take a couple years to actually implement it. She suggested discussion at a future meeting; Emery suggested the May meeting.

IX. STAFF REPORTS.

Director Emery highlighted the Spring Summer Activity Guide; people have begun registering. A 7% increase in programs will begin in April and will help fund the $125,000 Family Assistance Program cost. The department was approached by OSU, which wants to place students in Admin to do Spanish translation, and will translate many documents, including notices in park kiosks, the activity guide, and the website, thus helping improve access. Griffiths suggested also translating the Right Trails website as a partnership.

Emery said there were a number of complaints regarding the large homeless camp in Orleans Park (there are camps throughout the system). The eviction process has been changed in partnership with the police department; the police post the site to give residents time to evacuate, and then it is cleaned up. Department staff are not trained to deal with aggressive and hostile behavior. There is also a homeless camp in the ODOT right-of-way there, so the department will work with ODOT over the next few weeks.

Planner Rochefort said staff were applying for two grants for MLK Jr. Park play equipment improvements; making the Walnut Barn more accessible; helping reduce maintenance to the barn such as reducing rot; and re-landscaping the area in front of the barn.

An irrigation system is being completed at Tunison Park. The department received a grant for Arnold Park play equipment. The historic Sunnyside School is now on its foundations; roof work will commence next week and she is still seeking a large bell. Campus Crest sub-division was approved by the Council; she anticipated a LUBA appeal. She sought volunteers for a CIP subcommittee, to meet in April; Wolfenbarger and Hays volunteered.

X. COUNCIL LIAISON REPORT. None.

XI. BOARD MEMBER REPORTS.

Phil Hays highlighted a recent EPA letter regarding the proposed Orleans Park treatment facility intended to lower the temperature of treated City water into the Willamette River. The letter stated the proposal was inconsistent with intent of water quality standards, and did not meet state and possibly federal regulations. Hays said that essentially, the EPA had thrown it back to the State, and if it goes forward, the EPA wanted to be involved from the beginning. It sounds like the project was dead for the time being. Griffiths said it was a strong letter.

Emery explained the City was required to cool City water entering the river, and so had proposed installing a filtration facility in Orleans Natural Area. The board voted against it, and the Council asked Public Works to look for other locations, and there was a lawsuit around the temperature requirements. Hays said there will still be a requirement to cool the water, and how to do it must be determined. He highlighted Albany's Talking Waters project, which has been very successful, but was based on a different concept. Griffiths said there are periodic, interesting tours of the site.

Griffiths highlighted natural areas tours May 3-10; there is a list on-line.

There will not be an April board meeting.

XII. ADJOURNMENT: The meeting was adjourned at 7:52 p.m.

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

DRAFT

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
March 19, 2014

Present
Frank Hann, *Vice Chair*
Ronald Sessions
Jim Ridlington
Jasmin Woodside
G. Tucker Selko
Kent Daniels
Penny York, *Council Liaison*

Staff
Ken Gibb, Community Development Director
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Jason Yaich, Associate Planner
Sarah Johnson, Associate Planner
Bob Richardson, Associate Planner
Mark Lindgren, Recorder

Excused Absence
Jennifer Gervais, *Chair*
James Feldmann
Roger Lizut

Visitors
Sherri Johnson

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			Sherri Johnson stated that the fairly minor recommendations didn't address her neighbors' larger concerns.
II.	Public Hearing- Package #1 Land Development Code Text Amendments (LDT13-00002 and LDT-13-00003)			The public hearing was closed. The public record was held open until the close of business at 5 p.m. on April 2, with deliberations scheduled for April 16.
III.	Old Business			None.
IV.	New Business A. Planning Division Update			Update on the continuation of the Corvallis/OSU Collaboration process.
V.	Adjournment			Meeting adjourned at 9:58 p.m.

Attachment to the March 19, 2014 minutes:

A. Sherri Johnson, Vice President of the Harding Neighborhood Association, submitted a photo illustrating five cars parked in a front yard.

B. Testimony, submitted by Tony Howell.

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Vice Chair Frank Hann at 7:02 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITOR'S PROPOSITIONS:

Sherri Johnson, Vice President of the Harding Neighborhood Association, expressed concern about the slowness of the process of changing code. She distributed photos to board members illustrating five cars parked in a front yard and stated neighbors didn't want more 5-bedroom houses such as this. It didn't seem to be addressed in the current plan, and she asked how to get that changed. **(Attachment A)** The proposed recommendations appear minor compared to the larger issues.

Planner Young agreed that amending the LDC was slow and tended to be incremental; it requires initiation by the City Council, and includes a public hearing by the Planning Commission and then a decision by the Council. A recent code amendment changed parking requirements for 4 and 5-bedroom residences. He said the residence in the photo did not appear to be code compliant and conjectured that the house in the photo was built prior to those changes, which require more parking. He suggested that to effect change, concerned citizens should show up to meetings and providing clear information on their concerns. Commissioner Hann added that many of the proposed text amendments were suggested by citizens during the City/OSU Collaboration process, to the Historic Resources Commission, and to the Economic Development Commission.

Commissioner Daniels noted the parking standards changes passed in December 2013 resulted in development plans being filed for about 100 properties just before those parking changes took effect, so none of them follow the new parking code. Tonight's proposed changes won't be effective until they are adopted by the City Council.

Planner Young said that parked vehicles that block sidewalks or are not in an appropriate location was a potential violation of code and can be reported.

II. PUBLIC HEARING – PACKAGE #1 LAND DEVELOPMENT CODE TEXT AMENDMENTS (LDT13-00001 AND LDT-1300003):

A. Opening and Procedures:

Chair Hann welcomed citizens and reviewed the public hearing procedures. 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.

1. Conflicts of Interest. Commissioner Hann noted he served on the City/OSU Collaboration on some of the issues that will be addressed this evening but felt that that would not affect his decision.

C. Staff Overview:

Planner Young told the audience that public notices were mailed out to all (approximately 15,000) property owners in the city, since some of the proposed code changes had broad-ranging implications. He highlighted distributed materials, including the City Attorney Office's memo on Conflict of Interest, asking that it be added to the items under consideration. The Council requested at its Monday meeting that this be considered as part of the code package. He also highlighted written testimony received since the staff report was distributed but prior to the meeting. He noted also Attachment F from the staff report, which was submitted by OSU related to Chapter 2.9 changes.

He related that in April 2013 the City Council approved a bi-annual work program for the Division. Part of that program, referred to as Package #1, includes recommended LDC amendments from the Corvallis/OSU Collaboration work groups; to develop a process to amend the LDC to facilitate code compliance alterations within approved Planned Developments; and to work with the Historic Resources Commission (HRC) and OSU to streamline certain types of historic reviews through amendments to provisions within LDC Chapter 2.9.

The Corvallis/OSU Collaboration work groups have finished their work, and the Collaboration steering committee and the Council have reviewed and advanced several recommendations from the work groups, including a package of proposed LDC amendments from the Neighborhood Planning work group. The Council also advanced for consideration a recommendation from the Economic Development Commission to amend the LDC to facilitate code compliant alterations within approved Planned Developments. The HRC held a number of work sessions, and prepared a recommendation for LDC amendments to facilitate certain types of historic reviews. The package was submitted to the Council on October 7th. The Council reviewed it and authorized Community Development staff to begin work on the package now under consideration by the Planning Commission.

He highlighted proposed LDC Text Amendment 1.2.11.02, regarding annual review of land use application fees; the review is proposed to be changed from January of each year to July 1 of each year, to allow calculation and fee setting to occur on a fiscal year schedule. Commissioner Sessions asked if a July 1 date gave staff enough time to compile data from the previous fiscal year; Planner Young replied that it would allow enough fiscal year data to line up projections for the following year. Director Gibb added that staff would do a twelve-month period in advance, and review it with a committee. Lining up with the fiscal year allows staff to build it into the budget planning process. The calculations would be done on a calendar basis, and would match the budget process.

Associate Planner Sarah Johnson highlighted proposals brought forward from the OSU/City Collaboration. The first was Item 2-1, Exemption of Affordable Housing Projects from the 4/5 Bedroom Parking Requirements. Testimony expressed concern that higher on-site parking requirements and the additional property associated with that could discourage certain affordable housing projects. The proposal would exempt certain qualified affordable housing

developments from the higher 4/5 bedroom unit off-street parking requirements. The proposal would create an exemption for affordable housing developments that meet specific metrics for affordable housing development; typically, that comply with federal home subsidies and programs. They would be subject to the previously assessed 3-bedroom parking requirements of 2.5 parking spaces per unit. She highlighted the associated new definition, Qualified Affordable Housing Developments, in Chapter 1.6, with the metrics that create qualifying factors.

Item 2.2 changes the definition of "Family" in Chapter 1.6 to include domestic partnerships, in order to be more inclusive. The Planning Commission had asked staff look at updating the definition to be more in line with state requirements for family, as it informs what is considered a residential home and the types of uses. This includes persons who receive residential care, residential training or residential treatment, so those facilities are included in the definition.

Item 2-3 looks at the definition of "Residential Home", which in turn relates to the definition of family. That definition says that five or fewer unrelated persons can be considered a family. There were discussions of reducing the number of unrelated persons from five to three, and creating a new definition of Residential Home. However, after staff consideration and conferring with the City Attorney's office, it was concluded that since no recommendation was brought forward to change the number, it was unnecessary to create a separate designation for Residential Home, and the existing code for family (five or fewer persons, plus residential care staff) was deemed effectual. Staff recommended that it was unnecessary to add another definition of Residential Home. Commissioner Daniels noted that there was still interest among some in making this change.

Commissioner Sessions asked about Item 2-1, page 19, regarding the number of parking places per unit for qualified affordable housing. He quoted "..developers who wish to provide 2 spaces per unit for four and 5 bedroom units must prove the development qualifies for the reduction." He said this should actually read 2.5 spaces, not 2; Planner Johnson confirmed that that was correct. Commissioner Sessions asked about rounding, asking if there were three units on a property, whether the required 7.5 spaces would be rounded up to eight spaces; Planner Johnson replied that that was correct.

Commissioner Woodside said League of Women Voters testimony raised the question of whether students would qualify for housing assistance; Planner Young replied that the way the definition is written, in order to benefit from the reduction, the applicant must demonstrate a twenty-year commitment to providing affordable housing. Residents must provide financial information to qualify, showing that they have income at or below 60% of the Corvallis area median. A typical student's financial picture is different; many are considered dependents and thus would not qualify. Some would qualify based solely on income, but the way the standards were written, it would exclude the typical student. Commissioner Daniels said that this item was here since Jim Moorefield of the Planning work group advocated for the change, since he felt that without it, it would increase the cost of affordable housing projects that Willamette Neighborhood Housing Services does, since it would require more parking and fewer units.

Planner Yaich stated that Item 2-5 related to property line adjustment review criteria. The staff proposal would create an additional criterion under b.5, to provide dimensional clear and objective criteria based on setbacks within the applicable zone, so a configuration of any property lines through a property line adjustment process would not result in "unusable area". The new criterion #5 seeks to define what "unusable" means by doubling the sideyard setback standard of a given zone to provide a dimensional criterion for the space between the two

opposing property lines. The language in #5 also accounts for existing, non-conforming situations through the new criterion, allowing an existing non-conformity to continue, and allowing the property line adjustment to be approved as long as you're not worsening the situation.

Item 2-6 is related to a specific residential building type, called "zero lot line attached units", in which there is just one unit on each property, attached at the property line. The current definition section in the LDC highlights a scenario with two lots with a common wall at the property line; the proposed change would affect the setback of one sideyard and increase it from 8' to 10'. The rationale from the Planning work group is that the massed look is very similar to a duplex, so the proposal is to match the duplex side yard standard.

Items 2-8 and 2-9 on page 27 of the staff report deal with changes to the Chapter 1.6 methodology for residential density calculations. The first proposal would remove the existing provision that allows applicants' calculations of site area to include half of the abutting street right-of-way, which effectively increases the lot size; this would remove that provision when going through a Minor Land Partition or a Minor Replat process. Those definitions would also be changed under Residential Partition Standards in Chapter 2.14.

The second change in density calculation methodology deals with rounding; the current code provides for rounding when you consider a density calculation that results in a half a unit or greater. Minimum density calculations currently requires bumping up density to the next whole number. Under maximum density, you are allowed to increase beyond your maximum density to the next whole number when you round up. The current code does not allow you to round up when you are at less than 0.5. This proposal would change how rounding is handled under c.1 and c.2 in Chapter 1.6, Definitions. The Planning Work Group sought to differentiate between how density is calculated in the older, more established sections of the city; the thought is to look at the annexation map and look at how development patterns have changed strikingly following WW II, when there was more low density, large lot development. Staff chose a date, starting at January 1, 1950, under c.1, to change the rounding provisions relative to development in those areas; in other areas of the city, rounding would remain the same.

Item 2-8 changes the notice requirements for Major Lot Development Options in Section 2.0.50.04. The Neighborhood Work Group proposed changing the notice area for Major Lot Development Options from 300' to 500'. Commissioner Hann recalled discussion on whether, by setting a post-WWII date for housing, the city was effectively establishing a historic district without the neighborhood voting on it. He noted that rounding up was not required by law; Planner Yaich responded that that was true.

Planner Johnson highlighted proposals resulting from recommendations from the Economic Development Commission, to find ways to permit code-compliant development within existing Planned Developments through ministerial review, without going through an additional Minor PD Modification or new PD Process.

The first proposal relates to revisions to approved site design plans, in areas with approved detailed development plans, with certain site design elements that a developer proposes to change slightly from the originally approved detailed site development plan. Examples could include location or size of landscaping, location of pedestrian pathways or sidewalks, and other site design elements, which were approved in one configuration, but then proposed by the developer to be slightly changed. It is proposed to be included within existing provisions for determining compliance within an existing detailed development plan; they already have

certain thresholds, such as that a change would not affect any Conditions of Approval or approved compensating benefits. There are certain size restrictions on adding or reducing floor area to approved development plans, and they otherwise comply with all LDC provisions. The additional language discusses those site design elements and provides a cumulative threshold of no more than 10% change to those elements originally approved in the detailed development plan. She summed up that it gives more latitude for where site elements may end up on an approved plan.

The second part proposes determination of code-compliance with approved detailed development plans but with Minor Plan adjustments. The overarching criteria are that the proposed adjustments fall within the threshold identified in the preceding section, which gives thresholds for determining whether or not something qualifies as a modification. If they fall below the threshold of a minor modification, that is the first threshold. Per the second set of criteria the expansion cannot affect any Conditions of Approval, any approved compensating benefits, or any enhancements provided to offset flexibility or some other variation.

This proposed code amendment is divided into Residential, Commercial, Civic and Industrial categories. Residential minor plan adjustments determined to be in compliance with detailed development plans are proposed to apply only to certain types of residential development, and not large scale single family PD approvals, but rather to group residential, cooperatives, fraternities and sororities, and residential care facilities; specifically, multi-dwelling building types. This allows flexibility and adjustments that are code-compliant, which don't reduce any compensating benefits or Conditions of Approval, and which allow some flexibility in terms of expansions, for floor areas of 500 square feet or less, or equivalent to 10% or less of the total structure's gross floor area. There are cumulative limitations on these types of expansions to ensure that something doesn't continually expand by 10%; it limits such expansion to no more than 10% of the total gross area approved under the original PD.

For commercial, civic, and industrial adjustments, expansion would remain the same in terms of floor area, 500 square feet or less, but expands it slightly further in reference to larger developments; in particular, for commercial, civic, and industrial of 5,000 square feet or less, or 20% or less of the existing structure's floor area, with a cumulative limitation of no more than 20% of the total gross area approved under the original planned development.

There are also proposed code amendments to allow code-compliant development of industrial properties containing approved PD's, but which don't have a detailed development plan, an active detailed development plan, or a conceptual and detailed development plan; or, which have a detailed development plan, with 5% or less having been developed under the approved detailed development plan. This is intended to give some flexibility for code-compliant development in areas with large pieces of industrial property that are currently not developed and not utilized to their fullest extent. This would be limited to areas identified on zoning maps as PD(LI) (Limited Industrial), PD(LI-O) (Limited Industrial- Office), or PD-(GI) (General Industrial). Those standards would require that they not conflict with any Conditions of Approval or any compensating benefits; the intent is to add flexibility to those zoned properties. Planner Johnson highlighted a map in Attachment E of the staff report of example properties in north and south Corvallis.

Commissioner Hann asked if the numerical figure was a total or a net total; whether it was cumulative or offset by discontinuing a use in another area. Planner Young replied that it depended which standard you were looking at; for example, you can vary a site design element up to a certain amount. In a Minor Plan Adjustment Process, staff contemplated a cumulative

standard to try to avoid incremental change that results in wholesale change. The thresholds are 10% for residential and 20% for commercial, civic or industrial. Commissioner Sessions cited an example of cumulative building footprint; Director Gibb replied that staff would get back to him.

Planner Bob Richardson highlighted Chapter 2.9 Historic Preservation proposed amendments, saying there haven't been any changes from those presented last month apart from a little re-numbering. The changes were intended to provide efficiencies for staff resources and to focus on changes to amendments that affect development within the OSU campus; he noted that much of the OSU campus was now largely within a Historic District, and it was made without specific rules tailored to it. Since about half of Historic Preservation Permit applications come from OSU, it made sense to focus on changes to Chapter 2.9 to make it easier to make common types of development occur on campus while still maintaining historic compatibility with those developments. The changes fall within four categories: alterations to Nonhistoric and Nonhistoric Noncontributing structures; alterations that would facilitate compliance with ADA rules, the building code, or to ensure safety of buildings; alterations that facilitate contemporary use of a building; and to simplify or clarify code language.

He highlighted new proposals by OSU on pages 66 and 68 of the staff report. They would allow Director Level review criteria for installation of wireless communications facilities and antennas, and enclosures required to screen ground-level mechanical equipment. He highlighted draft language on page 66 of the staff report, saying it was similar to what OSU proposed, with a change in the section numbering, and to reference a specific antenna type identified in Accessory Development. It would allow administrative decisions to allow antennas to be installed on buildings at least 30' in height, and attached to the building in such a way that it would not damage it or its historic features, and installation would be reversible. Staff supported the language. In most cases, the antennas would be required to be screened by other standards in Chapter 3.36 (OSU Zone), so in many cases antennas would be difficult to see and would not impact the character of the historic district.

Regarding ground level screening, OSU's proposal on page 68 is to allow administrative approval for installing enclosures eight feet tall, up to 600 square feet in size, and not located between a building's front and the street, and if it is attached to a designated historic resource, would be done in such a way as to not damage its architectural features. He said staff did not recommend the language be recommended by the Planning Commission, saying staff were taking a cautious approach, based on concern about installing an enclosure of this size on a Historic Contributing Building. Staff believe that, without a more nuanced review of placement or design, such a structure could be historically incompatible. Even though the scale might be small proportionately, it is hard to know what all of the impacts would be. If the commission chose, there are recommendations for proposed language on pages 66-69.

Commissioner Woodside asked what happens if OSU revises its chapters; Planner Richardson replied that OSU could do that, and staff would want to consider the implications in review. Commissioner Sessions asked if screening only applied to items on historic properties; Planner Richardson replied that it only applied to buildings in the OSU Historic District. Commissioner Sessions asked if the enclosures fell under Nonhistoric Noncontributing if they weren't adjacent to a historic building; Planner Richardson replied that language on accessory structures, 2.9.70.h, specifies that it would not apply to these enclosures; he said he could get back to him on the question during deliberations.

Commissioner Daniels asked if the first motion would accept the staff motion to *not* approve OSU's proposal; Planner Richardson concurred, but suggested a motion to clarify that, if the commission concurred with staff's recommendation.

Planner Young highlighted the Conflict of Interest provisions in the distributed memorandum, outlining the City Council's interpretation of the LDC. He highlighted the request in testimony from the League of Women Voters to codify the interpretation; and noted that the Council authorized staff to do so. The Council adopted the interpretation in November and on Monday authorized its inclusion in Package #1. The interpretation would apply to all City hearing authorities, including City Council, the Historic Resources Commission, the Planning Commission, and Land Development Hearings Board. The interpretation differentiates between an actual conflict of interest and a potential conflict of interest. It was unclear to the Council whether items a, b, and c listed in the code language were examples of an actual or a potential conflict of interest. Based on the Council's interpretation, they found the examples were not necessarily one or the other, and would ask the decision-maker to consider their situation and the potential conflict of interest. For example, if you have property within an area entitled to notice of a public hearing on a land use matter before the Planning Commission, given that information, you would have to decide whether you could render a fair and impartial decision, and if so, you wouldn't simply need to declare it as a potential conflict of interest, but would also have to state that you believe that you could make a fair and impartial decision.

Commissioner Daniels said that given this interpretation, it sounded as though he could have participated in the Gazette-Times hearing; Planner Young replied that based on this, he could have, if he'd felt he could render a fair and impartial decision.

Commissioner Hann said that since the topic in question was a legislative decision, all testimony would be heard together, rather than testimony in favor, opposition, and neutral, as is usually done in quasi-judicial testimony. Therefore, there will be no opportunity for rebuttal or sur-rebuttal. He asked the public to keep testimony under four minutes.

D. Public Testimony.

Elizabeth French, chair of the Economic Development Commission, (EDC) related that that the commission brought its request forward since it had a goal in its strategy to facilitate predictable and clear planning efforts on the part of Development. The commission heard consistently from a wide variety of both small and large businesses that it was very difficult to make minor modifications, and that the process was unpredictable and costly in terms of time for both City staff and applicants. The commission looked specifically at things that were code-compliant. She stressed that the commission felt strongly the city had very high standards for development, and that it supported that. However, where there were minor modifications to be made, the process was cumbersome and resulted in unintended consequences, including hindering economic development. The commission was pleased with the draft language.

Pat Lampton concurred with Ms. French's comments, saying his experience as a homeowner and business owner prompted his encouragement to the commission to support proposed LDC Text Amendments LDT13-00002 and LDT13-00003, and agreed with the logic of staff's conclusions regarding their adoption. He highlighted the staff reference to "Statewide Planning Goal 9 – Economic development requires that comprehensive plans and land development codes "take into account methods and devices for overcoming certain conditions and deficiencies for implementing this goal, including but not limited to land use controls and ordinances". This applies, since Planned Development Overlays, in particular, have become a

weapon for those who wish to stop a particular development, not through the logic of accepted community standards expressed in the Comprehensive Plan and the LDC, but by using the additional public process as a means to delay. The added time and uncertainty is often a burden not acceptable to those who would add value to or maintain what we have, and adds to costs that we all must share. Obligations for public input must to be balanced with communitywide needs for a system that also allows for renewal and innovation, which support our businesses, schools, and institutions and individuals, by ensuring that the possibilities and costs of development and rehabilitation are kept within reach.

K.J. Phillips stated that she's been developing parcels in Corvallis for about fifteen years. She said infill projects were the most expensive for developers, and provided a lot of benefit for the city tax rolls. She highlighted the proposal to bump up sideyards to 10' to match duplex units. She said she had gotten positive public feedback on duplex units she developed in the Timberhill area; some of the units only had a 4' setback on one side, but 15' on the other side, so it wasn't obvious. A duplex can have two units on one lot, while a single attached dwelling (frequently owner-occupied) sits on its own lot, so it's not a good comparison. She agreed with the proposal for setbacks for RS-5, but suggested leaving existing setbacks for RS-6 and above. She explained that with the Comp Plan change around 1999, the City changed her RS-5 parcels to RS-6.

She noted the City took thirteen feet along a couple hundred feet of street frontage in front of her 49th Street property to make improvements such as park strips and sewers. Therefore, it is only fair for developers to be able to use their "half-street bonus" when they've given up that land in the first place. She supported the proposal for property line adjustments for unusable areas; this would ameliorate so-called "spite strips" which prevent neighbors from accessing a street.

Commissioner Hann asked about the side yard setback; Planner Young said the rounding up provisions would only apply to a specific area in the city; in all other areas, the setback change would apply; it is based on the housing type (the attached unit). Commissioner Sessions asked if that was an owner-occupied unit; Planner Young replied it is not specified, and it could be a rental. Commissioner Sessions asked if it could be a duplex; Planner Young replied a duplex is two units on one lot; an attached unit features a shared wall along a common property line. Commissioner Sessions said a duplex could also share a common property line.

Bill Cohnstadt concurred with Ms. Phillips, and opposed changing setbacks in RS-6 and above. He added that Vision 20/20 priorities opposed urban sprawl and promoted neighborhood livability. However, now we're seeing the conflict between those two goals of infill versus livability. He advocated that RS-9U and RS-12U should not be included in these changed setbacks; we do want infill and higher densities around the university, and at some point these expanded setbacks requirements will interfere with that. You want higher densities in those areas so students can walk and support businesses downtown.

Dave Derlacki expressed concern regarding the proposed setback change, noting that you're narrowing the house you can build on those lots, which will force building two-story houses on them. As our aging population has more problems with stairs, that's not a good thing. He said the proposed change allowing minor site changes limited to 10% needed language clarification (10% of *what*).

Shelley Murphy, representing the League of Women Voters (LWV), highlighted the League's written comments and questions submitted today. The League has been working on

comprehensive planning since 1970. The League had no problem with changing the annual review of land use fees to match the fiscal year, and it strongly discouraged any increase in fees for appeals. Regarding exemptions from the 4/5 bedroom parking requirements for affordable housing projects, she noted that changing the parking requirements was the first adopted recommendation of the Corvallis/OSU Collaboration Neighborhood Planning Work Group, since parking was one of the main issues that generated the need for the collaboration process. However, some of the people that meet eligibility requirements are students, and students these days have cars, and a 4/5 bedroom affordable housing home may well have four to five students defined as a family and as many cars. She asked if the proposed "qualified affordable housing" would preclude this group of renters, since otherwise the problem of parking will remain.

Regarding Items 2.2 and 2.3, the League agreed that the definition of families to include domestic partnerships needed updating. The League agreed that Residential Homes should have their own definition; they seem to be increasing in neighborhoods and aren't either independent individuals living together or non-related individuals living together; they are a separate entity.

Regarding amendments 2.5, 2.6, 2.7, and 2.9, there was lots of public input and discussion and the League was in general agreement. She noted that when the testimony was drafted, the League hadn't understood that 2.9 would apply to all the city. The League was concerned about the 1950 cutoff date; the League asked that staff look at the annexation map, since many neighborhoods annexed between 1950 and 1960 are beginning to change due to the incursion of larger rental units, and they may also benefit from the change in the rounding formula.

The League concurred with the increase of the 500' public notice area; it would be good for the entire list; the League supports public participation. Also, in section 2.0.50.04.4, 100' notice is given too many items; however, that's barely a block; that distance should be increased to at least 200', especially with items e, j, and k.

Regarding the proposed limits for amount of change under Planned Development to industrial properties, the League felt there should be a limit to the number of minor changes, since that could result in development significantly different to what was originally proposed in the public process. Commissioner Hann suggested that Ms. Murphy discuss the question of students and affordable housing with staff.

Louise Marquering spoke on behalf of the League of Women Voters, saying that a reason to adopt the proposal on conflict of interest is to provide guidance for future Councils. According to City Attorney Brewer, ".. a citizen or a future Councilor or Planning Commissioner reading the code would not know this unless the new interpretation was in the LDC". Since the League supports measures to ensure effective, impartial, prudent, and lawful enforcement of the implementation of the Comprehensive Plan, the League strongly suggest that Council direct staff to include the change in the package of proposed LDC amendments to be considered by the Planning Commission.

Regarding the issue of the number of parking spaces, she noted that the League first brought the proposal forth in 2009. Speaking as a teacher, she added that the LDC would be much more reader-friendly if it was in a serif font (the current sans serif font used for the LDC is difficult to read).

Diane Cummings stated that she'd lived near the high school for many years, but she and neighbors were very concerned about development around town. She asked for consideration of the finding of a family as three or fewer unrelated people, much less five. There are already

exceptions for domestic partners and residential group homes; it's hard to imagine any other scenario that would involve five or more unrelated people, other than student housing. Most of the huge buildings being constructed are five bedroom, five bathroom student housing, but qualified as single-family housing; however, they are definitely *not* single family homes, and that's a problem. She said developers were very aware of the loophole. She related living in a student town in Vermont that enacted a three unrelated persons ordinance, and it worked well, and didn't keep students out of neighborhoods, but preserved houses in neighborhoods that most people would consider living in long-term. She said she didn't want huge developments coming in next door that would make her neighborhood less livable.

She asked about the proposed parking requirement changes; Planner Young explained that the proposed provisions would reduce the requirements for four and five bedroom units developed as part of a qualified affordable housing development, with residents of limited income (60% of median income); residents must meet those standards to live in those developments. A qualified affordable housing development must show a demonstrable and ongoing commitment to provide affordable housing for no less than twenty years. Staff did not believe it would apply to many developments.

Ms. Cummings asked if that would require residents of these developments to have fewer cars; she said that everyone had a car these days, so the proposal was not a good idea, though she was sympathetic to affordable housing. Commissioner Session noted that Alexander Court affordable housing apartments were mostly two or three-bedroom units, which would not be affected by requiring only 2.5 spaces per unit. He said Seavy Meadows and other affordable units were mostly smaller units. Planner Young related that Jim Moorefield stated that Willamette Neighborhood Housing Services builds few 4/5 bedroom units.

Rebecca Houghtaling, OSU Senior Planner, asked the commission to reconsider staff's recommendation on proposal 2.9.100.03.i, Required Ground Level Screening. The reason for the request was part of the effort to streamline the historic review process. She related that the university has had over 30 power outages over the last several years; maintaining scientific research and campus operations requires the campus to install generators on campus. She highlighted background information on pages 227-245. OSU asked for a Director Level review that would site a generator or mechanical equipment already required under Chapter 3.36, both inside and outside the OSU Historic District. The sizes proposed are less than 3% of the buildings' footprints. They can be either freestanding or constructed in a reversible manner. OSU was concerned that they blend in, and not damage any features of a building.
OSU was concerned about the recommendation on page 70 of staff report, in which staff stated that one consideration was that the Planning Commission may want to implement this only with Nonhistoric or Noncontributing buildings, or twenty feet separation. She noted that many of these structures were located behind the building or on a non-public street, and having a small structure tuck up next to a building makes them less visible; they would be more likely to be eyesores if they were twenty feet away from a large building. If they are free-standing, providing services to both Contributing and NonContributing buildings, it's hard to assign which is being served.

Sara Robertson, OSU Associate Planner, stated that OSU supported proposed staff language for 2.9.70.k, collocated wireless communications facilities. She said there was a question about what would happen if Chapter 3.36, OSU Zone, was changed to not require screening of antennas, as it currently does. While that is a possibility in the future, it would not be possible without going through a similar public process, so there would be opportunities to discuss whether it was appropriate to remove screening from antennas. She said a hypothetical concern

should not block approving this proposal. Commissioner Woodside asked if OSU would have to come before the Planning Commission to make such a change; Ms. Robertson confirmed that that was the case, since it was a chapter in the LDC that regulates the OSU Zone. Commissioner Woodside asked about the location of the background information; Planner Young replied that it was in Attachment F, pages 1-5.

Commissioner Daniels asked Ms. Houghtaling the HRC's opinion on the proposal. Ms. Houghtaling replied that the original request to the HRC different; it was for an exemption, but the HRC and staff weren't comfortable with it. OSU is seeking to balance campus' need to continue to do its work but also in keeping with campus' character.

Commissioner Hann asked how often requests for screening occurred; Ms. Houghtaling replied that it comes up frequently, generally on campus, for many reasons, both within and outside of the Historic District, including for trash, generators, mechanical equipment, nitrogen tanks, etc. Ms. Robertson added that they also can include coolers and chillers, and to support the work done on campus. Commissioner Hann asked if there was a standardized design; Ms. Houghtaling replied that OSU sought to match the material of the building an enclosure will be attached to; OSU also seeks to use vegetation.

Commissioner Hann asked where design came from within OSU; Ms. Houghtaling said it varied; if it is a new construction, it comes from that project. Ms. Robertson added that the language requires the materials match the existing building; the palette will be limited by that language.

Jeff Hess highlighted the rounding amendment. In 2012, a developer had a plan to build three duplexes in his neighborhood and built two duplexes for student rentals. However, the third lot was too narrow to allow a duplex, so they applied for a minor re-plat, allowing them to build two single attached units. They used the same design, and the firewall down the middle was the only difference. As a result of the application, they reduced setback requirements by 20%; from the neighborhood's perspective, the buildings and their scale were identical, and had the same impact on the neighborhood. A 20% reduction doesn't make sense, given that a duplex is not allowed, but two single attached units are allowed. He said setbacks should make sense. Likewise, regarding street width, the same property wasn't large enough to allow two units to be built, and a minor re-plat gave them enough property under the lot calculations to build a duplex; the actual buildable land didn't change until it counted the half-street width, and this is where the term "bonus" is coming from.

Regarding the rounding amendment, the LDC should be clear and unambiguous. Within the LDC, each zoning district is defined explicitly in terms of the maximum allowed density. The word maximum is so unambiguous it has its own mathematical symbol, "equal to or not greater than". Mathematically, an RS-9 district, with a stated maximum of twelve units per acre, would mean the lot size required for a duplex would be two divided by twelve: 0.167 acres. However, City staff's calculations for his RS-9 neighborhood allowed duplexes of 16 units per acre to be built. For single unit developments, those staff calculations allow 24 units to be built, significantly violating what the LDC states is the maximum allowed density. He said this is unfair and may be illegal. Community members invest in their property as homes based on the belief that the City will uphold the stated maximums within the LDC. Rather than round, using an equation not stated anywhere in the LDC, a clearly stated maximum value should be adhered to. Increased infill can then be achieved by increasing the maximum value allowed in each zone. This would also allow for public input and discussion appropriate for such a change, and that didn't occur in 2006, when this amendment was put in place.

He said there is a notion that rounding occasionally results in a reduction in density. He said that units exist as whole numbers only; a quarter unit is imaginary. The only realized effect of this code is when City staff allow a developer to go from one real unit to two real units; two units would never go to one unit. The only realized effect of this code is an increase in density.

Commissioner Daniels asked about the 16 and 24 unit figures. Mr. Hess replied that the way City staff calculate it (and the calculation is not included in the LDC, so there is no way for a homeowner to determine what a neighbor can build), the maximum density allowed depends on the number of units they are applying for. For a single unit, density of 0.5 is rounded up to one; he asked what a single unit density of 0.4 would be rounded up to. Planner Young replied that for a legal lot of record, if it is a platted residential lot, with an established development right, staff will allow a house to be built on it regardless of size, otherwise the city is engaged in a taking, and subject to legal action. Mr. Hess said for a single unit, if it is less than 0.5, it is still allowed a single unit, so it is greater than 24 units per acre, and the LDC stated maximums are violated.

Commissioner Hann asked Mr. Hess if the proposed code was going where he preferred. Mr. Hess said the City staff's proposed rounding is a change that makes the minimum density optional for a developer. The maximum value consistently violates what the LDC says is the maximum allowed. There are a number of ways to fix it, including stopping rounding. Another is to increase the value; there is some concern we're losing infill potential by doing that. Another is to increase the maximum stated value and stopping rounding; that promotes infill and also generates public discussion. Commissioner Daniels commented that that would involve changing the zone designation.

Commissioner Sessions asked staff about rounding on one parcel; Planner Young added that the City also rounds density per subdivisions too. Commissioner Sessions asked if the maximum increase could be one unit per parcel; Planner Young said there's only a change of one unit in any scenario. Commissioner Sessions asked about various scenarios; Planner Young replied that he'd rather not comment based on speculation and suggested staff bring in real-world examples of how the density calculations are done on an individual lot basis and a subdivision basis. Commissioner Sessions asked if it were true that a calculation only applied to one parcel at a time, and it could only increase by one unit per parcel; Planner Young replied that staff evaluate density at the time of subdivision, and in the creation of multiple lots, we also evaluate to make sure the subdivision as a whole is within the minimum and maximum realm.

Tony Howell highlighted his distributed print testimony. **(Attachment B)** He stated that he was a member of the OSU/City Neighborhood Planning committee, and supported all the proposals that staff brought forward from that committee. He said his understanding was that the reduction in parking requirements for four to five bedroom affordable housing projects was for the very limited occasions that large families need four or five bedrooms. The thinking was that for a related family, there would not be a need for that many parking spaces. The affordable housing projects are more typically two or three bedrooms. Federal guidelines would probably not allow five unrelated students in such developments; if needed, the wording could be clarified to address concerns.

He highlighted Planned Development proposed adjustments, saying that he'd suggested clarifying wording on the second. He said it wasn't clear how the first proposal related to the second. His main concern was regarding the third proposal, allowing development of industrial properties within a Planned Development that either have not had a conceptual or detailed

development plan come forward, or that only 5% has been developed. With the 5% figure, he advocated that there is adequate flexibility in the first two proposals that cover needs for minor changes or different phasing.

For those without a detailed or conceptual development plan, typically, an applicant comes forward when the development they have in mind doesn't meet standard code requirements, and they ask for a Planned Development and go through that process in order to have variations. In the case of a Planned Development overlay under Chapter 3.32 (not Chapter 2.5, the typical PD process), the voters could consider the possible impacts of a property.

In an example in South Corvallis, a Planned Development was overlaid in the 1980's at the time of annexation. Later, the 1998 South Corvallis Refinement Process was a year-long process with a lot of public input and multiple stakeholders, and looked at the PD overlay of industrial properties. He said the intent was to maintain industrial inventory while maintaining compatibility with the adjacent neighborhood. It reduced the development size to make it more flexible, and recommended a number of code changes to make it compatible with traffic and other issues; he said that the PD was a way to get compatibility issues resolved. Much of the concern was about how development related to transportation issues. Over time, only some of the recommendations occurred; some are still waiting to be implemented, partly due to a lengthy appeal.

He noted the 2000 Comp Plan explicitly adopted many recommendations of the South Corvallis Plan. The industrial section states that it will develop code standards to address traffic impacts, compatibility, and recommends removal of PD overlay on industrial properties be considered when there are alternatives in place. It gives direction on how to proceed to relieve those properties, if the PD is a barrier. That relief can come via property-specific guidelines; or updating the General Industrial and Light Industrial code chapters; this could be area-specific. Also, there could be a process to consider changing zoning back to General Industrial. Property owners have a right to go through the process of removing a PD overlay at any time and make a case that the PD is not necessary, and that the code as written, is good enough.

This draft provision seems to be an end-run around that process, and doesn't limit the amount of piecemeal code compliant development, and ignores that the code it is compliant with is the 1993 code, which hasn't been changed, and doesn't include Comp Plan recommendations. It is not an appropriate approach and will potentially lead to a lot of incompatible development in south Corvallis that is not compatible with neighboring industrial property owners, let alone residential property owners.

Council Liaison York said it was unfortunate that those who represented that recommendation weren't here; she asked if he'd talked to the EDC. Mr. Howell replied that he hadn't been aware of the proposals until a few days ago. He said it has been discussed repeatedly over the years, brought forward by new people. The Industrial chapter updates have long been on the Planning Division's Unresolved Planning Issues list, and this proposal could raise interest in that.

Commissioner Woodside asked if his concern was that there was an improper threshold, and that applicants would come forward with numerous changes that would be tracked. Mr. Howell replied that where there is no detailed or conceptual development plan in place, and someone proposes a use in these districts, there is no requirement in the current code to orient buildings on the property so it is easy for people to walk to a bus stop, and no clear guidance on how road systems will work with neighboring properties.

He highlighted the Kikkoman PD proposal for a large industrial development on Kiger Island Drive; in review, many of the issues were how it related to other industrial property owners to the north and south, and whether the roads were positioned in a way that gave them good access later. Those considerations happen in a PD hearing, not necessarily during an administrative review (and some considerations cannot be done during administrative review). He said he would like the third provision for PD overlays removed, and wanted the other industrial chapters updated, so that there could be consideration of removing the PD unless the property owner wanted it for flexibility.

Commissioner Sessions said it sounded like Mr. Howell was addressing issues that needed to be resolved or considered in the future. Mr. Howell replied that this proposal was not the best way to resolve them, and actually conflicts with one policy in the Comp Plan, that directs that South Corvallis industrial property must go through a PD. There is a way to resolve it via the routes he described.

Commissioner Sessions said he didn't see how the proposed changes would affect the requirement to get a Planned Development. Mr. Howell responded that the third proposal would allow someone that doesn't have a conceptual or detailed development plan, to build under the existing code (heading "Code Compliant Development," on page 40). He read "..so that development of industrial property consistent with Land Development Code standards shall not require additional Planned Development review, when the following thresholds are met..". One of these is that "..there is no active conceptual or detailed development plan on the subject property". In that case, #2, the second #3, and #4 wouldn't apply (there are two #3 items; it is mis-numbered). Existing code gives little guidance in regards to General Industrial.

Commissioner Hann asked if Mr. Howell's primary concern was in terms of scale and size; the EDC is saying Corvallis needs to be more flexible in order to attract businesses and make it less onerous. Mr. Howell said there is no scale limitation in these; it could be a very large development, and if so, you'd have to look at how it accomplishes preservation of 3rd Street capacity by its access to transit, pedestrian, or other modes of transportation, and how it relates to other nearby industrial properties that need access (there is limited east-west access across the railroad tracks), so property owners must share.

Commissioner Sessions said he was hearing very valid concerns, but the proposed code amendment under consideration pertains specifically to those properties that have detailed development plans; Director Gibb replied that the third proposal didn't.

Commissioner Daniels asked if he'd be more comfortable with modifying the third request, as opposed to taking no action on it; there is language in 2.5.50.30 that contains these elements. Mr. Howell replied that in cases where there is no conceptual or detailed development plan; conditions #2 or #3 wouldn't apply, since there have been no Conditions of Approval or compensating benefits. You could look at a formula that addresses square footage or other conditions. The LI-O Chapter has newer standards, while General Industrial has very limited standards. If a property is in the LI or GI district, but they met the standards in the LI-O district, that would be a lot closer to addressing the issues (such as Pedestrian Oriented Guidelines) that South Corvallis or other properties faced.

Commissioner Woodside noted Mr. Howell stated that South Corvallis was specifically listed in several places in the code, and asked whether that could be referenced; Mr. Howell clarified that South Corvallis is listed in the Comp Plan. He said that 8.9.10 has a map that shows the South Corvallis industrial property and states that if a 50-acre minimum lot size applies, it may

be reduced only after it has been through a Planned Development process. This indicates the intent that those properties go through a Planned Development process, if you're going to develop something less than 50 acres. It's hard to implement the proposed policy in the code; it would have to be consistent with that. The risk is if it allows properties larger than 50 acres to go straight through, since it would have a much bigger impact.

The proposal has not been adequately worked through and could result in a dysfunctional industrial development process; it is not desirable to bypass the PD process; there are ways to avoid needing a PD overlay. You would actually end up with less industrial development because of piecemeal development without consideration of locations, access, transit, routes, and compatibility.

Commissioner Sessions highlighted page 39, titled "Proposed Code Amendment to allow co-compliant development of industrial properties containing an approved planned development that has not been substantially developed". Planner Young agreed that the title was misleading.

E. Close the public hearing:

Chair Hann stated that there was no request for a continuance or to hold the record open. Commissioner Selko moved and Commissioner Daniels seconded to close the hearing; motion passed.

Director Gibb said that given the questions raised, staff need to address issues. He suggested scheduling deliberations for April 16, and said the commission could allow additional written comment, if it chose.

Commissioner Sessions said he could not attend and was concerned about having a quorum. Commissioner Hann said commissioners not attending could listen to the audio of the proceedings. Director Gibb noted that this is a legislative, not judicial hearing, and had different standards. Commissioner Daniels said Mr. Howell had provided compelling testimony, and suggested providing those who proposed the request to give written testimony, and to give commissioners a chance to ask questions.

Commissioner Hann asked if there was any opposition to holding the record open for two more weeks. He stated that he saw no opposition; he stated that the public record would be held open until the close of business at 5 p.m. on April 2.

Commissioner Daniels said there was testimony about the number of unrelated persons per dwelling; Director Gibb said the issue was not advanced, so it was not part of the package. Commissioner Daniels asked if there was anything to stop the commission from making a recommendation to change it; Director Gibb replied that there wasn't. Planner Young added that he would like an opportunity for staff to provide feedback on it.

Commissioner Daniels asked staff for examples of how density rounding would apply in a neighborhood with small lots, versus elsewhere, since he was having trouble visualizing it. He said he was leaning against rounding at all, and would like more information. He also wanted staff to respond to Mr. Howell's testimony.

Commissioner Sessions said staff may wish to address using right-of-way for calculating density. If the City requires a right-of-way for public utilities, that is part of the development process, and so he assumed the calculation would be made *prior* to the City asking for the right-

of-way. He reminded Planner Young that he said he would investigate what would happen to a change to the PUD that was partially built out and the size of the existing building reduced, and whether that was cumulative.

He asked whether the section on public notices that were increased to 500' was for those issues that would come before the public in some form; and whether other notices were for changes or development that wouldn't necessarily trigger public comment. Planner Young replied that the current 300' notice area applies to public hearing items; while the 100' notice area applies to administrative decisions (there is the ability to comment but no public hearing). Planner Yaich noted that the HRC was one exemption, with a 100' notice area. Commissioner Daniels asked for staff feedback on the League's proposal to extend the 100' notice area.

Commissioner Hann asked if there was any opportunity for the public to appeal Director Level decisions; Planner Yaich replied that there was. Depending on the land use action, typically it would go to the LDHB, but some go straight to the Council. Planner Yaich said appeals of Major LDO's would go to the Council.

Commissioner Daniels asked if the HRC could provide background on OSU's request. Planner Richardson explained that the HRC didn't see the OSU proposal from tonight; rather, it saw a similar proposal for enclosures as an *exempt* activity, in which no permit would be required. He felt the proposed OSU language was good, but staff's concern was that you could meet the criterion potentially, but it might end up being not historically compatible, and you wouldn't have the more nuanced evaluation that you get in subjective decision-making. Staff was taking a cautious approach in trying to balance it. He said getting HRC review could be difficult on this timeline; Commissioner Daniels asked that staff inform the HRC that they'll have an opportunity to testify.

Commissioner Hann said about the option to not necessarily meet the minimum in infill development; his understanding was that the reason was in case someone wants an accessory dwelling unit; otherwise, we'd be forcing them to build two to build up to the minimum. Planner Young replied that that was the scenario he recalled being discussed; the proposal would allow an applicant to round down if they chose.

Commissioner Woodside asked why a zero lot line would have less sideyard setback; Planner Yaich said the proposal was to increase the current standard. The Neighborhood Planning work group compared the massing of a two-unit attached development scenario as being similar to a duplex. Commissioner Woodside asked about the existing code; Director Gibb guessed there was some speculation that a smaller lot could be more affordable for home ownership.

Commissioner Hann said that he'd recalled that there was a discussion that you couldn't take post-1950 homes and establish that as a benchmark, because you're actually establishing some level of a district without the neighborhood decided that that's what they wanted; Planner Young recalled that, too. Commissioner Hann recalled that the City Attorney had weighed in on the issue; Planner Young said he'd check. Chair Hann said commissioners could submit additional questions over the next two weeks.

III. <u>OLD BUSINESS.</u> None.

IV. NEW BUSINESS

Commissioner Daniels highlighted the requirement in the packet for a new advisory board for the Corvallis/OSU Collaboration as a continuation after the project has ended, and asked the status. The steering committee is still working; staff is researching what other communities do, and will craft a concept for consideration over the next few months. There's still discussions about how long the Collaboration steering committee wants to be active; it was initially proposed to be a three-year effort, and that could be extended.

A. Planning Division Update:

Planning Division Manager Kevin Young highlighted distributed update to the LDC, incorporating OSU Zone changes recently adopted.

V. ADJOURNMENT: The meeting was adjourned at 9:58 p.m.

Attachment A - 1

March 19, 2014

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

Re: Proposed Draft Land Development Code Amendments

Dear Commissioners:

Thank you for the opportunity to comment on the proposed modifications to the Land Development Code (LDC).

We support the proposed LDC amendments in Section II, recommended by the Neighborhood Planning Workgroup. With considerable community input, these recommendations are a good balance between maintaining a compact city but keeping existing neighborhoods livable. They are small but important tools in avoiding unnecessary conflicts due to out-of-character redevelopment, especially in our older neighborhoods surrounding OSU.

However, we have concerns with two of the three proposed amendments to Planned Developments or the Planned Development Overlay, in Section III.

2. Proposed Code Amendment for Minor Plan Adjustments and Determining Compliance with Planned Development Approvals (Staff Report pp. 37-39)

Although the stated intent is to allow "code-compliant" adjustments to approved Detailed Development Plans, the criteria do not explicitly state that the changes must be compliant with LDC standards. This could be corrected by adding that language in the first section, as a global criterion "D."

The floor area expansion criteria (2b and 3b) allow expansions up to 20% or less of the existing structure's gross area. The Minor Modification thresholds cited (2.5.60.02.a) allow changes on an entire site to be up to 10% of approved square footage to be considered a Minor Modification. Although the 10% Minor Mod threshold and the proposed 20% limit may not conflict on sites with multiple structures, the conflicts would be routine enough that a better approach would be to either: 1) set the new limit at 10% over approved square footage, or 2) add language to 2b and 3b "and within thresholds in LDC 2.5.60.02.a" for clarity.

3. Proposed Code Amendment to Allow for Code-Compliant Development of Industrial Properties Containing an Approved Planned Development Than Has Not Been Substantially Developed Under the Planned Development (Staff Report pp. 39-41)

This proposed amendment should be **rejected** for the following reasons:

- Unlike the first two proposals in Section III, this amendment allows a complete by-pass of the Planned Development review process, on a piece-meal basis. As a result, it is inconsistent with the intent of the Planned Development.
- It is unnecessary for properties with an existing Detailed Development Plan (including those that are under 5% developed). These properties can make use of the flexibility in the other two amendments in this package, as well as the Minor Modification and Major Modification process. This proposal eliminates all constraints.
- Properties without a Conceptual or Detailed Development Plan (including most of the South Corvallis industrial properties) are all likely to be properties with a Planned Development Overlay placed on the property under LDC Chapter 3.32 (attached) through Annexation, in conjunction with a Comprehensive Plan Amendment, or in conjunction with a Zone Change. Although development of these properties follow Chapter 2.5 (the Planned Development process), they differ from properties with a PD initiated by the developer under Chapter 2.5 in order to vary from standards. The PD Overlay on these properties has typically been initiated by the owner during the Annexation application process, often to reassure voters that a hearing process would occur at the time of development; or initiated by the City in order to address compatibility issues, ensure coordination in transportation design, or ensure protection of natural features.
- Placing a PD Overlay on a property under Chapter 3.32 would have involved a judgment (by decision-makers in a quasi-judicial process) that application of standard code requirements over a series of separate building applications would not adequately address the potential issues with the property or properties. **If the existing LDC standards are now considered adequate to address the issues with the site, then the property owner should apply for Removal of the PD Overlay under LDC 3.32.50** (attached).
- This amendment is inconsistent with CP **8.9.10** (attached) that identifies the South Corvallis industrial properties subject to a 50-acre minimum and those that are not, with both requiring approval "through the Planned Development process."
- In the case of the South Corvallis industrial properties—these had a PD Overlay placed on them at the time of Annexation. The PD Overlay was debated during the extensive public process in developing the South Corvallis Area Refinement Plan (SCARP), due to the close proximity of 1,000 acres of industrial land to residential development—the final balancing included a rejection of proposals to reduce industrial-zoned land, reducing the number of acres subject to the 50-acre minimum in CP **8.9.10**, changing some industrial designations to increase compatibility, and **maintaining the PD Overlay**. This proposal would undermine that strategic balancing.
- This proposal is inconsistent with directives in the South Corvallis Plan (sections attached), which is an adopted amendment to the Comprehensive Plan. The PD

Overlay allows implementation of SCARP policies related to improving the compatibility of industrial development, ensuring a road system that emphasizes travel off of S. 3rd Street, coordinates road access among various properties, and ensures transit-oriented and pedestrian-oriented development that will maximize use of non-auto modes. Current LDC General Industrial standards will not accomplish this.

- Without implementation of these land use strategies, the SCARP predicted the development of the 1,000 acres of industrial land (as well as the expected residential development) would quickly put S. 3rd Street over-capacity, requiring reconstruction of a 7-lane highway at the north end (with removal of multiple businesses). Or it would impose a limit on the intensity of industrial development, which would be a more drastic barrier to the local economy than any land use process.
- During review of applications for the Kikkoman (Kiger Island Blvd extension) and the South Corvallis Home Improvement Center Planned Developments, it was apparent that the PD review process was a critical tool to ensure that these developments allowed efficient access and use of adjacent industrial lands.
- The LDC General Industrial and Limited Industrial chapters have not been updated since 1993 (over 20 years). As a result, they do not implement the 2000 update of the Comprehensive Plan (which also incorporated the 1998 SCARP). As a result of SCARP recommendations, Limited-Industrial Office and Mixed Use Employment zones were created, with standards that address the compatibility and transportation issues noted above. A modification was also made to the Intensive Industrial zone to require a compatibility review for intensive industrial uses. However, the other industrial chapters were to be part of a Phase 3 LDC Update process that never occurred.
- This amendment by-passes the direction in the Comprehensive Plan, specifically in CP **8.9.4**, **8.9.5**, and **8.9.6**, to revise the General and Intensive Industrial standards to minimize the impacts of industrial development, set minimum standards in specific areas to reduce conflicts, and set pedestrian and transit-oriented standards to reduce traffic impacts.
- This amendment also by-passes the specific direction in CP **8.9.12** to evaluate providing alternatives to the Planned Development Overlay for industrial properties through such strategies as "creation of different overlays or design guidelines with specific standards that do not require discretionary review." This is similar to our approach with residential districts, where a PD is now initiated only by a developer wanting to vary from standards.
- For years, updating the LDC industrial chapters has been on the Planning Division Unresolved Planning Issues list. It has also been noted annually that updating those chapters could be a pathway toward eventual removal of the PD Overlay on the South Corvallis industrial properties (through the LDC Removal process). Until those chapters are updated, it is disingenuous to claim that "code-compliant" industrial development will meet the critical land use strategies in the SCARP or be compliant with the Comprehensive Plan.

Thank you for your time and effort in considering these amendments.

Sincerely,

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541-753-9318
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CHAPTER 3.32
NONRESIDENTIAL PLANNED DEVELOPMENT (PD) OVERLAY

The Nonresidential Planned Development (PD) Overlay can be applied to a site in conjunction with any other nonresidential zone. Once a property is designated with a Nonresidential PD Overlay designation, it shall be developed in accordance with the provisions of Chapter 2.5 - Planned Development, unless the Nonresidential PD Overlay Zone designation has been removed in accordance with the provisions of Section 3.32.50.

Section 3.32.10 - PURPOSES

This Overlay is intended to:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationship within the site with the Nonresidential PD Overlay designation;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Promote and encourage energy conservation; and

h. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

Section 3.32.20 - PERMITTED USES

Permitted Uses consist of any Uses listed in the underlying zone.

Section 3.32.30 - IMPLEMENTATION

Property may be designated with a Nonresidential PD Overlay in any of the following ways:

a. Upon Annexation in accordance with Chapter 2.6 - Annexation;

b. In conjunction with a Comprehensive Plan Map Amendment in accordance with Chapter 2.1 - Comprehensive Plan Amendment; or

c. In conjunction with a Zone Change in accordance with Chapter 2.2 - Zone Changes.

A Nonresidential PD Overlay can also be applied through the use of the provisions in Chapter 2.5 - Planned Development, which allow such an Overlay in conjunction with approval of a Conceptual and/or Detailed Development Plan. However, Nonresidential PD Overlay established in accordance with Chapter 2.5 only remain as long as there is an active Conceptual Development Plan on the site (active defined in Section 2.5.40.09) or an active Detailed Development Plan on the site (active defined in Section 2.5.50.09).

Section 3.32.40 - INITIATION

A Nonresidential PD Overlay may be initiated in any of the following ways:

a. An application filed by a property owner on property(ies) with a nonresidential land use designation, in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change; and under circumstances when the property owner states and the hearing authority finds the applicable underlying zone standards are not adequate to do address the following concerns:

1. Circulation or other common facilities issues;

2. Resolution of issues related to an unusual site configuration, steep topography, or Significant Natural Feature;

3. Assuance of comprehensive planning and coordinated development where the property is large and/or has mixed uses; or

4. Compatibility issues where it is desirable to locate more intensive land uses next to less intensive residential land uses.

b. By the hearing authority, on property(ies) with a nonresidential land use designations(s), in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change when the hearing authority finds the applicable underlying zone standards are not adequate to address any of the concerns in Section 3.32.40.a.1-4, above.

Section 3.32.50 - REMOVAL

All Nonresidential PD Overlay designations that exist on sites without an active Conceptual Development Plan or active Detailed Development Plan on any portion of the site, may be requested to be removed by use of the provisions for a Quasi-judicial Zone Map Change involving a public hearing and outlined in Section 2.2.40 of Chapter 2.2 - Zone Changes.

8.9.o *Large parcels of general industrial land are key elements of the industrial land market that serve as magnets for development. Many firms require areas of at least 30 to 50 acres to accommodate large integrated manufacturing operations, to provide an aesthetically pleasing setting with protection from incompatible uses, and to provide room for rapid expansion if market conditions warrant. Single ownership of large contiguous industrial sites avoids the expensive, time consuming process of assembling a site from smaller parcels. Planned industrial parks are a compatible and desirable neighbor for large research firms and industrial firms.*

8.9.p *The community desires to maintain the green open space characteristics of Research-Technology Center and Limited Industrial developments.*

8.9.q *The community desires that new industrial development be characterized by a lack of significant environmental pollution.*

8.9.r *There is a demand to have an inventory of industrial sites that meet the current standards, but are not subject to time delays associated with discretionary review.*

8.9.s *Planned Development overlay designations were placed on many industrial sites at the time of their original City zoning in an effort to address concerns about such things as drainage problems, City gateway appearance, and compatibility with neighboring residential properties. An alternative to using the Planned Development process that deals with these concerns is to use non-discretionary standards to address the specific site development concerns.*

8.9.t *A Mixed Use Employment District, adopted in 1998, incorporates standards for building orientation, block size, and design, that implement community desires for pedestrian and transit access, and integration with neighborhood character. The district allows flexibility of uses to meet neighborhood needs, some local employment, and expands options for office, commercial, and residential uses.*

Policies

8.9.1 The City shall designate appropriate and sufficient land in a variety of different parcel sizes and locations to fulfill the community's industrial needs.

8.9.2 In designating new industrial properties, and in redesignating properties to industrial zoning from other designations, the City shall work to diversify the locations of industrial properties within the community.

8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

8.9.4 The Land Development Code shall maintain standards for the purpose of minimizing the negative impacts of industrial development on surrounding properties.

8.9.5 The City shall develop standards to improve the compatibility of General and Intensive Industrial uses, including minimum standards for building materials and appearance, prohibition of pole-mounted signs, and outside storage and screening requirements.

8.9.6 The City shall develop standards for General and Intensive Industrial Districts intended to reduce traffic impacts. These standards shall include direct pedestrian connections from building entrances to sidewalks and transit stops, location of building entrances within 1/4 mile of potential transit routes for uses with more than 50 employees, and consideration of requiring transportation demand management strategies by new uses with more than 50 employees.

8.9.7 The City shall designate Research-Technology Center (RTC) as a distinct industrial district that helps continue the practice of providing adequate green open space to maintain community livability. The RTC district shall contain the following features:

A. Campus-like development plan;

B. Use of natural site characteristics and other significant design elements as a means of buffering adjacent land uses;

C. Orderly, economic provision of an adequate level of key facilities; and

D. The RTC district shall be used to help assure the availability and adequacy of sites for "high-tech," "biotech," and renewable resource-based businesses and industries, and to foster the transfer of academic and private research results into practical applications.

8.9.8 The City shall encourage the development or expansion of industries in the vicinity of the Corvallis Municipal Airport, provided that such industries meet the requirements of the Airport Industrial Park Master Plan.

8.9.9 The City shall coordinate planning activities with Benton County in order that lands suitable for industrial use, but not needed within the planning period, are zoned in a manner which retains these lands for future industrial use.

8.9.10 For the subject property shown on the map below there shall be no land division and no industrial or commercial development until annexation to the City of Corvallis. Upon annexation, the minimum lot size is 50 acres for all lots within the subject property. This 50 acre minimum lot size for each lot may be reduced only after an industrial park has been approved through the Planned Development process. Lots of less than 50 acres in size, which existed at the date of the original adoption of this policy, may be developed or reduced in size through the Planned Development process.

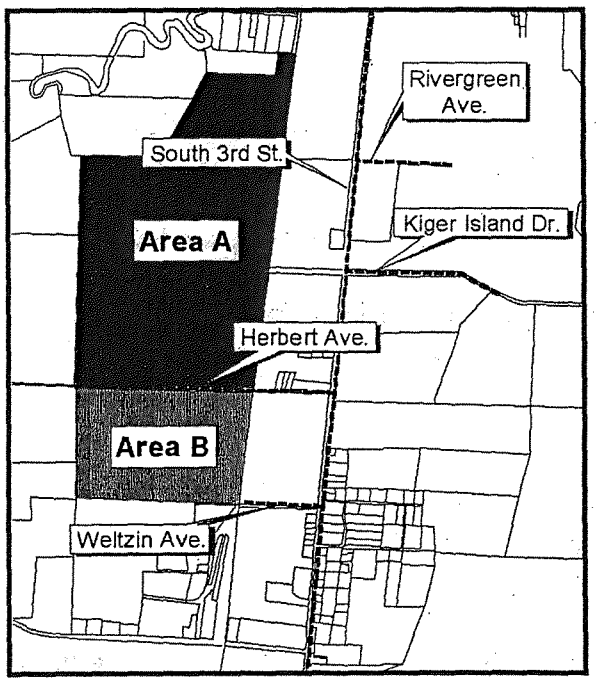
The subject property contains land located inside and outside of the City Limits. A maximum of 50% of the land in Area A (the area inside the City Limits on December 31, 1998) and 50% of the land in Area B (the area outside the City Limits on December 31, 1998) described on the following exhibit can be developed as industrial parks.

To evaluate the supply and demand of industrial land, this policy shall be periodically reviewed:

A. When triggered by 25% and/or again by 50% of the combined land in Area A and Area B is approved as industrial park through the Planned Development process; and

B. At the time of Periodic Review of the Comprehensive Plan.

South Corvallis Industrial Land



8.9.11 Any proposed development within Area A or B must be compatible with airport operations at the Corvallis airport.

8.9.12 The City shall evaluate whether to amend the Land Development Code to provide alternatives to the use of Planned Development overlays for industrial districts. An example would be the creation of different overlays or design guidelines with specific standards that do not require discretionary reviews.

8.9.13 The City shall implement the following relative to a Research-Technology district:

A. Ensure that buildings are located near the street with direct pedestrian connections that maximize access to transit stops;

B. Discourage parking lots located between streets and main entrances to buildings;

C. Promote small commercial uses to encourage pedestrian activity; and

D. Encourage design features that complement adjacent neighborhoods and natural features.

8.9.14 The City shall encourage the location of on-site parking behind or beside buildings rather than in the front.

8.9.15 Industrial and commercial development adjacent to rail lines shall be designed and constructed in a way that does not preclude the future use of the rail facility.

8.9.16 The City shall amend Land Development Code provisions related to the Intensive Industrial Districts. This amendment shall establish that Conditional Development approval shall be required for previously established intensive industrial uses when either of the following conditions apply:

A. A change in operation or increase in production creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions unless such emission levels were approved by the City through a previous land use process.

B. Specific limits or conditions related to operations, physical expansion, etc., established by a previous land use approval are exceeded.

8.9.17 The City shall develop standards for a Limited Industrial - Office district on a Citywide basis.

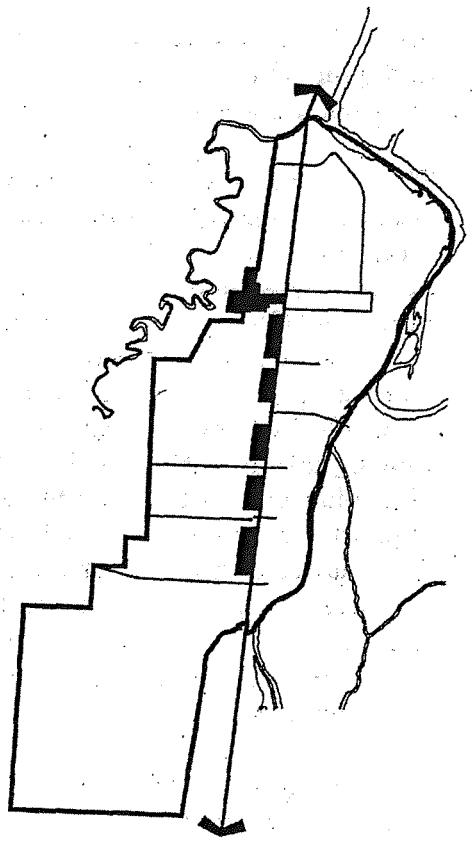
8.9.18 The Mixed Use Employment district shall be encouraged in industrial districts that are easily accessible by transit and pedestrians.

8.10 Commercial and Office Land Development and Land Use

Findings

8.10.a *The Corvallis 2020 Vision Statement describes neighborhood and community-oriented shopping and service areas that are safe, convenient, and pedestrian-scale, with buildings*

- Reduce adverse impacts from General Industrial use.
- Create a more desirable visual impact along South Third Street.
- Provide additional opportunities for office uses in South Corvallis.
- Provide a buffer between general industrial use to the west and residential uses on the east side of South Third Street.



Limited industrial-office area

The western edge of this district is intended to be a new north-south road that would parallel South Third Street approximately 500 feet west of it. The Wake Robin Road area has also been designated LI-O to provide a transition between General Industrial areas to the south and residential areas to the north.

The district would be a modified version of the LI district. Offices would be added as a permitted use. Industrial uses requiring air quality permits would not be allowed.

Design guidelines are recommended to assure a quality visual appearance to South Third Street. Recommended new standards include a 25-foot depth of "dedicated" landscape area, prohibition of pole-mounted signs, screening of outside storage, and building orientation to bus stops. It is also recommended that additional research should be conducted on design standards for industrial and office buildings.

General and Intensive Industrial Uses

The Land Use Plan proposes a redesignation of much of the Intensive Industrial land to General Industrial in the vicinity of the Corvallis airport. Intensive Industrial has been retained for the existing industries in the Airport Industrial Park and undeveloped areas in the Park north of Airport Avenue. The intent of the redesignation is to reduce the potential for heavy industry while providing for the continued use and expansion of the companies that selected the airport area for its Intensive Industrial zoning.

Some companies expressed concern that conflicts might arise between the general industrial and intensive industrial uses near the airport. The City's ownership of the airport and airport industrial area provides a unique opportunity to manage conflicts through master planning and deed restrictions. The recommended pattern of Intensive and General Industrial zoning near the

airport is based, in part, on the premise that master planning, deed restrictions, and general management of the airport industrial park will minimize conflicts between all users.

The CAC received testimony expressing concern about the impacts of the eventual development of approximately 1000 acres of General and Intensive Industrial land south of Goodnight and west of 3rd Street, and about the location in South Corvallis of a substantial percentage of the City's remaining industrial land. The CAC also received testimony regarding the need for large, flat parcels with rail access for future industrial use, and the appropriateness of an industrial designation on land near the airport. In response to these concerns the CAC adopted the map changes described above, include LI-O, MUE, and II-to-GI redesignation in the southwest portion of the study area. In addition, the CAC also adopted a recommendation stating that if further study revealed an imbalance in the inventory of industrial, commercial and residential lands at build out, that reductions in the industrial acreage should be considered in South Corvallis. Specifically, any industrial reductions should target the most northern undeveloped GI and II industrial parcels (i.e. the Caldwell and Nelson properties) for redistricting. Further, if any parcels are redesignated as residential, they should continue to be buffered from the GI district by the LI-O district.

In response to concerns raised by industrial property owners, the CAC developed a refinement to the City's policy regarding minimum lot sizes for the General Industrial west of South Third Street. The refined policy maintains the City's long-held strategy of 50-acre minimum lot sizes, but distinguishes between annexed and unannexed industrial land and allows 50-acre land divisions on unannexed property prior to annexation. The specific text of the policy recommendations is included in the Technical Appendix to this report.

Park and Open Space Uses

Parks, Open Space and Agriculture

The land use plan shows areas of existing and planned parks. These have been discussed above under Residential Uses and in the Park and Open Space chapter of this report. As outlined in those sections, a series of neighborhood parks are recommended as neighborhood focal points in the southeastern portion of the planning area. The new parks are conceptually located.

The City's plan for the general location and number of parks is contained with the Corvallis Park and Recreation Master Plan. The parks proposed on the Refinement Plan will need to be coordinated with the parks master plan.

The Agricultural designation adjacent to Willamette Park is land east of the 100-year flood plain that follows the drainage from Crystal Lake. As with the current comprehensive plan, this land is not intended for future urban use.

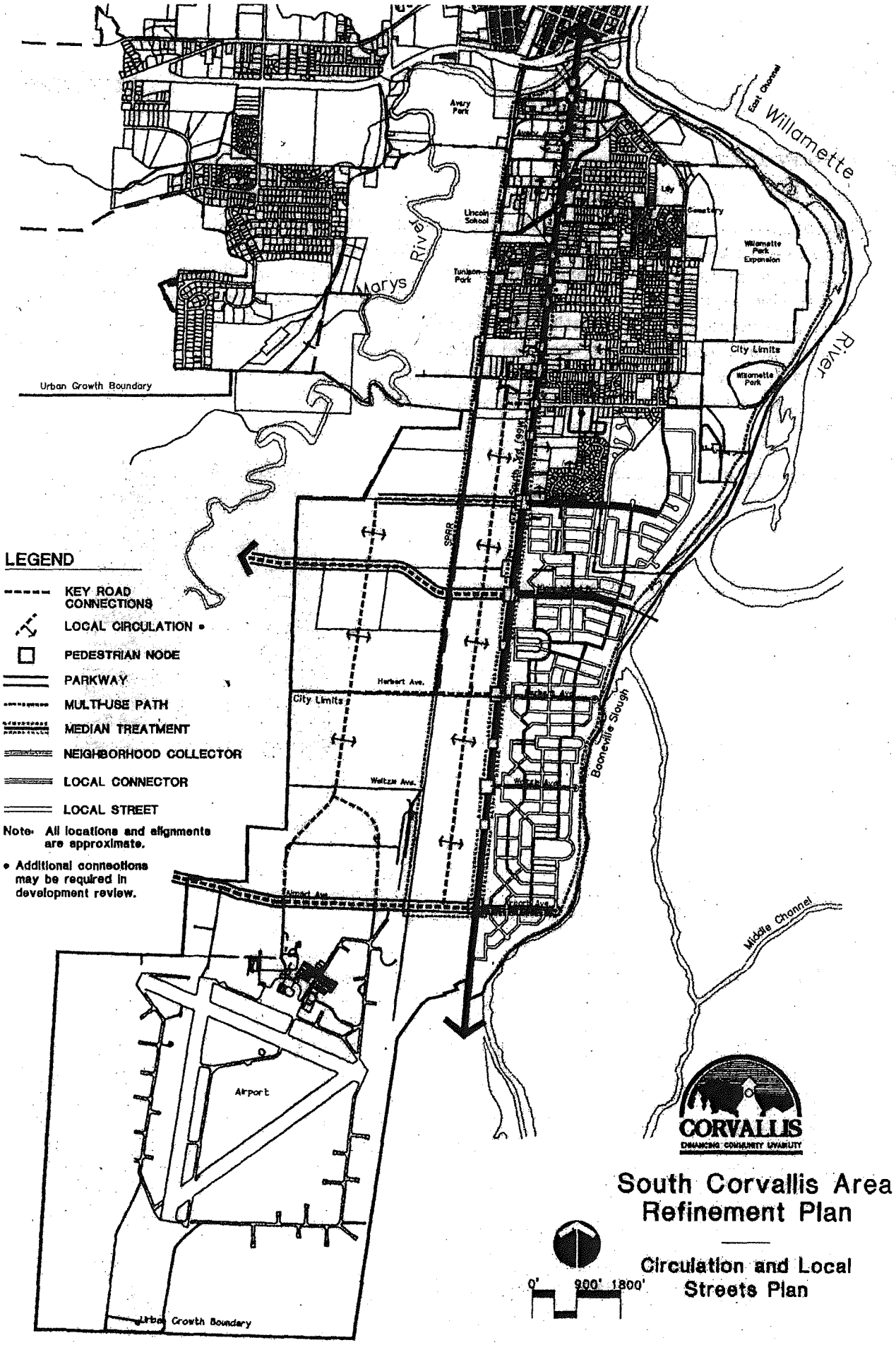

Willamette
River
East Channel
Avery Park
Lincoln School
Tunison Park
Marys River
Lily
Cemetery
Willamette Park Expansion
City Limits
Willamette Park
Urban Growth Boundary
SPRR
Herbert Ave.
City Limits
Boone Slough
Weitzel Ave.
Airport Ave.
Middle Channel
Airport
Urban Growth Boundary
LEGEND
KEY ROAD CONNECTIONS
LOCAL CIRCULATION •
PEDESTRIAN NODE
PARKWAY
MULTI-USE PATH
MEDIAN TREATMENT
NEIGHBORHOOD COLLECTOR
LOCAL CONNECTOR
LOCAL STREET
Note: All locations and alignments are approximate.
• Additional connections may be required in development review.
CORVALLIS
ENHANCING COMMUNITY LIVABILITY
South Corvallis Area Refinement Plan
Circulation and Local Streets Plan
0' 900' 1800'

Figure 6

Circulation Elements

Key Road Connections and Local Circulation

Improved street connectivity is a fundamental need for South Corvallis. The Circulation Plan (Figure 6) identifies the recommended locations for new streets and connections, with an emphasis on smaller, local streets. The Circulation Plan establishes the basic grid network of street facilities that will be necessary to support the land use plan. (See Figure 6.)

In the northern half of the planning area, the plan includes local circulation "arrows" which indicate opportunities for connectivity. The actual connections will be implemented on a more detailed level during development reviews. Improved connections in the northern end of South Third Street (particularly on the west side) are very important. This is the most "constrained" part of the overall system that needs additional capacity, options for circulation, and alternatives to the use of South Third Street.

The Circulation Plan includes a conceptual plan for local streets in the southeastern part of the planning area. (See Figures 6 and 7.) This conceptual plan is intended as a guide to how the neighborhood planning principles and transportation objectives of the plan can be integrated. A connected, hierarchical pattern of streets is important in creating livable, walkable neighborhoods in this area. The plan includes a looping alignment for the extension of Crystal Lake Drive, with local connectors and local streets completing the hierarchy.

The southwest industrial area will be served by two north-south collector streets along with local sreets. The western-most street is a "truck route" currently identified on the Corvallis Transportation Plan. The other street, located about 500 feet west of South Third Street is a new road intended to provide an alternative to South Third Street for north-south travel, as well as access to parcels fronting on South Third Street. The east-west connections to South Third Street should be managed such that the frequency be no greater than one every quarter mile, wherever practical.

A major east-west connection is depicted as an extension of Kiger Island Drive. This facility could provide some potential off-loading effect to the constrained section of South Third Street by capturing trips from 53rd Street and Philomath Boulevard. Rather than using Philomath Boulevard and South Third Street, drivers could continue on 53rd Street and connect to South Third Street via the Kiger Island extension.

Such an extension would have significant drawbacks to overcome before being constructed. The facility would traverse an area outside the City's Urban Growth Boundary and would likely require goal exceptions from the Department of Land Conservation and Development. The corridor traverses a flood plain and crosses the Marys River. Environmental impacts must be mitigated and a bridge and/or box culverts would likely be required. Potential improvements may also be required for county roads and/or 53rd Street to complete the connection and provide a roadway to City standards.

c. Update outside storage requirements to include screening of the view from South Third Street.
d. Require building orientation to bus stops.

Guidelines "b" and "c" should be considered for all districts in South Corvallis. Additional research should be conducted on design standards for buildings.

General and Intensive Industrial Uses

Background and Findings

The approximately 1000 acres of industrial land in South Corvallis represents an important community resource that requires special attention to mitigate potential conflicts due to its size and concentration of industrial uses. With the planned extension of Kiger Island Drive west to 53rd Street, this will also become a gateway to South Corvallis. Since the area constitutes a substantial percentage of the undeveloped industrial land in the City, it can be anticipated that this employment center will draw most of its employees from outside of South Corvallis, with primary access via S. 3rd Street. It was found, however, that changes to other use types would not tend to decrease vehicle trips per day. In addition, industrial uses benefit from rail access and have fewer conflicts with Airport flight paths. The northern portion of the undeveloped industrial land was found to have potentially fewer conflicts with Airport operations, and could be considered for other uses if indicated by city-wide land use inventories.

Implementation

The Plan incorporates changes in the mapping of current industrial designations to improve compatibility by:

a. Reducing the acreage of land designated Intensive Industrial, and including it within the Airport Industrial Park. This will provide the City with additional controls on potential conflicts, through lease conditions.
b. Buffering the General Industrial land with a new Limited Industrial Office district, both along S. 3rd Street and from the residential uses to the north.
c. Providing Mixed Use Employment nodes to provide employee access to commercial services in order to decrease vehicle trips on S. 3rd.

The Plan recommends adopting policies and code language that would improve compatibility within the GI and II districts by:

a. Developing minimum standards for building materials and appearance (e.g. metal siding or roofing will be colored, concrete or concrete block walls will be colored or textured, large expanses of blank wall will be broken by offsets or by variation in color or texture).
b. Prohibition of pole-mounted signs.
c. Updating outside storage requirements to include screening from view along arterials and collectors.

Implementation

The Plan recommends adopting policies and code language that would reduce traffic impacts by encouraging non-auto travel by:

a. Implementing existing policies that require safe, direct, and convenient pedestrian facilities from building entrances to sidewalks and transit stops.

b. Requiring that uses with more than 50 employees facilitate transit usage, such as locating entrances within a 1/4 mile of arterials and collectors that are potential transit routes.

c. Recommending that the Planning Commission evaluate whether the Transportation Alternatives Analysis Plan should incorporate a requirement that new uses of more than 50 employees implement Transportation Demand Management strategies.

The Plan recommends that if further study reveals an excess inventory of industrial land at build-out, that reductions in industrial acreage be considered for this area, and that any reductions target the most northern undeveloped industrial parcels for redistricting. If any parcels are redesignated as residential, they should continue to be buffered from the GI district by the LI-O district.

Transportation

Background and Findings

One of the key characteristics of the transportation system in South Corvallis is lack of street connectivity. In order to assist in reducing overall reliance on auto travel generally, and reduce reliance on South Third Street specifically, additional street connectivity is needed in South Corvallis.

Improving the pedestrian environment along South Third Street is a goal of the South Corvallis community. One tool to accomplish this is to establish "pedestrian nodes" along South Third Street at key intersections.

The five main east-west streets south of Goodnight Avenue (Rivergreen Avenue, Kiger Island Drive, Herbert Avenue, Weltzin Avenue, and Airport Avenue) are planned to serve as neighborhood edges and key connections to the east and west sides of South Third Street.

Parkway treatments, with landscaped medians at key intersections, are recommended for Rivergreen Avenue, Kiger Island Drive, and Airport Avenue to reinforce the importance of these streets. The parkways would be on both the east and west sides of South Third Street for these streets.

A unique opportunity for an off-street, multi-use path is presented by the loop formed by the Willamette River, Booneville Channel, and the railroad tracks. The specific location of the path needs to be flexible and established during development reviews.

CITY OF CORVALLIS
Public Participation Task Force Minutes
April 3, 2014 - DRAFT

Members Present:	Kent Daniels, Chair; Annette Mills, Vice Chair; Richard Hervey; Lee Eckroth; Penny York; Rocio Munoz; Brenda VanDevelder; Emily Bowling; George Brown; Becki Goslow;
Members Absent:	None
Staff:	Mary Beth Altmann Hughes, HR Manager; Terry Nix, Scribe
Visitors:	Patricia Benner; Stewart Wershow

Agenda Item	***Key Discussion Points***	***Action or Information Only***
1. Check in, introductions, ground rules (Chair)		
2. Review today's agenda	• Visitor comments will be heard under agenda item 5.	
3. Review/approve 3/20/2014 meeting draft minutes		• Motion by Brenda / seconded by Penny to approve the minutes; motion passed unanimously.
4. Continue discussion: Plans for next public meeting	• Volunteer assistance for publicity, facilitation and follow-up would be helpful. • Translation services are still needed. • The format will be similar to the last public meeting – provide draft recommendations and context, and then allow for facilitated small discussions.	• Brenda will follow up on potential volunteer assistance from OSU public engagement class. • Brenda will look into translation services through the school district. • Mary Beth will continue to look into translation services through the City.

Agenda Item	***Key Discussion Points***	***Action or Information Only***
5. Continue discussion: review of TTF recommendations and plans to reformat into a draft document for distribution prior to the April 28 public meeting	• Discussion regarding best ways to present the material prior to the public meeting – send out the entire document with the full TTF recommendations or send out a matrix of recommendations along with some additional information for context. • Discussion and modification of preliminary draft "Options for realignment of Advisory Boards and Commissions 4/2/2014." • The intent is to be open about the process. • There is a commitment to distribute information to Boards and Commissions at least one week prior to the meeting. • It is important to be clear that the information presented is a work in process, that feedback is still being gathered, and that the recommendation will be revised further after feedback.	• Advisory Boards & Commissions Ops & Structure TTF will revise Options A and B for realignment of Boards and Commissions based on the discussion. • Rocio will send a revised Outreach & Engagement TTF document to Brenda. • Emily and Brenda will pull high points from the Neighborhood Connections TTF document (Attachment 1) to include with information that will be shared at the public meeting. • The draft recommendations (Attachment 2) and context information will be reviewed at the April 10 meeting. Information will be distributed to Boards and Commissions at least one week before the April 28 meeting.

Agenda Item	***Key Discussion Points***	***Action or Information Only***
	• **Patricia Benner**: The Committee for Citizen Involvement is part of a legal mandate in the state land use planning program. The Martin Luther King Jr. Commission is a very different thing and she doesn't feel it makes sense to combine the two under the CIDAB. • **Stewart Wershow:** The Police Review Board makes final decisions so it wouldn't be appropriate to tie it to an advisory body. If the public safety advisory body was a department advisory committee, it wouldn't be subject to public meetings requirements which would result in savings.	
6. Timeline, responsibilities and roles for PPTF and others for critical path from May 5 to Dec 31, 2014		
7. Check-out: Time well used? Everyone prepared? Everyone heard? Meeting process okay? What can be done better? Next meeting agenda items?		• The next meeting is scheduled for April 10, 11:00 a.m., Madison Avenue Meeting Room.
8. Adjournment	• The meeting adjourned at 1:30 pm	

Respectfully submitted: Kent Daniels, Chair

Next Meeting: April 10, 2014

Neighborhood Connections Report and Recommendations

DRAFT: March 29, 2014

Introduction

Our observation is that community members, connected to each other and the City, contribute to the quality of life of residents, to the City and to the quality and effectiveness of community planning. Better connections among neighbors allows community members to solve problems without government involvement, directs neighbors to City government measures already in place to solve their problems, empowers neighbors to work with the City to establish improved measures, and utilizes the substantial expertize of many neighbors.

Most cities in the Northwest that we studied fostered creation of formal neighborhood associations and neighborhood watch groups as a means to encourage continuity and effectiveness of community engagement with local government. In most cities, neighborhood associations are an outgrowth of Oregon's land use legislation, which has as its first goal, citizen engagement. The effectiveness of formal neighborhood associations varies from City to City, as does the budget dedicated to their support. In Corvallis, as in many Oregon cities, the level of community engagement via neighborhood associations rises and falls with specific neighborhood issues or problems, the level of residents' interest, or the quality of the association.

We note that in addition to these City sponsored groups, that there are other groupings of neighbors that have interests in supporting and being supported by the City, such as home owner associations and neighbors organizing through the county to respond to emergencies.

Our focus has been on what the City can do to support neighborhood connections that allow neighborhood groups to 1) <u>sustain themselves continuously</u>, 2) <u>connect neighbors to neighbors</u>, and 3) <u>partner with each other and the City in meeting the needs of their communities and those of the larger City community</u>.

Before elaborating on these goals and the recommendations which derive from them, we would like to introduce a new term and the rationale for its use, **Registered Neighborhood Group (RNG)**. As noted above there exists a range of organizations of neighbors with different specific focus and a shared interest in enhancing the quality of life in their neighborhoods. For the City to expend greater resources to support those organizations, the City needs to know that those organizations have community support and have ongoing viability. We envision certain minimum requirements on membership, training and participation to qualify as Registered Neighborhood Groups and receive certain of the benefits noted in the following recommendations.

These recommendations serve to address charge 8a of the PPTF and the overall City Council goal statement:
Charge #8a: "Neighborhood associations - Neighborhood associations provide opportunities to build community and address issues that affect residents of particular geographical areas of the city. Does the City's public participation system adequately encourage neighborhood engagement and neighborliness? If not, identify methods for improvement."

City Council Goal Statement: "By December 2014, the Council will revise its processes and structures into a more effective and efficient citizen engagement program to develop diverse future leaders, enhance communication between citizens and the Council, help connect citizens to each other to strengthen community and neighborhoods, and utilize the expertise of citizen volunteers in solving community problems."

<<Earlier in the PPTF report, the outline of the Community Involvement & Diversity Advisory Board (CIDAB) will be discussed such that we do not have to establish what we mean when we note that the details of a particular item will be fleshed out by CIDAB.>>

Sustaining Active Neighborhoods Recommendations

Our interviews of leaders and active members of Corvallis neighborhood associations, as well as city staff and community leaders in other cities, emphasized the often cyclical nature of active participation in neighborhood associations. In most cases, involvement rises and falls is response to proposed development in the neighborhood. Only a small portion of the membership stays active in the absence of land use, traffic, road infrastructure, crime, or code enforcement concerns.

In neighborhood organizations that stay active over time, we noted other attributes that provide value to the community and the City, such as:

- Broader and deeper connections between neighbors contributes to the quality of life in the neighborhood beyond land use and traffic concerns
- Neighbors working with each other to prepare for disaster, emergency, and inclement weather response
- Enhanced communication on issues impacting City neighborhoods
- Engagement with the City on a wider range of topics
- A larger pool of potential community leaders and volunteers
- Greater understanding of City processes

We recommend putting in place a set of policies and practices that support ongoing neighborhood connections and provide adequate incentives and resources for RNGs to be more effective and thrive. The goal and stipulation for these practices are that RNGs will engage in continuous service to their neighborhoods and continuous work to improve the quality of life in their neighborhoods.

Key practices are:

1) Free meeting space
    a) Provide RNGs with free meeting space at as many community locations as possible such as the Tunison Community Room, Osborn Aquatic Center, Chintimini Senior Center, Madison Avenue Meeting Room, and Corvallis-Benton County Library or have the City coordinate space with other local entities such as the 509J Corvallis School District or Linn Benton Community College. We have heard continuously that lack of adequate meeting space is a barrier for neighborhood groups. There are currently several neighborhood groups that have no access to free meeting space. Free meeting space was the most popularly requested resource in our survey of current neighborhood leaders (Appendix II).
2) Annual trainings and orientations for RNG leaders and community members
    a) Offer voluntary, interactive "Public Participation 101" orientations and trainings for neighborhood leaders and interested community members on an regular basis. We recommend that this occurs collaboratively between CIDAB and City staff, possibly facilitated by a third party with experience in community leadership training such as Leadership Corvallis. We have heard testimony and feedback which suggests that part of the frustration of advocating for neighborhood needs at the City level arises from community members not understanding the laws, policies, and practices within which the City operates. Many cities we investigated offer trainings for their neighborhood leaders (Bellingham, Eugene, West Linn, Lake Oswego, and others). We propose assigning the CIDAB the task of reviewing and

customizing one of those to match Corvallis practices and conduct yearly trainings for RNG leaders and other community members in the city civic process. These training days could also include information on effective communication, facilitation, running a meeting, City resources, and other topics requested by RNG leaders to assist in the development of community leaders. This idea received very positive response from current neighborhood association leadership (Appendix II).

b) Public Participation 101 should cover topics similar to what is included in Lake Oswego's Citizen Involvement Guidelines. See: http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11841/citizen_involvement_guidelines_final_04-06-04.pdf.

3) Neighborhood Empowerment Program ($25,000 to $50,000)
   a) Re-establish and fund the Neighborhood Empowerment Program for neighborhood improvement grants for RNGs to be administered by the new Community Involvement and Diversity Advisory Board (CIDAB). Neighborhood Empowerment grants are one way in which the City can empower RNGs to take on projects outside of land use and proactively increase the livability of their neighborhood and further partnerships between the City of Corvallis and its neighborhoods. To be effective, the amount of an individual grant needs to be large enough to spur interest and the number of grants available need to make it plausible for an RNG to receive funding. Survey feedback from current Corvallis neighborhood leaders shows that there is strong interest in reviving this type of program (Appendix II).
      i) Suggested grant categories are small capital projects, neighborhood signs, emergency preparedness, neighborhood sustainability, RNG leadership and capacity building, community building, and street tree planting.
      ii) Lake Oswego has a similar program called the "Neighborhood Enhancement Program" and materials that may be helpful in refining this program including a program guide and application form. See: http://www.ci.oswego.or.us/planning/neighborhood-enhancement-program.
      iii) Previous materials from Corvallis' Neighborhood Empowerment Grant program should be consulted in re-launching this program.
4) "Benefits of being an RNG" resource document
   a) Create a resource or statement that lists the benefits of being a city recognized RNG. In all the Cities we contacted, there is recognition that to sustain an active RNG takes time and energy from the RNG leaders. Having a document that points to and reminds RNG members of the value in participating will help them sustain their interest and help them entice new leaders. This resource will need to be updated annually to reflect the current resources available to RNGs. We see this as another CIDAB function. See Appendix III for example from Lake Oswego.
5) Small RNG budget ($5,000–$10,000)
   a) Create a small budget for or a reimbursement process to cover incidental costs the active RNGs will incur such as providing dumpsters for neighborhood clean-ups, paying for meeting space rentals, rental of street barricades for block parties, and printing meeting flyers. We recommend a modest budget be provided for all RNGs and be based on the size or number of households within the RNGs boundaries. If free meeting space cannot be offered or identified, we recommend that each RNG be allocated a budget that covers the expenses of renting meeting space.

<u>Associated Recommendations:</u>

6) Neighborhood engagement pathways
   a) Work with Police Department and Neighborhood Watch programs to promote new

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Neighborhood Watch programs and to have willing Neighborhood Watch leaders convey their contact information to their RNGs. Neighborhood Watch can be one way to be involved in a RNG.

b) Not surprisingly, the neighborhood leader survey revealed that different neighborhoods and different community members have diverse interests and needs (neighborhoods closer to OSU shared different concerns and interests than those farther away from OSU). We recommend that the City and CIDAB provide resources to RNGs so that they are equipped to provide multiple avenues of engagement for their members such as social event planning, Neighborhood Watch/safety, emergency/disaster response planning, land use, neighborhood beautification projects, sustainability promotion (e.g. recycling block captains), neighbor exchanges, promotion of voter education and engagement in local elections, and others in order to attract diverse membership and have more robust activity. (move this section?)

c) In order to allow for a higher level of accessibility, we recommend that neighborhood groups find ways to allow residents to participate online or electronically in meetings and providing feedback on neighborhood issues.

7) RNG manual

a) Develop and encourage RNGs to actively use an RNG policy manual and resource guide such as the one that exists in Lake Oswego and Eugene (list the sections and chapters needed). CIDAB can lead in the creation of this resource. We recommend that CIDAB and City staff look for opportunities to have shared resource materials with Commissions and Advisory Boards wherever possible.

i) The Lake Oswego Neighborhood Association Resource Guide may be a helpful example. See example from Lake Oswego here: http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11856/na_resource_guidebook.pdf

8) Resource library

a) Start building an online library of relevant support information or resources for the functioning and improvement of RNGs and public or community involvement and participation. This will be updated regularly based on suggestions from RNGs and CIDAB. We recommend exploring having a few shelves in the Corvallis-Benton Public Library reserved for print materials serving this purpose as well.

9) Planning for City wide RNGs

a) Encourage the development of a draft City Council goal to develop and implement a robust city-wide (include Urban Growth Boundary) RNG program, using those existing in other NW communities as examples (Bellingham, Bend, Eugene), to create an RNG program that works collaboratively and proactively to enhance quality of life in City neighborhoods.
Delete all together or just encourage CIDAB to work with RNGs to and other community members toward having the city covered by RNGs one day? Concern that the language here would be top down and would not allow RNGs to self-organize and growth of RNGs to happen organically. Also, a concern that this is not a first step but would be longer term after RNGs pick up more momentum.

Connecting Neighbors to Neighbors Recommendations

Many of the practices suggested to sustain active neighborhoods also contribute to relationships between neighbors. In our research, we also heard from neighborhoods in which residents contribute to each other's lives on a weekly basis. In these neighborhoods, the key element appears to be easy communication links between neighbors along with a neighborhood history of helpfulness and community building. Neighbors

connected to neighbors solve problems without government involvement, direct neighbors to City government measures already in place to solve their problems, and empower neighbors to work with the City to establish improved measures.

In smaller neighborhoods, the link can be as simple as physical proximity. In larger ones, use of electronic connections may be required. In Corvallis, one neighborhood has a long a successful use of a moderated Google group to communicate; others use email distributions. The Tunison neighborhood is piloting use of NextDoor.com, software to promote neighborhood participation and communication. We believe the key to success is to have a tool that is easy to support, a means of sustainable support, and ease of use (both ongoing and in the initial discovery and sign up).

We recommend that the City make available information about a range of possible options, so that existing neighborhoods can experiment with the available options. Longer term we recommend that CIDAB look at the a variety of software options to identify an option that best meets the needs of the Corvallis RNGs and make a recommendation that provides for RNG private use and provides for frequent, ongoing communications between neighbors and their city councilors. Options based on our initial research include:

- I-Neighbors: https://www.i-neighbors.org/howitworks.php
    - http://web.mit.edu/newsoffice/2004/ineighbors.html
- Next Door: https://nextdoor.com/
- Granicus: http://www.granicus.com/solutions/citizen-participation/

Partner With Each Other And The City Recommendations

Communication among RNGs and with City Recommendations

Successful and effective RNGs that contribute to enhanced neighborhood livability and community satisfaction are dependent upon positive, mutually beneficial relationships among the RNGs and between RNGs and the city. Our survey responses and interviews provide ample feedback from current community members that they would like additional support from the City and improved community with City Council but want to ensure that RNGs are led by community leaders and function autonomously. This promotes efficient use of City resources and strengthens diverse community leadership and self-reliance. By increasing the number of community members and volunteers who are active in neighborhood groups, an increased and more diverse pool of potential volunteers and future community leaders will be created.

1) RNG leadership meetings
    a) Hold public, quarterly (or biannually) RNG leader roundtable meetings. These meetings will serve as a forum for neighborhood leaders to share ideas, discuss best practices, and collaborate on projects or initiatives. We encourage this forum to also be utilized to for RNG leaders and active members to share successes and accomplishments as well as challenges. City staff and elected officials will attend as requested. 58% of our survey respondents are interested in these meetings (Appendix II).
2) RNG updates to City Council
    a) Start inviting individual RNGs to provide annual updates on activity at City Council meetings. This will ideally include an overview of RNG activity and photographs demonstrating activity and/or areas of concern in the community that RNG leaders want to make City Council aware of.
3) City staff support
    a) Budget for city staff to be available to answer questions of and provide timely support to

RNGs and for city staff and city councilors to attend RNG meetings as requested. There will need to be additional staff FTE considerations in implementing many of the recommendations included here.

4) City Councilor liaisons
    a) Assign a city councilor liaison to each RNG for contact and communication. We recommend that this be the City Council for the Ward in which the RNG resides. Ideally each councilor would join the communications network for the RNGs in their ward, so as to convey City information pertinent to the neighborhood to it and to monitor topics that the City may want to become proactive about.
5) Annual RNG recognition process
    a) We recommend that CIDAB develop an annual RNG recognition process with current neighborhood association members and that City staff run the annual RNG recognition process to determine which neighborhood groups qualify to be Registered Neighborhood Groups and are thus qualified to receive the associated benefits. Neighborhood groups will be contacted by City staff or CIDAB and required to submit a short annual report and updated contact information. Information about the recognition process should be available on the City website. Newly formed RNGs would have one year to meet the qualifications and have a one year grace period during start up. We also recommend that RNGs experiencing leadership transition be given more leeway and outreach support from City in training new leadership.
    b) City staff will provide support in defining boundaries of RNG and in creation of bylaws for new RNGs.
    c) City will use this annual recognition process to create an annually updated map of RNGs and contact information (name, phone number, email address).
    d) Suggested qualifications for RNG status are below. We recommend that they be refined by CIDAB with outreach to and engagement with existing neighborhood groups.
        i) General recognition – to be eligible for general City benefits:
            1) Size: Establish a flexible number of minimum and maximum households that could be incorporated into a single RNG. We heard reports from other Cities that the ideal maximum size for an RNG was an area which could be contacted by hand delivered flyer; the number of ideal households will vary with geography. Given the council and staff time that we are recommending the City provide, we believe that a lower limit on population is also appropriate.
            2) Activity: Host a minimum number of meetings, social events, and community improvement projects annually attended by a set minimum percentage of membership or number of residents. Similarly, if the City is to devote City resources to support RNGs, the City should have assurances that the RNGs are active and representative of their neighborhood.
            3) Communication Plan: Have a system in place that allows members to communicate with each other, with RNG leadership, and with potential members. An online, interactive mechanism of communication is encouraged to allow for participation among members who cannot attend meetings.
            4) Elections & Bylaws: Hold elections at least every 2 years to give the opportunity for new leadership; this helps to promote diverse, new community leadership. New RNGs need to establish bylaws.
            5) Annual Report: Submit a short 1–2 page annual report of activity.
        ii) Land use recognition - to be eligible to participate in the enhanced Land Use processes:

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1) Two people who have completed the City's land use training
2) Leadership who have completed the City's Public Participation 101 training

6) Position vacancy circulation
   a) Circulate all advisory board and commission vacancies or other volunteer opportunities to RNGs. RNGs comprise membership that may be ideal for various community leadership and volunteer positions.
7) RNG online presence and website platforms
   a) Provide website platforms for RNGs to build a simple website or web presence to communicate with membership about meeting times and locations, past meeting agendas and minutes, board membership and contact information, and other general information about the neighborhood.
   b) We're not sure that the City should provide listserv capabilities, when there are free resources that can do the same thing. Rather, information about how to create online groups and email distribution lists should be provided to RNGs.
   Should City provide this or just provide resources on the City website or in the manual for RNGs to create their own listservs and websites?
8) City website resources for RNGs
   a) The City website should feature RNG information more prominently to connect community members to RNGs and provide links to RNG website, contact information, listserv sign-up information, etc. should be provided via the City website.
   b) Develop a web page on the City Web site that provides the following:
      i) An interactive map to connect individuals to their RNG
      ii) A brochure on how to, with the City's assistance, make their neighborhoods more beautiful (In English and Spanish – examples are available). See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/beautify.pdf.
      iii) A safety brochure, with phone numbers (in English and Spanish). See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/safetybrochure.pdf.
      iv) A flyer on ways to a better neighborhood (In English and Spanish – examples are available). See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/75%20ways.pdf
      v) A who do you call list. See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/Who%20to%20Call.pdf.
      vi) List of local city and community spaces available for RNG meetings. RNGs should be encouraged to contact local churches, faith-based organizations, and community-oriented businesses.
      vii) A guide to City departments and services. See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/GuideAug2010.pdf
      viii) Links to relevant Benton County, 509J Corvallis School District, and OSU resources and services
      ix) A link to the City's Land Use education guide
      x) Templates for meeting agendas and minutes, bylaws, etc.

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xi) Marketing and outreach strategy suggestions for member recruitment

Examples of the content portion for many of these items are available. We expect that much of the work of pulling these together would be done by CIDAB.

Land Development Code and Land Use Recommendations

Historically, Corvallis neighborhood associations are most active in response to proposed development in their neighborhoods. Often their involvement in land use issues comes late in the process, after the staff recommendation goes to the Planning Commission or the Historic Resources Commission. We recommend changes that will educate neighborhood leaders on land use law and provide for their earlier entrance into the process, with the expected benefits of:

- More relaxed communications between City staff, neighborhood representatives, and the developer
- Fewer requests that are outside what is possible without Comprehensive Plan or Land Development Code changes
- Better informed requests for land development code changes
- Design accommodations by the developer, where possible, occurring early so as to minimize cost impacts
- Adequate time for the neighborhood to become knowledgeable about the proposed plan

Toward this end we recommend**:**

1) Land use process amendments
    a) Offer annual trainings for RNG leaders in land use process and land development code, with focus on qualifying for participating in a pre-application process.
    b) Change the land-use development process to require developers to hold pre-development, pre-application meeting with RNGs prior to any applications for minor or major development proposals occurring within a RNG and have meetings facilitated by city staff (done in Lake Oswego, Eugene, Bend, and other cities). This will only be effective in a framework in which involved RNG members have been trained in land use and land development code as required to maintain land use RNG recognition. *(Should a city staff member be involved to ensure information about the process and Land Development Code is accurate?)*

Emily's notes

Remaining to do items:

- All: Prioritize recommendations – what criteria are we using? What will make the biggest impact? What should happen first? What the current NA leaders want? What are the easiest to accomplish? Combination of all of these?
- Richard: Create summary of NA survey feedback and add relevant data within text of report
- Emily: Identify a sample for strong Neighborhood Empowerment Grant program to use as a reference/resource
- All: Review feedback and notes from testimony and feedback list below
- George: Add additional content to what would be helpful to include in a RNG manual
- All send pieces to Emily and Emily will compile and write: Create summary of the neighborhood connections TTF process
- All: Determine what should be included in appendices and compile appendices
- All: Identify areas of our report that contribute to efficiency and other elements of Dan Brown's matrix

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Feedback to review again to ensure full consideration has been given to relevance in these recommendations/report:

- NA survey – quantitative and qualitative responses
- NA leader phone calls
- January 13th Public Meeting Notes
- Mayor Manning meeting visit to PPTF (not electronic, in person conversation)
- City Manager Jim Patterson's written submission
- Department Directors' visit to PPTF (not electronic, in person conversation)
- Ken Gibbs

I believe we've addressed the feedback we've received from the following:

- League of Women Voters
- Dave Eckert email and public testimony
- Charlyn Ellis email
- Mike Beilstein document
- Penny York
- Kent Daniels
- Courtney Cloyd (not electronic, in person testimony)
- Kirk Bailey (not electronic, in person testimony)
- Stewart Wershow (electronic but also in person testimony)
- Laura (don't know last name but from LWV and Cedarhurst NA) (not electronic, in person testimony)
- Richard's Salem NA phone call
- Marilyn Koenitzer NA feedback

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Appendix I: Overview of Neighborhood Connections Process

This appendix will detail the process we engaged in in order to create our recommendations and report.

- Website review and phone interviews to glean best practices and ideas around public participation practices, board and commissions, and neighborhood associations with the following cities: Eugene, Bellingham, West Linn, Salem, Bend, Albany, Lake Oswego, Pasadena, Springfield, Ashland,
    - Phone interview with Justin Finestone, Communications Director with the City of Bend
    - Phone interview with Robyn Christie, City Recorder with the City of Bend (former City Recorder in Lake Oswego)

- Phone calls to all current Corvallis Neighborhood Association leaders that we were able to locate contact information for. Below are the questions that were asked. We found 4 active homeowner's associations, 12 active neighborhood associations, 5 inactive neighborhood associations, and 7 that we could not contact due to lack of activity or accurate contact information.
    - Is your neighborhood association active?
    - How often do you meet?
    - How do you announce/advertise your meetings?
    - What would you like from the City in terms of support?
    - What types of activities do you have?
    - How do you recruit new members?
    - Do you have bylaws?
    - When is the last time you had an election?
    - Do you have a treasurer?
    - Other comments or feedback

- Survey to current board and commission members. 93 total responses were received.

- January 13, 2014 public meeting to obtain feedback from current board and commission members and neighborhood association leaders on strengthening the system, building community, and enhancing communication.
    - Because not all neighborhood association leaders have or check email, all current neighborhood association leaders we had contact information for were called and personally invited to the January 13, 2014 public meeting.

- Survey to current Neighborhood Association leaders and active members on the topics of communication with each other and the city, resources that would be most helpful, and types of activities and issues the groups are interested in (See Appendix II). 135 total responses were received.

- Eugene site visit on January 28, 2014 with Neighborhood Program staff and neighborhood association leaders.

- Attending the February 5, 2014 Corvallis Neighborhood Summit to provide an update about the PPTF's work and encourage attendees to provide feedback via the neighborhood association survey and through testimony at PPTF meetings.

Appendix II: Neighborhood Groups Survey Results

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Appendix III: Lake Oswego Document - Benefits of becoming a city-recognized Neighborhood Association

What are the benefits of becoming a City-recognized neighborhood association?

Neighborhood associations are one of the officially recognized channels for citizen participation in Lake Oswego. These volunteer organizations bring neighbors together to improve the livability of Lake Oswego's neighborhoods. Neighborhood members elect boards to represent their views before the Planning Commission, City Council and other public bodies and to maintain ongoing communications with City government.

Why organize a Neighborhood Association?

City-recognized Neighborhood Associations receive these support services and benefits from the City:

- Receives information from the City on all issues (transportation, development, etc.) that may occur in the neighborhood.
- Land use appeal fees may be waived upon request to the City Manager.
- Can be selected to develop a neighborhood plan with assistance from the City Planning Department.
- Eligible to apply for Neighborhood Enhancement Grants, to accomplish activities or projects not funded under other City programs.
- Neighborhood becomes part of the City network of 22 recognized neighborhood associations that work together to create the type of community it wants.
- Recognized associations may testify at public hearings with additional time limits not given to individuals.
- The City can help with mailings to inform your members about upcoming meetings. The City will provide printing and mailing services for two mailings (postcards or newsletters) each year for recognized associations.
- Up to two members of neighborhood association boards are invited to attend pre-application conferences to review potential development projects in your neighborhood (a brief training session is required in order to attend).
- Eligible to have meetings and events covered under the Neighborhood Coalition of Oswego, Inc. liability insurance at no cost to the association. A simple application must be completed and approved for meetings and events to be covered by the insurance policy.
- Neighborhood associations can receive a free drop box for neighborhood cleanup efforts, through the City's franchise agreement with Allied Waste.
- Opportunity to participate in monthly meetings at City Hall with all neighborhood association chairs (held on Saturday mornings; the City manager leads the meetings and the Mayor attends every other month).

City of Corvallis
Public Participation Task Force

Preliminary DRAFT Recommendations

Boards and Commissions organization and structure

WORKING DRAFT PPTF RESPONSE TO CHARGE
ITEMS 1-8

Version 2.1: March 31, 2014

Executive Summary to be developed by PPTF near end of task force work

The City Council's goal statement, provided to the Public Participation Task Force (PPTF), states that: *"By December 2014, the Council will revise its processes and structures in to a more effective and efficient citizen engagement program to develop diverse future leaders, enhance communication between citizens and the Council, help connect citizens to each other to strengthen community and neighborhoods, and utilize the expertise of citizen volunteers in solving community problems."*

The charge requests that alternative options be recommended to improve the effectiveness and efficiency of the City's board and commission system in eight specific areas. This recommendation document will address each area by number. (i.e. charge 1. a. through 8. a.)

Throughout this document, references will be made to the impact of recommendations on effectiveness and efficiency according to the definition provided by City Council. These terms are defined as follows: '**Effectiveness**' means improved **communication** between residents and appointees with the Council and staff in ways that result in better, more informed decision making. '**Efficiency**' means **purposeful and limited use of city resources**, including staff time, volunteer time and other direct costs. Using these specific definitions, these two terms will be noted in recommendations.

During this eight month process, we discovered that there are many excellent examples of citizen participation in many Oregon communities. Also, through our November survey of currently serving board and commission members and active neighborhood associations we learned that many board and commission members feel they are contributing important work to our city and indicated an appreciation of the professional and courteous support provided by city staff. According to these respondents, improvements could include equal budgets and staff support, training for new members and chairpersons, greater consistency in the operations of boards and commissions, and more clearly defined channels of communication with City Council. With the adoption of recommendations provided by the PPTF, we believe that the current system will be improved and will better facilitate communication and will enhance decision making.

Our focus remained resolutely on our charge and on the formal channels of engaging community members early in the planning process and providing the requisite training and support to effectively provide input to City Council. The recommended Community Involvement and Diversity Advisory Board (CIDAB) is

of highest priority as we believe that many elements of this task force's recommendations will need further refinement and will be within the scope of the CIDAB.

The task force key recommendations include the following:

- Align Advisory Board and Commissions work plans to master plans with annual reporting relationships to City Council standing committees to improve effectiveness;
- reinstate the Committee for Citizen Involvement as the a newly created Community Involvement and Diversity Advisory Board, with greater focus on fostering citizen engagement in city decision making, including land use planning issues; increase scope to include diversity and support for Neighborhood Associations to improve efficiency;
- Add advisory boards for citizen input in areas that currently have no formal system.

The Public Participation Task Force is grateful for the opportunity to provide this input to the City Council. This work was a learning experience for many task force members and the resulting recommendations are intended to present options and alternatives that will continue to improve our city's public engagement process.

Respectfully submitted,
Community member volunteers
Kent Daniels, Chair
Annette Mills, Vice Chair
Emily Bowling
George Brown
Lee Eckroth
Becki Goslow
Rocio Munoz
Brenda VanDevelder

City Council volunteers:
Councilor Penny York
Councilor Richard Hervey

Staff volunteer:
Mary Beth Altmann-Hughes

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I. Review of the charge

The Public Participation Task Force (PPTF) considered the issues below in their study and deliberations in order to make recommendations to improve the effectiveness and efficiency of the City's advisory board and commission system.

Issues to be studied and deliberated:

1. Number and scope of boards and commissions
   a. Identify areas of duplication between existing boards and commissions.
   b. Identify boards and commissions whose areas of study are so small or narrow that they could be incorporated into another related group or community organization.
   c. Identify significant areas of City Council responsibility where the Council doesn't receive systemic citizen advice. Include gaps in the board and commission system that would benefit from a change in the scope of a current group or the formation of a new group.
   d. Suggest how to combine, divide or otherwise reorganize these groups so that they are as effective and efficient as possible.
2. The formation, evaluation, revision and sunset process
   a. What criteria should the City Council use to determine if a new board or commission should be created?
   b. Consider how best to define and evaluate effective board and commission operations and outcomes.
   c. Consider how to balance the roles of boards and commissions as well-informed and neutral advisors to the Council as opposed to advocates for a particular point of view.
   d. What criteria should the Council use to make significant changes in one or more boards or commissions?
   e. Consider revising the process and/or developing criteria to guide Council decisions about ending boards and commissions.
   f. How should the effectiveness of staff support be evaluated?
3. Relationship with City operating departments
   a. The relationships between individual boards and commissions and the related operating department vary greatly. What should the relationships be?
4. Council liaison role
   a. What should the role of the City Council liaison be?
5. Opportunities to advise the City Council
   a. Is access available to all citizens to give thoughtful input and advice to the City Council through the board and commission system? If not, are there ways to improve the board and commission system for better access?
   b. Is there adequate access to citizens to advise the Council through means other than the board and commission system? If not, suggest methods of improvement.

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6. Cost factors
   a. It is important to ensure that decisions are timely; citizens feel that their efforts are meaningful, and city resources are used well. Identify ways to streamline or reduce the use of staff support.
   b. Identify ways to maximize the use of citizen volunteers.
7. Committee for Citizen Involvement
   a. Is the current configuration of this group the most effective means of addressing the Oregon Land Use System Goal One? If not, how might this goal be better met?
8. Neighborhood associations
   a. Neighborhood associations provide opportunities to build community and address issues that affect residents of particular geographical areas of the city. Does the City's public participation system adequately encourage neighborhood engagement and neighborliness? If not, identify methods for improvement.

II. Research process

Early in the formation of the PPTF, task force members reviewed the article "The Process is the Decision", a document from the city of West Linn, Oregon, which provided a framework for an effective decision making process that includes early public involvement. With this document in mind, the PPTF agreed that it would endeavor to model best practices for advisory boards and commissions including recommendations 2-6 below. The PPTF began its work in September with bi-weekly task force meetings and multiple sub-committee work sessions.

Early task force meetings included discussion of best practices for citizen committees and identification of comparable cities to research. "Nuggets" from this research will be referenced throughout the recommendation. Other inputs in our research included:

- Interviews with and written comments from the Mayor, City Manager, and Department Directors
- Review of best practices and interviews with representatives in other communities including Ashland, Bend, Eugene, Hillsboro, Lake Oswego, Springfield, Bellingham, WA, Ithaca, NY, and Pasadena, CA.
- Meeting with Eugene "Neighborhood Services" city staff and Neighborhood Association leaders
- Public testimony including input at regular meetings and e-mail
- Survey of currently serving Board and Commission members
- Survey of currently active Neighborhood Association members
- Public meeting in January, 2014 soliciting additional input
- Distribution of the Task Force's initial draft document in early April to advisory boards and commissions, Neighborhood associations, city staff, and others.

- Public meeting April 28, 2014 to present the draft recommendation and soliciting additional input.
- The Task Force may redraft the draft document using comments, suggestions, and feedback received to date.
- Presentation of final Public Participation Task Force recommendation report to the City Council on June 2, 2014.

The task force spent the first meetings developing a strategy to grapple with the broad scope of the charge. A significant amount of data was collected by December and three sub-committees were formed to synthesize the research and develop recommendations in three areas:

- Guiding principles for outreach and inclusiveness
- Neighborhood connections to the City
- Boards and Commissions operations and structure

III. Key recommendations

The detailed items of the charge required discussions that challenge the status quo of advisory boards and commissions. Task force members acknowledged the sensitivity of changing the current structures and operations. We recognize the commitment and work of citizens currently serving in the boards and commission system and recommend that transition work be completed with the involvement of existing committees as they can most readily provide insight and suggestions.

In order to improve the efficiency and effectiveness of public participation in the existing advisory board and commission system we identified three key recommendations:

1) revise the structure of the advisory boards and commissions to have formal lines of communication with City Council Standing Committees and review work activities of advisory boards with limited or narrow scope;
2) sunset the Committee for Citizen Involvement and form a new advisory board with greater scope to include broad public engagement in addition to land use planning, diversity, and support for Neighborhood Associations; and
3) strengthen the City's existing Neighborhood Association system.

IV. Evaluation of the current system of advisory boards and commissions

In reviewing survey responses, researching other community's practices and hearing from the Mayor, City Manager, and Department Directors, we have identified attributes of an effective and efficient system to provide input to the City from citizen Advisory Boards and Commissions including:

- Organizational structure of advisory boards and commissions that emphasizes broadly scoped committees which leads to greater efficiency;

- Consistent communication channels and annual goal setting and review process for all advisory boards and commissions to improve effectiveness and to replace the current sunset process;
- Consistent support for practices among all advisory boards and commissions including note taking, budget, staff support, orientations for new appointees, and training for chair and vice chairs to improve efficiency.

1. <u>Survey feedback from current members of boards and commissions</u>

a. Process and organization

While 88% of committee members feel valued and appreciated for their service, only 36% reported having had an orientation upon being appointed and 42% reported that they are not aware of annual goal setting for their advisory board or commission. There were also many comments requesting support in running effective meetings, understanding public meeting laws and the role of boards and commissions. Many also expressed a desire for a more inclusive and transparent process for filling vacancies.

b. Communication

40% of committee members reported that their board or commission does not have strategies for collecting citizen input and 51% are unsure if their Council liaison communicates regularly with city Council. Many respondents reported interest in an annual gathering of board and commission members to reduce silos and increase collaborative work and knowledge of each other's work.

2. <u>Feedback from Mayor, City Manager, Department Directors</u>

The Task Force met with and received feedback and ideas from the Mayor and the three Department Directors who provide support to most of the city's advisory boards and commissions. The City Manager also provided the PPTF with extensive information and suggestions in a written response to the task force.

3. <u>Public meetings</u>

Two general public meetings were held in the Public Library large meeting room using a "world cafe'" process designed to elicit feedback and input. The first was held in January and was attended by approximately 75 community members. The second meeting was held April 28, at which specific Task Force draft recommendations were presented and discussed.

4. <u>Information sharing with existing advisory boards and commissions</u>

Initial draft recommendations were sent to existing advisory boards and commissions prior to the second public meeting for review and feedback prior to the final draft of the recommendations.

5. <u>Organizational structure of advisory boards and commissions</u>

The task force reviewed existing Advisory Boards and Commissions to address charge 1 a.-d. This element of the work of the PPTF was the most challenging as we acknowledge the contributions and expertise provided by citizen volunteers currently serving. We have endeavored to provide alternative pathways to greater effectiveness and efficiency. We recommend that existing boards and commissions review annual goals and the level of public engagement with their committee to determine if the issue area would be more comprehensively addressed if united in a more broadly defined advisory board.

a. Advisory boards and commissions with broader scope or legal requirements*

In these boards or commission, either no changes are recommended or **any recommended changes would not significantly change their scope or level of responsibility but may enhance <u>efficiency or effectiveness</u>** in the board and commission system.

- Arts and Culture Commission
- Budget Commission*
- Corvallis-Benton County Library Board
- Economic Development Commission
- Historic Resources Commission*
- Housing and Community Development Commission
- Parks, Natural Areas, and Recreation Board
- Planning Commission*

b. Advisory boards and commissions with narrowly defined scope

In these boards or commissions, the scope is narrow enough that some may benefit by **incorporation into another citizen committee or community organization to increase the <u>efficiency</u>** in the board and commission system. It may also make sense to transition some to staff advisor boards.

- Airport Commission
- Bicycle and Pedestrian Advisory Commission
- Board of Appeals
- Capital Improvement Program Commission
- Citizens Advisory Commission on Transit
- Commission for Martin Luther King, Jr.
- Commission on Civic Beautification and Urban Forestry
- Committee for Citizen Involvement
- Community Police Review Board
- Downtown Commission
- Downtown Parking Commission
- Land Development Hearings Board
- Public Art Selection Commission
- Watershed Management Advisory Commission

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c. Significant area of Council responsibility with no current systematic citizen advice

Increase **effectiveness** of the advisory board and commission system by addressing the gaps in the following areas:

1. Diversity and Citizen Involvement
2. Public Safety
3. Transportation systems planning and decisions
4. Water systems planning and decisions

V. Recommendations

Recommendation 1

We recommend that City Council establish and adopt public engagement guiding principles as listed below. This may need revisions since March 28 PPTF meeting.

a. Collaborative Democracy: Enhance and support a community-driven democracy in city government. Ensure that there is a genuine intent and attitude by the City and community members to listen to all sides and to attempt to understand different viewpoints.

1. Create a community-friendly atmosphere at all public meetings (i.e. City Council, Boards & Commissions, Task Force, etc.)
    a. Ensure that those giving public testimony are being listened to.
        - Examples: make eye contact, ask a question, alert public that electronic devised may be used to capture testimony for future reference.
    b. Replace 3-minute clock with alternative alert signals.
        - Example: City of Pasadena has podium with three built in lights: green, yellow, and red. Observable by the council and the speaker in a discrete manner.
    c. Allow groups (e.g., neighborhood associations) to make presentations as a group, with limits on time and number of people in the group. (Needs further PPTF discussion)
    d. Have agendas and other relevant documents available for the public at meetings.

b. Diversity: Seek input from all viewpoints, backgrounds, and philosophies. Treat each person with dignity, fairness, and respect.

1. Identify and reach out to diverse sectors of the community.
    a. Take steps to make meetings linguistically and culturally appropriate (e.g., have public meetings at schools).

b. Set up mechanisms within city government to connect to translation/interpretation services to provide this at public meetings when there is a topic of interest.
c. Set up a resource service for child care at major meetings (e.g., partner with a non-profit or social service agency that provides such services).

c. <u>Openness and Accessibility:</u> Promote fair, open and respectful processes that allows all who are interested or affected to have an equal opportunity to participate.

1. <u>Increase access to elected officials.</u>
   a. Create reasonable ways for community members to communicate with elected officials, board/commission chairs, and city staff. Provide phone numbers and email addresses that will ensure a response.
   b. Consider real-time, on-line access to city meetings.
      - Look at OSU's New Media Communications Department
   c. Consider alternate locations for forums, special outreach meetings, and government corner

2. <u>Increase access to city government information.</u>
   a. Make the City website more user-friendly – more accessible and searchable by having links for the multiple modes of community member engagement more visible and easier to see/understand from the city homepage.
      - Research software with appropriate design
   b. Post to available traditional and social media sources (newspaper, Facebook, Twitter, etc.).
   c. Set standards for city government and boards/commissions to do outreach and market their events, meetings, BC openings to ensure that information is reaching the community.
   d. Examples: Continue and expand Government Corner at library lobby every Saturday; send into the newspaper's F.Y.I.

d. <u>Inclusiveness:</u> Create a variety of ways for community members to participate and influence decisions. To be developed and supported by newly established CIDAB.

<u>Recommendation 2</u> (charge 2.e., 4.a.)
We recommend that City Council provide consistent definitions in the formation and review of citizen committees, thereby improving the effectiveness of the advisory board and commissions system. **Four distinct types** of committees are recommended: Advisory Boards, Commissions, Task Forces, and De-

partment Advisory ADD: "committees". Any of these committees may consider forming sub-committees.

Advisory Board
This type of standing committee is established by City Council resolution and serves in an advisory capacity to the Mayor, City Council and staff. Advisory Boards annually propose work plans including goals and desired outcomes to a standing committee of the City Council for review, revision, and approval. The Mayor is responsible for appointing individuals to fill vacancies.

Commission
A standing committee to which the City Council has delegated decision making authority. Commissions annually propose goals and desired outcomes to a standing committee of the City Council for review, revision, and approval. The Mayor is responsible for appointing individuals to fill vacancies. For the Planning Commission and Historic Resources Commission, the appointment is made by City Council.

Task Force
Task Forces are formed to achieve a particular goal with a specific charge and are generally active for a limited time. The City Council resolution identifies the term of the committee, the task to be completed, the timeline for completion of the project and other direction as the City Council deems appropriate. The City Council should consider forming a Task Force to address a major initiative or significant policy change if an existing Commission or Advisory Board does not exist to address that area or does not have the ability to address the topic by itself. The Mayor is responsible for appointing individuals to serve.

Department Advisory Committee
Department Advisory Committees are administrative or technical in nature and allow for efficient use of citizen expertise. These ongoing committees are appointed by department directors with the approval of the City Manager. They advise department staff and provide agility in responding to community issues.

Other city groups may be formed by the Mayor or city staff for particular reason. Department directors would continue the practice of bringing together small work or technical groups with particular areas of knowledge to advise them on particular or technical issues. The City Manager is responsible for ensuring that the Mayor and City Councilors are aware of the formation, purpose, duration and membership of these ongoing committees. **Kent will add several examples**

Recommendation 3 (charge 1. a.-d.)
We recommend that City Council revise the organizational structure to **align the working plans and activities of Advisory Boards to foster early engagement in City process.**

The objective of this recommendation is to **make decision making in the City more effective**; and to build a web of **strong interrelationships of Advisory Boards** with a **broad scope** which can address City planning such as master plans supported by staff with **efficient use of city resources**. The intent of this recommendation is also to increase adequate and early input by affected stakeholders in all major planning areas.

Each Advisory Board and Commission will have a direct relationship with a City Council standing committee as shown below. Recommended newly formed Advisory Boards are in **bold** and address gaps in the City's board and commission system that would benefit from a change in the scope of a current group or the formation of a new group.

If Advisory Boards with narrow scope are combined with broader scoped committees, the result could be a net decrease in staff support required, resulting in greater efficiency.

Options to align with Council committees and combine/reorganize for efficiency

- City Council- Human Services Committee
  1. Arts and Culture Advisory Board
  2. Public Art Selection Advisory Board (scope is narrow, possibly include as a subcommittee with Arts and Culture Advisory Board)
  3. **Community Involvement and Diversity Advisory Board** (gap identified, significantly broaden scope of Committee for Citizen Involvement)
  4. Martin Luther King, Jr. Advisory Board (scope is narrow, possibly include with new Community Involvement and Diversity Advisory Board or other community groups.)
  5. Corvallis-Benton County Public Library Advisory Board
  6. **Public Safety Advisory Board** (gap identified)
  7. Police Review Advisory Board (scope is narrow, possibly include in Public Safety Advisory Board)
  8. Parks, Natural Areas, and Recreation Advisory Board
  9. Civic Beautification and Urban Forestry (scope is narrow, possibly revise to Staff Advisory Board)

- City Council- Urban Services Committee
  1. Board of Appeals (scope is narrow)
  2. Historic Resources Commission

3. Housing and Community Development Advisory Board
4. Planning Commission
5. Land Development Hearings Advisory Board (scope is narrow, this is currently in effect a sub-committee of the Planning Commission, codify that fact and cease to list as a separate board)
6. **Water Systems Advisory Board** (gap)
7. Watershed Management Advisory Board (scope is narrow, possibly include in Water Systems Advisory Board or change to Staff Advisory)

- City Council- <u>Administrative Services Committee</u>
  1. Airport Advisory Board (scope is narrow, possibly revise to Staff Advisory and/or shift some current responsibilities to the Economic Development Advisory Board)
  2. Budget Commission
  3. Investment Commission (scope is narrow, possibly revise to Staff Advisory)
  4. Capital Improvement Program Advisory Board (possibly include in Budget Commission or Planning Commission or revise to Staff Advisory)
  5. Economic Development Advisory Board
  6. Downtown Advisory Board
  7. Downtown Parking Advisory Board (scope is narrow, possibly include as a subcommittee of the Downtown Advisory Board)
  8. **Transportation Advisory Board**
  9. Citizens Advisory Commission on Transit (scope is narrow, possibly include in Transportation Advisory Board or change to Staff Advisory)
  10. Bicycle and Pedestrian Advisory Board (scope is narrow, possibly include in Transportation Advisory Board or change to Staff Advisory)

<u>Recommendation 4</u> (charge 5.a., 7.a. and 8.a.)

We recommend an immediate sunsetting of the Committee for Citizen Involvement and formation the Community Involvement and Diversity Advisory Board (CIDAB).The current configuration of the CCI limits the work of the committee to address the Oregon Land Use System Goal One and would be strengthened with a broader scope and monthly meetings. Issue areas include:

- Diversity, accessibility
- Neighborhood associations
- Oversight of Empowerment Grants
- Outreach for boards and commissions
- Public participation webinars

- Develop board and commission trainings and orientation
- Staff liaison support provided by new City staff Neighborhood Outreach liaison
- Implementation or further work on PPTF recommendations, as recommended by the City Council
- Have a subcommittee work with members of the Planning Commission and the Historic Resources Commission regarding changes and improvements to address the Land Use Goal 1, Citizen involvement"

We recommend that the newly formed CIDAB be charged with the implementation of a number of initiatives recommended by the PPTF including:

a. Engage community members early in the planning and budgeting process [look at Lake Oswego requirements - pre-application conferences with neighbors; look at Pasadena - appoint special committees at beginning of process to help gather public opinion].
b. Develop and offer Public Participation 101 training/workshop/manual in multilingual languages. This should include:
    - Brief explanation of legal time requirements to audience for specific boards (i.e., Mayor, Planning Commission Chari, and HRC Chair) and give notice of this prior to testimony by staff, applicant, and public.
    - Explanation of the process where there are opportunities for community input (i.e., boards and commissions, Council committees, etc.).
    - Information about board/commission processes and where public testimony fits in the decision-making process.
    - Tips on how to testify effectively.
    - The guiding principles referenced and a flow chart or organizational chart that allows community members to better understand the process of how city government works
c. Develop and implement the Neighborhood Associations recommendation in this document.

<u>Recommendation 5</u> (charge 1.a.-d.)
We recommend exploring a change of scope in existing advisory boards *(listed alphabetically)*

- Airport Advisory Board- determine if this area is primarily a technical/staff advisory committee, if so, charge the Economic Development Advisory Board with economic development related portion of the charge.

- Arts and Culture Advisory Board- establish reporting relationship between city supported arts, culture, and tourism organizations including The Majestic Theater, The Arts Center, and Convention and Visitors Bureau with annual reporting to citizen committee.

- Budget Commission- ADD semicolons expand scope to study financial issues facing the City and develop recommendations for the Council;, review fund forecasts; have citizen members work with staff and council on budget before formal unveiling in February; subcommittees hold public meetings in the early fall to obtain community member input and suggestions for the next year budget; review and recommend changes to the Capital Improvement Program.

- Downtown Commission/Downtown Parking Commission: Change to staff advisory committee, change the Downtown Parking Commission to be a subcommittee of the Downtown Advisory Board's responsibility and cease to list as a separate body.

- Historic Resources Commission and Planning Commission- increase collaborative work with periodic work sessions with each other for goal development, and with the new Community Involvement and Diversity Advisory Board regarding Land Use Goal 1 requirements, issues and improvements"……Kent input here

We recommend four new advisory boards to increase effectiveness of citizen input and decision making.

- **Diversity and Citizen Involvement**
  Interest areas
  - Diversity, accessibility
  - Neighborhood associations
  - Outreach for boards and commissions
  - Public participation webinars
  - Develop board and commission trainings and orientation
  - Plans, CIP, reviews: outreach plans, citizen complaint reviews (diversity)
- **Public Safety**
  Interest areas
  - Emergency preparedness (w/Neighborhood associations)
  - Plans, CIP, reviews: Fire Dept. CIP projects, Police Dept. COP projects, Fire Department strategic MP
- **Transportation systems planning and decisions**
  Interest areas

- Corvallis transportation planning (public transit, vehicle, bikes, pedestrian)
- Accessibility and sustainability in transportation
- Coordination with regional transportation planning
- Plans, CIP, reviews: Transportation master plan, parking plan, CIP transportation projects

- **Water systems planning and decisions**
  Interest areas
  - Water quality
  - Waste Water management
  - Storm Water management
  - Public works planning
  - Land management/natural features
  - Sustainability
  - Plans, CIP, reviews: Building maintenance plan, Storm water master plan, Wastewater utility master plan
  - Public Works CIP projects for buildings, water, land (other than transportation)

Recommendation 6 (charge 2.b.-c. and 6.b.)
We recommend improving awareness of vacancies and increased transparency of the appointment process.

Members of Advisory Boards, Commissions, and Task Forces provide an invaluable service to our city. These groups advise the City Council on a wide variety of subjects. The expertise and work of citizen groups often serve as a catalyst for innovative city programs and improved services.

Serving on an Advisory Board, Commission or Task Force can be a rewarding experience for community service-minded residents. It is a productive way to participate in the functioning of local government and assists City Council members in understanding the values of their constituents. The role of these committees is to provide input to city staff and advice and recommendations City Council.

Effective use of citizen expertise
Many Advisory Boards and Commissions include community members with expertise or experience thus providing additional resources in the review and planning of city activities. In most cases, the Mayor is responsible for appointing individuals to fill vacancies. For the Planning Commission and Historic Resources Commission, the appointment is made by City Council.

Currently anyone living or working within the city or in some cases inside the Urban Growth Boundary is eligible to apply for a vacancy. The Mayor conducts a brief interview, staff provides input and often talks with the nominee to re-

view roles and responsibilities of serving on the committee and the nomination is approved by a vote of the City Council.

Recommendation to improve the appointment process: Emily and Annette notes here

1. Establish a Mayoral Advisory Group to meet quarterly for review of vacancies and interested volunteers for Advisory Boards and Commissions.
2. Actively seek nominees from varied socioeconomic, racial, and ethnic backgrounds and younger nominees.
3. Seek input from current Commission and Advisory Board chair for potential nominees to fill vacancy.
4. Review and improve how vacancies are publicized.
5. Expand qualifications to include non-resident experts as a non-voting member.
6. Broadly disseminate Advisory Board and Commission vacancy announcements to community groups and organizations, on the City's website, and via media outlets.

Recommendation 7 (charge 1. d., 2.b.-d., 3.a., 6.a.)
We recommend that City Council adopt consistent standards for Advisory Boards and Commissions.

1. A staff liaison and recorder assigned to attend each Advisory Board, Commission, and Task Force meeting. Being responsive to cost concerns, department directors exercise judgment on +1 staff attendance.

2. For efficiency and effectiveness we recommend avoiding verbatim minutes. Minutes should be taken in a consistent format including:

    a. key discussion point minutes for Advisory Boards and Task Forces, *(guidelines in addendum)*

    b. detailed minutes for Commissions as required by statute.

3. Guidelines provided for consistent communication and outreach to community members.

4. Annual process for all Advisory Boards and Commissions to propose work plans including goals and desired outcomes to a standing committee of the City Council for review, revision, and approval.

5. Mayor to host an annual gathering of all chair and vice-chairs to reduce silos, encourage dialogue, and foster cooperation among Advisory Boards and Commissions.

6. Orientation provided to all new appointees prior to attending first meeting.

7. Training provided for chair and vice chair (Lake Oswego example): i.e. review public meeting laws, agenda development, developing goals, objectives and annual work plan. *(The new Community Involvement and Diversity Advisory Board would develop this process.)*

Recommendation 8 (charge 5.b. and 8.a.)

Neighborhood association…….. See Neighborhood Connection Report and Recommendations.

Benefits **to be completed by PTTF**

Adoption of these recommendations as presented will strengthen the existing system of citizen advisory boards and commissions, will engage and support increased neighborhood associations…

References

The Process is the Decision

City of Lake Oswego, Public Participation Guidelines

City of Eugene, Public Participation Guidelines

City of Ashland, Public Participation Guidelines

Remaining to do items:

- Create summary of board and commission survey feedback and add relevant data within text of report
- Provide a sample of minutes
- Create summary of the Board and Commission org and structure TTF process

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CITY OF CORVALLIS
Public Participation Task Force Minutes
April 10, 2014 - DRAFT

Members Present:	Kent Daniels, Chair; Annette Mills, Vice Chair; Richard Hervey; Lee Eckroth; Brenda VanDevelder; Emily Bowling; George Brown; Becki Goslow
Members Absent:	Penny York; Rocio Munoz; Mary Beth Altmann Hughes
Staff:	Claire Pate, Scribe
Visitors:	Susan Christie, Stewart Wershow

Agenda Item	***Key Discussion Points***	***Action or Information Only***
1. Check in, introductions, ground rules (Chair)		
2. Review Agenda (Chair)	• No changes	
3. Review/Approve 3/27/14 Meeting Minutes (All)		• Minutes approved with one correction: page 3, 2nd par., change Eckhart to Eckroth
4. Continue discussion: plans for April 28 public meeting	• Objective: affirm all of the community participation and good works already occurring. Emphasize research and contacts (including with other cities) that have been made already in formulating decisions. • There will be a mix of recommendations and suggestions that will be sent on to City Council (CC)	• Still need 10 more community volunteers to help facilitate. PPTF members will be recorders. • Kent will ensure the new draft gets sent out by April 21, to all stakeholders, w/ cover memo explaining process to date.

Agenda Item	***Key Discussion Points***	***Action or Information Only***
	• Important to state that recommendations are not set in stone. Feedback will be taken into consideration. • To handle questions, there should be a large group Q&A session before breaking into smaller groups.	
5. Review of feedback and comments received on the preliminary draft recs document sent out 4/4/14; review of recs and plans to reformat/revise into a draft doc for distribution prior to the April 28 meeting	• Brenda sent out updated Document dated April 10 "Draft Recommendations" (**Attachment A)** • Neighborhood Connections section sent out by Emily (dated April 4) (**Attachment B).** Suggested changes: use some bulleted items where possible, though narrative is good; include reference to using "webinars" whether in this section or in the CIDAB section; make a reference to how recs have been prioritized. • Boards and Commissions section discussion. Suggested changes: stay away from using the term "narrow" when not specifically quoting the CC charge; put the "charge" language up front; make chart less confusing; decide where CIP should end up, and add a section in narrative about CIP; include some narrative about the three	• Send all "wordsmithing" and typo corrections to Kent so he can send them to the volunteer editor.

Agenda Item	***Key Discussion Points***	***Action or Information Only***
	CC standing committees. • Guiding Principles section: suggestion that more than one example/idea be suggested so it is understood there are optional ways of resolving an identified issue. • Other key discussion areas: Reconsider CIDAB – does it have too large a charge for one committee of its size? Downtown Parking and Downtown Commission recommendations need to be analyzed.	
6. Public comments, suggestions, ideas	• **Susan Christie**, Bicycle and Pedestrian Advisory Commission (BPAC): submitted written comments (**Attachment C).** Combining BPAC with other committees would bog down their work. She encouraged PPTF to reconsider this recommendation that BPAC and other groups be combined into a Transportation Advisory Board. She also suggested that instead of combining B&Cs into larger committees, consider having liaisons from B&C's to other B&C's that have shared interests. Meeting together in a	

Agenda Item	***Key Discussion Points***	***Action or Information Only***
	large committee is a waste of everyone's time. • **Stewart Wershow** – shared his concern that working documents are not being made available on the website in a timely manner so people can give feedback. He understands that this is because PPTF is underfunded.	
7. Timeline, responsibilities and roles for PPTF and others for critical path from May 5 to Dec 31, 2014.	• No discussion held	
8. Checkout: Was time used efficiently? Was everyone prepared? Everyone heard? Meeting process okay? Can we do better? Agenda for next meeting?		• Next meeting will be held at Parks and Recreation meeting room, April 17, 2014. Agenda will focus on B&C recommendations, and Guiding Principles.
9. Adjournment	• The meeting was adjourned at 1:05 pm	

Respectfully submitted: Kent Daniels, Chair

Next Meeting: April 17, 2014

City of Corvallis Public Participation Task Force

DRAFT Recommendations

Compiled recommendations from three sub-committees:
Boards and Commissions organization and structure
Guiding principles for public participation
Neighborhood Associations

WORKING DRAFT RESPONSE TO CHARGE

April 10, 2014

City Council's goal and the charge of the Public Participation Task Force

The City Council's goal statement, provided to the Public Participation Task Force (PPTF), states that: *"By December 2014, the Council will revise its processes and structures in to a more effective and efficient citizen engagement program to develop diverse future leaders, enhance communication between citizen ns and the Council, help connect citizens to each other to strengthen community and neighborhoods, and utilize the expertise of citizen volunteers in solving community problems."*

<u>Issues to be studied and deliberated:</u>

1. Number and scope of boards and commissions
   a. Identify areas of duplication between existing boards and commissions.
   b. Identify boards and commissions whose areas of study are so small or narrow that they could be incorporated into another related group or community organization.
   c. Identify significant areas of City Council responsibility where the Council doesn't receive systemic citizen advice. Include gaps in the board and commission system that would benefit from a change in the scope of a current group or the formation of a new group.
   d. Suggest how to combine, divide or otherwise reorganize these groups so that they are as effective and efficient as possible.
2. The formation, evaluation, revision and sunset process
   a. What criteria should the City Council use to determine if a new board or commission should be created?
   b. Consider how best to define and evaluate effective board and commission operations and outcomes.
   c. Consider how to balance the roles of boards and commissions as well-informed and neutral advisors to the Council as opposed to advocates for a particular point of view.
   d. What criteria should the Council use to make significant changes in one or more boards or commissions?
   e. Consider revising the process and/or developing criteria to guide Council decisions about ending boards and commissions.
   f. How should the effectiveness of staff support be evaluated?
3. Relationship with City operating departments
   a. The relationships between individual boards and commissions and the related operating department vary greatly. What should the relationships be?
4. Council liaison role
   a. What should the role of the City Council liaison be?

5. Opportunities to advise the City Council
   a. Is access available to all citizens to give thoughtful input and advice to the City Council through the board and commission system? If not, are there ways to improve the board and commission system for better access?
   b. Is there adequate access to citizens to advise the Council through means other than the board and commission system? If not, suggest methods of improvement.
6. Cost factors
   a. It is important to ensure that decisions are timely; citizens feel that their efforts are meaningful, and city resources are used well. Identify ways to streamline or reduce the use of staff support.
   b. Identify ways to maximize the use of citizen volunteers.
7. Committee for Citizen Involvement
   a. Is the current configuration of this group the most effective means of addressing the Oregon Land Use System Goal One? If not, how might this goal be better met?
8. Neighborhood associations
   a. Neighborhood associations provide opportunities to build community and address issues that affect residents of particular geographical areas of the city. Does the City's public participation system adequately encourage neighborhood engagement and neighborliness? If not, identify methods for improvement.

Throughout our recommendations, references will are made to the impact on effectiveness and efficiency according to the definition provided by City Council. These terms are defined as follows: 'Effectiveness' means improved communication between residents and appointees with the Council and staff in ways that result in better, more informed decision making. 'Efficiency' means purposeful and limited use of city resources, including staff time, volunteer time and other direct costs. We recognize the City Council's priority of creating a sustainable budget and note that City Council must prioritize recommendations and the use of resources for public participation effectiveness.

Our focus remained resolutely on our charge and on the formal channels of engaging community members early in the decision making process and to strengthen the existing board and commission system. We endeavored to provide alternative options to strengthen public participation in eight specific areas. This draft document will address each area sequentially by number. (i.e. charge 1. through 8.)

The Public Participation Task Force is comprised of eight community members, two city council members, and one staff representative from the City. We recognize that all currently serving board and commission members are committed to the work of their committee and respect and appreciate the work done by each of these groups.

I. Boards and Commissions organization and structure

The task force reviewed existing Advisory Boards and Commissions to address portions of the charge related to the number and scope of boards and commissions. This element of work for the PPTF was the most challenging as we acknowledge the contributions and expertise provided by citizen volunteers currently serving.

In a comparative review of other Oregon cities, we noted a larger city (Bend) operates with only thirteen advisory boards and commissions and a smaller city (Ashland) operates with fifteen. Corvallis currently supports twenty three advisory boards and commissions. In general, we believe broader categories are more desirable for efficient operations.

We have endeavored to provide alternative pathways to greater effectiveness and efficiency. We encourage existing boards and commissions to review annual goals and the current level of public engagement with their committee to determine if the issue area would be more comprehensively addressed if united in a more broadly defined advisory board.

Recommendation 1 (charge 1. a – d)

We identified ten boards or commissions (listed below) where the scope is narrow enough that some may benefit by incorporation into another citizen committee or community organization to increase the efficiency in the board and commission system.

- Airport Commission
- Bicycle and Pedestrian Advisory Commission
- Citizens Advisory Commission on Transit
- Commission for Martin Luther King, Jr.
- Commission on Civic Beautification and Urban Forestry
- Committee for Citizen Involvement
- Downtown Commission
- Downtown Parking Commission
- Public Art Selection Commission
- Watershed Management Advisory Commission

We identified four significant areas of City Council responsibility where the Council doesn't receive systemic citizen advice. We believe new advisory boards would increase effectiveness of the city by addressing the gaps in the following areas:

- Diversity and Citizen Involvement
- Public Safety
- Transportation systems planning and decisions
- Water systems planning and decisions

a. **Combine, divide or otherwise reorganize the narrowly focused committees so that they are as effective and efficient as possible.**

Upon review of current activities and their charge, we suggest that the following advisory board interest areas could be better served with a change of scope. Committees are listed in alphabetical order.

- **Airport Advisory Board.** After review of current activities, we note that there are two distinct areas of oversight including highly technical aviation input and economic development activity reports. A change from advisory board to Department Advisory Committee would create efficiencies for public works and economic development activities could be transitioned to the Economic Development Advisory Board. (Current estimated staff cost $5,380)

- **Arts and Culture Advisory Board.** This board is charged with advising City Council on all matters relating to arts and culture. Additionally, we recommend strengthening the formal communications related to city funded arts and culture related entities with annual reporting to this committee. City supported arts organizations include The Majestic Theater and The Arts Center. (Current estimated staff cost $3,143)

- **Bicycle and Pedestrian Advisory Commission and the Citizens Advisory Commission on Transit** could potentially join to form a more comprehensively charged advisory board for multi-modal transportation issues. (Current estimated annual staff cost for Bike/Ped $11,930; for Transit, $7,090)

- **Budget Commission.** This committee includes City Council and community members and is currently limited to reviewing the proposed annual budget. We recommend expanding the scope to study financial issues facing the City and develop recommendations for the Council; review fund forecasts; have citizen members work with staff and council on the budget before formal unveiling in February. Subcommittees may hold public meetings in the early fall to obtain community member input and suggestions for the next year budget. (current estimated staff cost varies between $3,000 - $8,000 + $2,000 for budget meeting preparation and $250 per meeting for a recorder)

- **Committee for Citizen Involvement** was established as means of addressing the Oregon Land Use System Goal One. We noted that there appears to be no activity in this committee since December 2012 and prior to that time, meeting were held on a quarterly basis. Limited to educating community members about land use planning is an important piece of engaging the community and we believe additional resources can be generated and supported by incorporating the CCI charge

in the newly formed Community Involvement and Inclusion Advisory Board. (estimated costs $8,000, quarterly meetings)

- **Commission for Martin Luther King Jr.** was established to create a community celebration of Martin Luther King Jr. and to 'advise Council on matters pertaining to the holiday.' We value the work of Mr. King and the holiday in his honor and we believe there is a significantly greater opportunity to advise Council on inclusion and diversity issues in addition to fostering awareness of the principles and practices championed by Martin Luther King Jr. We believe this work can be accomplished by incorporating this committee in the newly formed Community Involvement and Inclusion Advisory Board.

- **Commission on Civic Beautification and Urban Forestry** is a committee whose focus is on beautification projects with the City. This active committee would potentially be more cost effective as a Departmental Advisory Committee. (estimated costs $5,366)

- **Community Police Review Board** is a narrowly focused committee dealing specifically with citizen complaints. We have identified an opportunity for greater public participation in all matters related to public safety and recommend further research on increasing the scope of this committee through the establishment of a Public Safety Advisory Board.

- **Downtown Commission** was created in 2008 primarily to implement an urban renewal project which was not supported by voters. Their charge is to support a vibrant hub of business and cultural activity through streetscape projects, redevelopment projects and public parking. (current estimated costs $13,000 + $100 per monthly meeting for a recorder)

- **Downtown Parking Commission** is narrowly focused on downtown parking and promoting multi-modal transportation. Two members of the Downtown Commission serve on this committee which is, in effect a sub-committee of the Downtown Commission. We recommend the codification of that fact and cease to list as a separate board. (current estimated staff costs for Downtown Parking, $3,300 + $100 per monthly meeting for a recorder)

- **Economic Development Commission** is charged to develop and recommend economic development policy and strategy for the City and to implement. The current strategic plan is narrowly focused and does not include the economic development activities of the airport or downtown core. We have included options that move these areas of interest.

- **Historic Resources Commission and Planning Commission** is a quasi-judicial committee. We recommend increased collaborative work with periodic work sessions with each other for goal development, and with the recommended new Community Involvement and Diversity Advisory Board regarding Land Use Goal 1 requirements, issues and improvements.

- **Land Development Hearings Board** is currently, in effect, a sub-committee of the Planning Commission. We recommend the codification of that fact and cease to list as a separate board. (Current estimated costs $3,000 + $200 for recorder)

- **Public Art Selection Commission** provides expertise in the review and approval of public art installations. One member of the Arts and Culture Commission serves on this commission. We recommend that this committee be transitioned to the broadly scoped Arts and Culture Advisory Board and a sub-committee formed to carry out the duties of public art selection. (Current estimated cost $1,844)

- **Watershed Management Advisory Commission** is narrowly focused on the Rock Creek Watershed, a drinking water resource for the City. This is a technical committee and may be more cost effective as a Department Advisory Committee or as part of a more broadly scoped Water Systems Advisory Board. (current estimated costs: $7,490)

We recommend four new advisory boards (in prioritized order) to increase effectiveness of citizen input and decision making.

- Diversity and Citizen Involvement Advisory Board
    - Details provided later in this document in Recommendation 7.
- Transportation Advisory Board
    - Corvallis transportation planning (public transit, vehicle, bikes, pedestrian)
    - Accessibility and sustainability in transportation
    - Coordination with regional transportation planning
    - Transportation master plan, parking plan, CIP transportation projects
- Water systems planning and decisions
    - Water quality, waste water and storm water management
    - Land management/natural features
    - Plans, CIP, reviews: Building maintenance plan, Storm water master plan, Wastewater utility master plan
    - Public Works CIP projects for buildings, water, land (excludes transportation)
- Public Safety
    - Emergency preparedness (w/Neighborhood associations)
    - Fire Dept. CIP projects, Police Dept. COP projects, Fire Department strategic MP

We acknowledge that City Council must prioritize recommendations and the use of resources for public participation effectiveness. The key below provides a reference to in-

dicate existing, revised, or new advisory boards or commissions. Department Advisory Committees are also noted and our assumptions are that DACs will be more cost-effective than Advisory Boards and Commissions.

◦ Existing, no change ↓ **Revised, incorporates more than one existing, net decrease**
↑ **New, net increase** √ New, incorporates one existing, no net change

	Option A		**Option B**		**No changes**
	Total 16, ***net change -6***		Total 17, ***net -5***		Total 22
Human Services Comm.	↓ **Arts & Culture Advisory Board** (merge Public Art Selection) ↓ **Citizen Inclusion and Diversity Advisory Board** (expand scope and merge Committee for Citizen Involvement and Martin Luther King, Jr. Commission) ◦ Civic Beautification & Urban Forestry Dept. Advisory ◦ Corvallis-Benton County Public Library Advisory Board ◦ Parks, Natural Areas & Recreation Advisory Board ◦ Police Review Commission Study **Public Safety Advisory Board**		↓ **Arts and Culture Advisory Board** (+Public Art selection) ↓**Citizen Inclusion and Diversity Advisory Board** (expand scope and merge Committee for Citizen Involvement and Martin Luther King, Jr. Commission) ◦ Civic Beautification & Urban Forestry Dept. Advisory ◦Corvallis-Benton County Public Library Advisory Board ◦Parks, Natural Areas & Recreation Advisory Board ◦Police Review Commission Study **Public Safety Advisory Board**		◦ Arts & Culture ◦ CBUF ◦ CCI ◦ MLK ◦ Library ◦ Police Review ◦ PNAR ◦ Public Art Selection
Urban Services Comm.	◦ Appeals Commission (Board of Appeals) ◦ Historic Resources Commission ◦ Housing & Comm. Dev. Advisory Board ↓ **Planning Commission** (+ Land Development Hearings Board) ↓ **Transportation Advisory Board** (9 members, merge Bicycle & Pedestrian, Citizen Advisory Commission on Transit, Downtown Parking) √ **Water Systems Advisory Board** (merge Watershed Management Advisory Commission)		◦ Appeals Commission ◦ CIP Department Advisory Committee ◦ Historic Resources Commission ◦ Housing& Community Development Advisory Board ↓ **Planning Commission** (merge Land Development Hearings) ↓ **Transportation Advisory Board** (merge Bike and Peds and Transit Advisory Boards) ◦ Watershed Management Department Advisory Committee √ **Water Systems Advisory Board**		◦ Appeals Commission ◦ Bike & Peds ◦ Capital Improvements Program ◦ Downtown Parking ◦ Housing, Community Dev. ◦ Historic Resources ◦ Land Development Hearings ◦ Planning Commission ◦ Transit
ASC	◦ Airport Advisory Board (econ. Dev.tasks assigned to Econ. Dev. AB)) ◦ Budget Commission ◦Capital Improvements Program Dept. Advisory ↓ **Economic Develop Advisory Board** (merge Downtown Comm.)		◦ Airport Dept. Advisory ◦ Budget Commission ↓ **Downtown AB** (+Downtown Parking) ◦Capital Improvements Program Dept. Advisory ◦ Economic Development Advisory Board		◦ Airport ◦ Budget ◦ Downtown ◦ Economic Dev. ◦ Watershed Management

<u>Recommendation 2</u> (charge 2. a- f) for the formation, evaluation, revision and sunset process.

a. **<u>Limit the formation of new advisory boards and commissions.</u>**

Based on our review of comparable cities and the existing number of advisory boards and commissions in Corvallis, we recommend the increased use of task forces which can be more focused and easier to sunset. Before a new advisory board is formed, it is important to determine if an alternative solution is viable including broadening the scope of an existing advisory board or commission or creating a task force or department advisory committee.

b. **<u>Establish a formal, annual reporting relationship to City Council standing committees.</u>**

Require that all advisory boards and commissions develop annual goals and work plans. Create an annual review and report process with their related City Council standing committees. To measure effectiveness, utilize the annual work plan and goals accomplished of related advisory boards and commissions.

c. **<u>Provide orientation for all new advisory board and commission members to create more effective committees.</u>**

Members of advisory boards and commissions are well-informed and typically passionate about the work of the committee. As part of the new member orientation process, all appointees should understand the advisory nature of the work and that in some cases, City Council must weigh multiple factors in determining to accept or reject committee recommendations. It is also recommended that committee chairs and vice chairs receive training relating to running efficient meetings, public meeting laws, and understanding the scope of the work of the committee.

d. **<u>Use consistent annual reporting from all advisory boards and commissions to determine if revisions are appropriate.</u>**

Once established, advisory boards and commissions are populated with volunteers who commit time and expertise to the work of the committee. The use of annual work plans and an annual review with a standing committee will provide a framework for reviewing possible revision of the committee.

e. **<u>Revise the sunset policy.</u>**

It is the City Council's responsibility to decide if an existing advisory board or commission should continue its work. Each advisory board and commission will be reviewed annually as part of the reporting process to the City Council standing committee**.**

f. **<u>Implement consistent practices for all advisory boards and commissions including staff attendance, recorder, and style of minutes to improve efficiencies.</u>**

1. Assign one staff liaison and recorder to attend each Advisory Board, Commission, and Task Force meeting. Being responsive to cost concerns, department directors exercise judgment on +1 staff attendance.

2. We recommend avoiding verbatim minutes. Minutes should be taken in a consistent format including:

    a. key discussion point minutes for Advisory Boards and Task Forces, *(guidelines in addendum)*

    b. detailed minutes for Commissions as required by statute.

g. Evaluate the effectiveness of staff support as part of the annual review of the advisory board or commission.

The staff liaison plays a critical support role for advisory boards and commissions and their role should be clearly articulated to incoming committee members. The staff liaison role will be as follows: to provide accurate and relevant information for the work of the committee, to provide logistical support including meeting space, meeting recorder, assistance with annual reporting of activities, or other support that is required for individual committees.

Recommendation 3 (charge 3.) for defining the relationships between advisory boards and commissions, City Council, and city operating departments.

The purpose of this recommendation is to make decision making in the City more effective; and to build a web of strong interrelationships of committees which can address City planning with efficient use of city resources. The intent of this recommendation is **to better coordinate the working plans and activities of committees with annual goals and priorities of City Council** and to **increase adequate and early input** by affected stakeholders in all major planning areas.

a. **Adopt a policy to use consistent titles of citizen committees.**

One of our first areas of agreement (also confirmed in our interviews with Department Directors) was the importance of the consistent use of language in describing committees. Consistency is especially important as most are advisory only; there are a limited number of committees with decision making authority. Consistency will help everyone understand the distinction between the types of committees and indicates to the majority of existing committees the advisory nature of their work. This policy will create effectiveness in the system which will support city operating departments and will also guide City Council in the naming of committees.

Four distinct types of committees are recommended which would require the renaming of most existing committees. Any of these committees may consider forming subcommittees. Other work groups or committees may be formed by the Mayor or city staff for particular reason. Department Directors would continue the practice of bringing together small work or technical groups with particular areas of knowledge to advise them on particular or technical issues. The City Manager is responsible for ensuring that the

Mayor and City Councilors are aware of the formation, purpose, duration and membership of these ongoing committees.

1. **Advisory Board**
   This type of standing committee is established by City Council resolution and serves in an advisory capacity to the Mayor, City Council and staff. The City Council resolution identifies the charge. The Mayor is responsible for appointing individuals to fill vacancies.

2. **Commission**
   A standing committee to which the City Council has delegated decision making authority. The Mayor is responsible for appointing individuals to fill vacancies. For the Planning Commission and Historic Resources Commission, the appointment is made by City Council.

3. **Task Force**
   This committee is formed to achieve a particular goal with a specific charge, and is generally active for a limited time. The City Council resolution identifies the term of the committee, the task to be completed, the timeline for completion of the project and other direction as the City Council deems appropriate. The City Council should consider forming a Task Force to address a major initiative or significant policy change if an existing Commission or Advisory Board does not exist to address that area or does not have the ability to address the topic by itself. The Mayor is responsible for appointing individuals to serve.

4. **Department Advisory Committee**
   Department Advisory Committees are administrative or technical in nature and allow for efficient use of citizen expertise. These ongoing committees are appointed by department directors with the approval of the Mayor and City Council. They advise department staff and provide agility in responding to community issues.

b. Conduct an annual meeting for all advisory boards and commissions.

1. In our research of other communities we learned that some host an annual meeting with all boards and the City council and one assigns the city attorney's office to visit each board or commission once per year. Our recommendation of an annual meeting provides all committees an opportunity to hear the same message from the Mayor, to reduce silos, encourage dialogue, and foster cooperation among advisory boards and commissions.

Recommendation 4: (charge 4) define the role of the City Council liaison

In researching the liaison role, we noted that one community is in the process of ending the Council liaison duties due to the challenge of keeping up with the meetings of their fifteen advisory boards and commissions. We recognize a similar challenge in Corvallis to an even greater degree. With the formalization advisory board and commission goal setting, review, and reporting to Standing Committees, the City Council liaison position may no longer be required.

II. Guiding Principles for Public Engagement

<u>Recommendation 5</u>: (charge 5. a – b) to improve access for community members to give thoughtful input to City Council

The Corvallis 2020 vision statement includes the following as a statement about our community. "In 2020, Corvallis will employ local benchmarks to measure progress in areas including housing, economic vitality, educational quality, environmental quality, and overall quality of life; citizens will actively participate in public policy and decision making; and we will be a community that honors diversity."

We believe that this recommendation is a formalization of what City Council and staff have been attempting to do. Providing a standard to point to when we don't meet our expectations of ourselves. Our intention with this recommendation is to ensure that all interests are represented in the decision-making process and to genuinely engage diverse community members at an early stage in the process.

Members of Advisory Boards, Commissions, and Task Forces provide an invaluable service to our city. These groups advise the City Council on a wide variety of subjects. The expertise and work of citizen groups often serve as a catalyst for innovative city programs and improved services.

Serving on an Advisory Board, Commission or Task Force can be a rewarding experience for community service-minded residents. It is a productive way to participate in the functioning of local government and assists City Council members in understanding the values of their constituents. The role of these committees is to provide input to city staff and advice and recommendations City Council.

a. **<u>Adopt the following five Guiding Principles and publish on the City website.</u>**

1. **Collaborative Democracy** - Enhance and support community-driven democracy in city government. Ensure that all participants listen and attempt to understand different viewpoints.
2. **Diversity** – Seek input from all viewpoints, backgrounds, and philosophies. Treat each person with dignity, fairness, and respect.
3. **Openness and Access** - Promote fair, open and respectful processes that allow all who are interested or affected to have an equal opportunity to participate.

4. **Inclusiveness** - Create a variety of ways for community members to participate and influence decisions.
5. **Accountability** - Use decision-making processes that are transparent and that create decisions that can be tracked with clearly defined responsibilities.

PRINCIPIOS FUNDAMENTALES

1. **Trabajo colaborativo en la Democracia** – mejorar y apoyar una democracia gubernamental dirigida por la comunidad. Asegurarse todos los participantes escuchen e intenten comprender diferentes puntos de vista.
2. **Diversidad** – solicitar opiniones desde todas las perspectivas, orígenes y filosofías. Tratar a cada persona con dignidad, igualdad y respeto.
3. **Transparencia** - Promover procesos justos, abiertos y respetuosos que permiten a aquellos interesados o afectados a tener una oportunidad para participar.
4. **Integración –** Crear una variedad de maneras para que miembros de la comunidad participen e influyan las decisiones.
5. **Obligación** – Usar procesos para hacer decisiones responsables y que sean transparentes.

b. <u>Implement Guiding Principle practices to ensure outreach and authentic engagement of community members, elected and appointed city leadership, and city staff.</u>

1. **<u>Collaborative Democracy</u>**
    a. **<u>Create a community-friendly atmosphere at all public meetings</u>**
        i. Demonstrate that those giving public testimony are being listened to.
            - Make eye contact, ask a question, alert public that an electronic device may be used to capture testimony for future reference.
        ii. Create a welcoming environment for public testimony.
            - When the need arises to limit testimony, employ methods that are predictable and discrete. The City of Pasadena has a podium with three built in lights: green, yellow, and red. It is observable by the council and the speaker in a discrete manner;
        iii. Establish protocol for multiple persons who are representing an organization to make a presentation longer than the allowed time. Group should make arrangements in advance.
            - Time should not exceed 10 minutes or at Mayor's discretion.
        iv. Have agendas and other relevant documents available for the public at meetings.

2. **Diversity**
    a. **Identify and reach out to diverse sectors of the community.**
        i. Take steps to make meetings linguistically and culturally appropriate (e.g., have public meetings at schools).
            - Create a mechanism within city government to provide translation/interpretation services at public meetings when there is a topic of interest or services are requested.
            - Establish a resource service for child care at major meetings (e.g., partner with a non-profit or social service agency that provides such services).
        ii. Increase access and sensitivity to meeting location.
        iii. Be proactive in seeking feedback from underrepresented groups.

3. **Openness and access**
    a. **Increase access to elected officials and city staff.**
        i. Create reasonable ways for community members to communicate with elected and appointed city leadership and city staff. Provide phone numbers and email addresses that will ensure a response.
            - Include a link on the "Mayor and City Council" web page for each councilor to specify what means of contact are available and which for will elicit a response.
        ii. Consider real-time on-line access to city meetings.
            - Review OSU's New Media Communications Department
        iii. Consider alternate locations for forums, special outreach meetings, and government corner.

    b. **Increase access to city government information.**
        i. Improve City website user-friendliness
            - Make the links on the home page more visible and easier to see/understand for the multiple modes of engagement by community member.
            - Review path to finding archives, specifically the method of searching and retrieving documents. Example: City of Eugene website.
            - Include a list of acronyms used throughout the website.
            - Research software with appropriate design
        ii. Utilize available traditional and social media outlets.
        iii. Set standards for city government and advisory boards and commissions to publicize and market their meetings and events, and vacancies to ensure the information is reaching the community.
            - Continue and expand Government Corner at library lobby every Saturday; continue sending into the newspaper's

F.Y.I.; attend community groups that traditionally have not interacted with city government.

- Provide Guidelines to advisory boards and commission for consistent communication and outreach to community members.

c. **<u>Increase transparency of the appointment process.</u>**

i. Improve awareness of vacancies on advisory boards and commission and increase the transparency of the appointment process.

- Provide online applications and steps on how to become involved on City website.
- Actively seek nominees from varied age groups, socioeconomic, racial, and ethnic backgrounds.
- Seek input from current Commission and Advisory Board chair for potential nominees to fill vacancy.
- Broadly disseminate Advisory Board and Commission vacancy announcements to community groups and organizations, on the City's website, and via media outlets.
- Establish a Mayoral Advisory Group to meet quarterly for review of vacancies and interested volunteers for Advisory Boards and Commissions.
- For examples visit City of Eugene website: eugene-or.gov/index.aspx?NID=86

4. <u>Inclusiveness</u>

a. **<u>Involve broad representation of community members in the decision-making process.</u>**

- Learn what the obstacles are to having representation on advisory boards and commissions that matches demographics of the city.
- Engage community members early in the planning and budgeting process [Planning: look at Lake Oswego requirements - pre-application conferences with neighbors; Budgeting: look at Pasadena - appoint special committees at beginning of process to help gather public opinion].

5. **Accountability**

Align the work plans of Boards and Commissions with City Council standing committees to improve connectivity with long range planning and the decision making process in all areas.

Recommendation 6 (charge 6. a-b) to streamline or reduce the use of staff support and maximize the use of community member volunteers.

a. Streamlining boards and commissions and their support structure as recommended will reduce costs in meaningful ways. Additionally, the use of task forces and other committees will increase use of community.

b. Providing enhanced outreach and orientation activities will maximize the effective participation of community member volunteers.

c. Expand qualifications to include the option of one non-resident expert as a non-voting member.
    - Currently anyone living or working within the city or in some cases inside the Urban Growth Boundary is eligible to apply for a vacancy. The Mayor conducts a brief interview, staff provides input and often talks with the nominee to review roles and responsibilities of serving on the committee and the nomination is approved by a vote of the City Council.

Recommendation 7 Committee for Citizen Involvement

a. **We recommend an immediate sunsetting of the CCI and the formation of a new Community Involvement and Diversity Board.**

The current configuration of the Committee for Citizen Involvement limits the work of the committee to address the Oregon Land Use System Goal One and would be strengthened with a broader scope and monthly meetings. Issue areas may include:

- Implementation or further work on PPTF recommendations, as recommended by the City Council
- Diversity, access including community member primer on public participation, testimony, and the land use planning process.
- Develop board and commission trainings and orientation
- Outreach for Registered Neighborhood Groups
- Utilize a subcommittee to work with members of the Planning Commission and the Historic Resources Commission regarding changes and improvements to address the Land Use Goal 1, Citizen involvement.

<u>Recommendation 8</u> (charge 8. a) **opportunities to build community, address issues that affect residents of particular geographical areas of the city, encourage neighborhood engagement and neighborliness**

Our observation is that community members, connected to each other and the City, contribute to the quality of life of residents, to the City and to the quality and effectiveness of community planning. Better connections among neighbors allows community members to solve problems without government involvement, directs neighbors to City government measures already in place to solve their problems, empowers neighbors to work with the City to establish improved measures, and utilizes the substantial expertize of many neighbors.

Most cities in the Northwest that we studied fostered creation of formal neighborhood associations and neighborhood watch groups as a means to encourage continuity and effectiveness of community engagement with local government. In most cities, neighborhood associations are an outgrowth of Oregon's land use legislation, which has as its first goal, citizen engagement. The effectiveness of formal neighborhood associations varies from City to City, as does the budget dedicated to their support. In Corvallis, as in many Oregon cities, the level of community engagement via neighborhood associations rises and falls with specific neighborhood issues or problems, the level of residents' interest, or the quality of the association.

We note that in addition to these City sponsored groups, that there are other groupings of neighbors that have interests in supporting and being supported by the City, such as home owner associations and neighbors organizing through the county to respond to emergencies.

Our focus has been on what the City can do to support neighborhood connections that allow neighborhood groups to 1) <u>sustain themselves continuously</u>, 2) <u>connect neighbors to neighbors</u>, and 3) <u>partner with each other and the City in meeting the needs of their communities and those of the larger City community</u>.

Before elaborating on these goals and the recommendations which derive from them, we would like to introduce a new term and the rationale for its use, **Registered Neighborhood Group (RNG)**. As noted above there exists a range of organizations of neighbors with different specific focus and a shared interest in enhancing the quality of life in their neighborhoods. For the City to expend greater resources to support those organizations, the City needs to know that those organizations have community support and have ongoing viability. We envision certain minimum requirements on membership, training and participation to qualify as Registered Neighborhood Groups and receive certain of the benefits noted in the following recommendations.

We recommend putting in place a set of policies and practices that support ongoing neighborhood connections and provide adequate incentives and resources for RNGs to be more effective and thrive. The goal and stipulation for these practices are that RNGs will

engage in continuous service to their neighborhoods and continuous work to improve the quality of life in their neighborhoods.

Key practices are:

1) Free meeting space
    a) Provide RNGs with free meeting space at as many community locations as possible such as the Tunison Community Room, Osborn Aquatic Center, Chintimini Senior Center, Madison Avenue Meeting Room, and Corvallis-Benton County Library or have the City coordinate space with other local entities such as the 509J Corvallis School District or Linn Benton Community College. We have heard continuously that lack of adequate meeting space is a barrier for neighborhood groups. There are currently several neighborhood groups that have no access to free meeting space. Free meeting space was the most popularly requested resource in our survey of current neighborhood leaders (Appendix II).
2) Annual trainings and orientations for RNG leaders and community members
    a) Offer voluntary, interactive "Public Participation 101" orientations and trainings for neighborhood leaders and interested community members on an regular basis. We recommend that this occurs collaboratively between CIDAB and City staff, possibly facilitated by a third party with experience in community leadership training such as Leadership Corvallis. We have heard testimony and feedback which suggests that part of the frustration of advocating for neighborhood needs at the City level arises from community members not understanding the laws, policies, and practices within which the City operates. Many cities we investigated offer trainings for their neighborhood leaders (Bellingham, Eugene, West Linn, Lake Oswego, and others). We propose assigning the CIDAB the task of reviewing and customizing one of those to match Corvallis practices and conduct yearly trainings for RNG leaders and other community members in the city civic process. These training days could also include information on effective communication, facilitation, running a meeting, City resources, and other topics requested by RNG leaders to assist in the development of community leaders. This idea received very positive response from current neighborhood association leadership (Appendix II).
    b) Public Participation 101 should cover topics similar to what is included in Lake Oswego's Citizen Involvement Guidelines. See: http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11841/citizen_involvement_guidelines_final_04-06-04.pdf.
3) Neighborhood Empowerment Program ($25,000 to $50,000)
    a) Re-establish and fund the Neighborhood Empowerment Program for neighborhood improvement grants for RNGs to be administered by the new Community Involvement and Diversity Advisory Board (CIDAB). Neighborhood Empowerment grants are one way in which the City can empower RNGs to take on projects outside of land use and proactively increase the livability of their neighborhood and further partnerships between the City of Corvallis and its neighborhoods. To be effective, the

amount of an individual grant needs to be large enough to spur interest and the number of grants available need to make it plausible for an RNG to receive funding. Survey feedback from current Corvallis neighborhood leaders shows that there is strong interest in reviving this type of program (Appendix II).

i) Suggested grant categories are small capital projects, neighborhood signs, emergency preparedness, neighborhood sustainability, RNG leadership and capacity building, community building, and street tree planting.

ii) Lake Oswego has a similar program called the "Neighborhood Enhancement Program" and materials that may be helpful in refining this program including a program guide and application form. See: http://www.ci.oswego.or.us/planning/neighborhood-enhancement-program.

iii) Previous materials from Corvallis' Neighborhood Empowerment Grant program should be consulted in re-launching this program.

4) "Benefits of being an RNG" resource document
   a) Create a resource or statement that lists the benefits of being a city recognized RNG. In all the Cities we contacted, there is recognition that to sustain an active RNG takes time and energy from the RNG leaders. Having a document that points to and reminds RNG members of the value in participating will help them sustain their interest and help them entice new leaders. This resource will need to be updated annually to reflect the current resources available to RNGs. We see this as another CIDAB function. See Appendix III for example from Lake Oswego.
5) Small RNG budget ($5,000–$10,000)
   a) Create a small budget for or a reimbursement process to cover incidental costs the active RNGs will incur such as providing dumpsters for neighborhood clean-ups, paying for meeting space rentals, rental of street barricades for block parties, and printing meeting flyers. We recommend a modest budget be provided for all RNGs and be based on the size or number of households within the RNGs boundaries. If free meeting space cannot be offered or identified, we recommend that each RNG be allocated a budget that covers the expenses of renting meeting space.

We recommend putting in place a set of policies and practices that support ongoing neighborhood connections and provide adequate incentives and resources for RNGs to be more effective and thrive. The goal and stipulation for these practices are that RNGs will engage in continuous service to their neighborhoods and continuous work to improve the quality of life in their neighborhoods.

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Research Process

In reviewing survey responses, researching other community's practices and hearing from the Mayor, City Manager, and Department Directors, we have identified attributes of an effective and efficient system to provide input to the City from citizen Advisory Boards and Commissions including:

- Organizational structure of advisory boards and commissions that emphasizes broadly scoped committees which leads to greater efficiency;
- Consistent communication channels and annual goal setting and review process for all advisory boards and commissions to improve effectiveness;
- Consistent support for practices among all advisory boards and commissions including note taking, budget, staff support, orientations for new appointees, and training for chair and vice chairs to improve efficiency.

1. Survey feedback from current members of boards and commissions

   a. Process and organization

   b. Communication

   40% of committee members reported that their board or commission does not have strategies for collecting citizen input and 51% are unsure if their Council liaison communicates regularly with city Council. Many respondents reported interest in an annual gathering of board and commission members to reduce silos and increase collaborative work and knowledge of each other's work.

2. Feedback from Mayor, City Manager, Department Directors

The Task Force met with and received feedback and ideas from the Mayor and the three Department Directors who provide support to most of the city's advisory boards and commissions. The City Manager also provided the PPTF with information provided in a written response to the task force.

3. Public meetings

Two general public meetings were held in the Public Library large meeting room using a "world cafe'" process designed to elicit feedback and input. The first was held in January and was attended by approximately 75 community members. The second meeting was held April 28, at which specific Task Force draft recommendations were presented and discussed.

4. Information sharing with existing advisory boards and commissions

Initial draft recommendations were sent to existing advisory boards and commissions prior to the second public meeting for review and feedback prior to the final draft of the recommendations.

Inputs in our research included:

- Interviews with and written comments from the Mayor, City Manager, and Department Directors

- Review of best practices and interviews with representatives in other communities including Albany, Ashland, Bend, Eugene, Hillsboro, Lake Oswego, Springfield, Bellingham, WA, Ithaca, NY, and Pasadena, CA.
- Meeting with Eugene "Neighborhood Services" city staff and Neighborhood Association leaders
- Public testimony including input at regular meetings and e-mail
- Survey of currently serving Board and Commission members
- Survey of currently active Neighborhood Association members
- Public meeting in January, 2014 soliciting input on the current organization of advisory boards and commissions and ideas to improve channels of communication in the public process

Community member volunteers:
Kent Daniels, Chair
Annette Mills, Vice Chair
Emily Bowling
George Brown
Lee Eckroth
Becki Goslow
Rocio Munoz
Brenda VanDevelder

City Council volunteers:
Councilor Penny York
Councilor Richard Hervey

Staff volunteer:
Mary Beth Altmann-Hughes

Neighborhood Connections Report and Recommendations

DRAFT: April 4, 2014

Introduction

Our observation is that community members, connected to each other and the City, contribute to the quality of life of residents, to the City and to the quality and effectiveness of community planning. Better connections among neighbors allows community members to solve problems without government involvement, directs neighbors to City government measures already in place to solve their problems, empowers neighbors to work with the City to establish improved measures, and utilizes the substantial expertize of many neighbors.

Most cities in the Northwest that we studied fostered creation of formal neighborhood associations and neighborhood watch groups as a means to encourage continuity and effectiveness of community engagement with local government. In most cities, neighborhood associations are an outgrowth of Oregon's land use legislation, which has as its first goal, citizen engagement. The effectiveness of formal neighborhood associations varies from City to City, as does the budget dedicated to their support. In Corvallis, as in many Oregon cities, the level of community engagement via neighborhood associations rises and falls with specific neighborhood issues or problems, the level of residents' interest, or the quality of the association.

We note that in addition to these City sponsored groups, that there are other groupings of neighbors that have interests in supporting and being supported by the City, such as home owner associations and neighbors organizing through the county to respond to emergencies.

Our focus has been on what the City can do to support neighborhood connections that allow neighborhood groups to 1) <u>sustain themselves continuously</u>, 2) <u>connect neighbors to neighbors</u>, and 3) <u>partner with each other and the City in meeting the needs of their communities and those of the larger City community</u>.

Before elaborating on these goals and the recommendations which derive from them, we would like to introduce a new term and the rationale for its use, **Registered Neighborhood Group (RNG)**. As noted above there exists a range of organizations of neighbors with different specific focus and a shared interest in enhancing the quality of life in their neighborhoods. For the City to expend greater resources to support those organizations, the City needs to know that those organizations have community support and have ongoing viability. We envision certain minimum requirements on membership, training and participation to qualify as Registered Neighborhood Groups and receive certain of the benefits noted in the following recommendations.

These recommendations serve to address charge 8a of the PPTF and the overall City Council goal statement: Charge #8a: "Neighborhood associations - Neighborhood associations provide opportunities to build community and address issues that affect residents of particular geographical areas of the city. Does the City's public participation system adequately encourage neighborhood engagement and neighborliness? If not, identify methods for improvement." Our hope is that implementation of these recommendations will subsequently lead to greater incentive for neighborhood participation and the eventual expansion of RNGs to include city-wide coverage.

City Council Goal Statement: "By December 2014, the Council will revise its processes and structures into a more effective and efficient citizen engagement program to develop diverse future leaders, enhance communication between citizens and the Council, help connect citizens to each other to strengthen

community and neighborhoods, and utilize the expertise of citizen volunteers in solving community problems."

Sustaining Active Neighborhoods Recommendations

Our interviews of leaders and active members of Corvallis neighborhood associations, as well as city staff and community leaders in other cities, emphasized the often cyclical nature of active participation in neighborhood associations. In most cases, involvement rises and falls is response to proposed development in the neighborhood. Only a small portion of the membership stays active in the absence of land use, traffic, road infrastructure, crime, or code enforcement concerns.

In neighborhood organizations that stay active over time, we noted other attributes that provide value to the community and the City, such as:

- Broader and deeper connections between neighbors contributes to the quality of life in the neighborhood beyond land use and traffic concerns
- Neighbors working with each other to prepare for disaster, emergency, and inclement weather response
- Enhanced communication on issues impacting City neighborhoods
- Engagement with the City on a wider range of topics
- A larger pool of potential community leaders and volunteers
- Greater understanding of City processes

We recommend putting in place a set of policies and practices that support ongoing neighborhood connections and provide adequate incentives and resources for RNGs to be more effective and thrive. The goal and stipulation for these practices are that RNGs will engage in continuous service to their neighborhoods and continuous work to improve the quality of life in their neighborhoods.

<u>Key practices are</u>:

1) Free meeting space
    a) Provide RNGs with free meeting space at as many community locations as possible such as the Tunison Community Room, Osborn Aquatic Center, Chintimini Senior Center, Madison Avenue Meeting Room, and Corvallis-Benton County Library or have the City coordinate space with other local entities such as the 509J Corvallis School District or Linn Benton Community College. We have heard continuously that lack of adequate meeting space is a barrier for neighborhood groups. There are currently several neighborhood groups that have no access to free meeting space. Free meeting space was the most popularly requested resource in our survey of current neighborhood leaders (Appendix II).
2) Neighborhood Empowerment Program ($25,000 to $50,000)
    a) Re-establish and fund the Neighborhood Empowerment Program for neighborhood improvement grants for RNGs to be administered by the new Community Involvement and Diversity Advisory Board (CIDAB). Neighborhood Empowerment grants are one way in which the City can empower RNGs to take on projects outside of land use and proactively increase the livability of their neighborhood and further partnerships between the City of Corvallis and its neighborhoods. To be effective, the amount of an individual grant needs to be large enough to spur interest and the number of grants available need to make it plausible for an RNG to receive funding. Survey feedback from current Corvallis neighborhood leaders shows that there is strong interest in reviving this type of program (Appendix II).
        i) Suggested grant categories are small capital projects, neighborhood signs, emergency preparedness, neighborhood sustainability, RNG leadership and capacity

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building, community building, and street tree planting.

ii) Lake Oswego has a similar program called the "Neighborhood Enhancement Program" and materials that may be helpful in refining this program including a program guide and application form. See: http://www.ci.oswego.or.us/planning/neighborhood-enhancement-program.

iii) Previous materials from Corvallis' Neighborhood Empowerment Grant program should be consulted in re-launching this program.

3) Annual trainings and orientations for RNG leaders and community members
   a) Offer voluntary, interactive "Public Participation 101," "Land Development Code 101," and "Community Leadership 101" orientations and trainings for neighborhood leaders and interested community members on a regular basis. We recommend that this occurs collaboratively between CIDAB and City staff, possibly facilitated by a third party with experience in community leadership training such as Leadership Corvallis. We have heard testimony and feedback which suggests that part of the frustration of advocating for neighborhood needs at the City level arises from community members not understanding the laws, policies, and practices within which the City operates. Many cities we investigated offer trainings for their neighborhood leaders (Bellingham, Eugene, West Linn, Lake Oswego, and others). We propose assigning the CIDAB the task of reviewing and customizing one of those to match Corvallis practices and conduct yearly trainings for RNG leaders and other community members in the city civic process. These training days could also include information on effective communication, facilitation, running a meeting, City resources, and other topics requested by RNG leaders to assist in the development of community leaders. This idea received very positive response from current neighborhood association leadership (Appendix II).
   b) Public Participation 101 should cover topics similar to what is included in Lake Oswego's Citizen Involvement Guidelines. See: http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11841/citizen_involvement_guidelines_final_04-06-04.pdf.
4) Neighborhood engagement pathways
   a) Work with Police Department and Neighborhood Watch programs to promote new Neighborhood Watch programs and to have willing Neighborhood Watch leaders convey their contact information to their RNGs. Neighborhood Watch can be one way to be involved in a RNG.
   b) Not surprisingly, the neighborhood leader survey revealed that different neighborhoods and different community members have diverse interests and needs (neighborhoods closer to OSU shared different concerns and interests than those farther away from OSU). We recommend that the City and CIDAB provide resources to RNGs so that they are equipped to provide multiple avenues of engagement for their members such as social event planning, Neighborhood Watch/safety, emergency/disaster response planning, land use, neighborhood beautification projects, sustainability promotion (e.g. recycling block captains), neighbor exchanges, promotion of voter education and engagement in local elections, and others in order to attract diverse membership and have more robust activity. (move this section?)
   c) In order to allow for a higher level of accessibility, we recommend that neighborhood groups find ways to allow residents to participate online or electronically in meetings and providing feedback on neighborhood issues.
5) Small RNG budget ($5,000–$10,000)
   a) Create a small budget for or a reimbursement process to cover incidental costs the active RNGs will incur such as providing dumpsters for neighborhood clean-ups, paying for meeting

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space rentals, rental of street barricades for block parties, and printing meeting flyers. We recommend a modest budget be provided for all RNGs and be based on the size or number of households within the RNGs boundaries. If free meeting space cannot be offered or identified, we recommend that each RNG be allocated a budget that covers the expenses of renting meeting space.

Associated Recommendations:

6) RNG manual
    a) Develop and encourage RNGs to actively use an RNG policy manual and resource guide such as the one that exists in Lake Oswego and Eugene (list the sections and chapters needed). CIDAB can lead in the creation of this resource. We recommend that CIDAB and City staff look for opportunities to have shared resource materials with Commissions and Advisory Boards wherever possible.
        i) The Lake Oswego Neighborhood Association Resource Guide may be a helpful example. See example from Lake Oswego here: http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11856/na_resource_guidebook.pdf
7) "Benefits of being an RNG" resource document
    a) Create a resource or statement that lists the benefits of being a city recognized RNG. In all the Cities we contacted, there is recognition that to sustain an active RNG takes time and energy from the RNG leaders. Having a document that points to and reminds RNG members of the value in participating will help them sustain their interest and help them entice new leaders. This resource will need to be updated annually to reflect the current resources available to RNGs. We see this as another CIDAB function. See Appendix III for example from Lake Oswego.
8) Resource library
    a) Start building an online library of relevant support information or resources for the functioning and improvement of RNGs and public or community involvement and participation. This will be updated regularly based on suggestions from RNGs and CIDAB. We recommend exploring having a few shelves in the Corvallis-Benton Public Library reserved for print materials serving this purpose as well.

Connecting Neighbors to Neighbors Recommendations

Many of the practices suggested to sustain active neighborhoods also contribute to relationships between neighbors. In our research, we also heard from neighborhoods in which residents contribute to each other's lives on a weekly basis. In these neighborhoods, the key element appears to be easy communication links between neighbors along with a neighborhood history of helpfulness and community building. Neighbors connected to neighbors solve problems without government involvement, direct neighbors to City government measures already in place to solve their problems, and empower neighbors to work with the City to establish improved measures.

In smaller neighborhoods, the link can be as simple as physical proximity. In larger ones, use of electronic connections may be required. In Corvallis, one neighborhood has a long a successful use of a moderated Google group to communicate; others use email distributions. The Tunison neighborhood is piloting use of NextDoor.com, software to promote neighborhood participation and communication. We believe the key to success is to have a tool that is easy to support, a means of sustainable support, and ease of use (both ongoing and in the initial discovery and sign up).

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It is critical that RNGs and neighbors have mechanisms that allow them to communicate effectively with each other. There are free resources available for creating listservs and distribution lists such as Google groups. We also recommend that information about how to create online groups and email distribution lists should be provided to RNGs and other community groups.

Further, we recommend that the City make available information about a range of possible options, so that existing neighborhoods can experiment with the available options and their associated functionalities and features. Longer term we recommend that CIDAB look at the a variety of software options to identify an option that best meets the needs of the Corvallis RNGs and make a recommendation that provides for RNG private use and provides for frequent, ongoing communications between neighbors and their city councilors. Options based on our initial research include:

- I-Neighbors: https://www.i-neighbors.org/howitworks.php
    - http://web.mit.edu/newsoffice/2004/ineighbors.html
- Next Door: https://nextdoor.com/
- Granicus: http://www.granicus.com/solutions/citizen-participation/

Partner With Each Other And The City Recommendations

Communication among RNGs and with City Recommendations

Successful and effective RNGs that contribute to enhanced neighborhood livability and community satisfaction are dependent upon positive, mutually beneficial relationships among the RNGs and between RNGs and the city. Our survey responses and interviews provide ample feedback from current community members that they would like additional support from the City and improved communication with City Council but want to ensure that RNGs are led by community leaders and function autonomously. This promotes efficient use of City resources and strengthens diverse community leadership and self-reliance. By increasing the number of community members and volunteers who are active in neighborhood groups, an increased and more diverse pool of potential volunteers and future community leaders will be created.

1) City staff support
    a) Budget for city staff to be available to answer questions of and provide timely support to RNGs and for city staff and city councilors to attend RNG meetings as requested. There will need to be additional staff FTE considerations in implementing many of the recommendations included here.
2) RNG leadership meetings
    a) Hold public, quarterly (or biannually) RNG leader roundtable meetings. These meetings will serve as a forum for neighborhood leaders to share ideas, discuss best practices, and collaborate on projects or initiatives. We encourage this forum to also be utilized to for RNG leaders and active members to share successes and accomplishments as well as challenges. City staff and elected officials will attend as requested. 58% of our survey respondents are interested in these meetings (Appendix II).
3) Annual RNG recognition process
    a) We recommend that CIDAB develop an annual RNG recognition process with current neighborhood association members and that City staff run the annual RNG recognition process to determine which neighborhood groups qualify to be Registered Neighborhood Groups and are thus qualified to receive the associated benefits. Neighborhood groups will be contacted by City staff or CIDAB and required to submit a short annual report and updated contact information. Information about the recognition process should be available on the City website. Newly formed RNGs would have one year to meet the

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qualifications and have a one year grace period during start up. We also recommend that RNGs experiencing leadership transition be given more leeway and outreach support from City in training new leadership.

b) City staff will provide support in defining boundaries of RNG and in creation of bylaws for new RNGs.
c) City will use this annual recognition process to create an annually updated map of RNGs and contact information (name, phone number, email address).
d) Suggested qualifications for RNG status are below. We recommend that they be refined by CIDAB with outreach to and engagement with existing neighborhood groups.
    i) General recognition – to be eligible for general City benefits:
        1) Size: Establish a flexible number of minimum and maximum households that could be incorporated into a single RNG. We heard reports from other Cities that the ideal maximum size for an RNG was an area which could be contacted by hand delivered flyer; the number of ideal households will vary with geography. Given the council and staff time that we are recommending the City provide, we believe that a lower limit on population is also appropriate.
        2) Activity: Host a minimum number of meetings, social events, and community improvement projects annually attended by a set minimum percentage of membership or number of residents. Similarly, if the City is to devote City resources to support RNGs, the City should have assurances that the RNGs are active and representative of their neighborhood.
        3) Communication Plan: Have a system in place that allows members to communicate with each other, with RNG leadership, and with potential members. An online, interactive mechanism of communication is encouraged to allow for participation among members who cannot attend meetings.
        4) Elections & Bylaws: Hold elections at least every 2 years to give the opportunity for new leadership; this helps to promote diverse, new community leadership. New RNGs need to establish bylaws.
        5) Annual Report: Submit a short 1–2 page annual report of activity.
    ii) Land use recognition - to be eligible to participate in the enhanced Land Use processes:
        1) Two people who have completed the City's land use training
        2) Leadership who have completed the City's Public Participation 101 training

4) City Councilor liaisons
    a) Assign a city councilor liaison to each RNG for contact and communication. We recommend that this be the City Council for the Ward in which the RNG resides. Ideally each councilor would join the communications network for the RNGs in their ward, so as to convey City information pertinent to the neighborhood to it and to monitor topics that the City may want to become proactive about.
5) RNG updates to City Council
    a) Start inviting individual RNGs to provide annual updates on activity at City Council meetings. This will ideally include an overview of RNG activity and photographs demonstrating activity and/or areas of concern in the community that RNG leaders want to make City Council aware of.
6) Position vacancy circulation
    a) Circulate all advisory board and commission vacancies or other volunteer opportunities to RNGs. RNGs comprise membership that may be ideal for various community leadership and volunteer positions.

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7) City website resources for RNGs
    a) The City website should feature RNG information more prominently to connect community members to RNGs and provide links to RNG website, contact information, listserv sign-up information, etc. should be provided via the City website.
    b) Develop a web page on the City Web site that provides the following resources for RNGs:
        i) An interactive map to connect individuals to their RNG
        ii) Updated brochure on how to form an RNG with the City's assistance
        iii) A listing of free website platforms that RNGs could us to build a simple website or web presence to communicate with membership about meeting times and locations, past meeting agendas and minutes, board membership and contact information, and other general information about the neighborhood.
        iv) A brochure on how to, with the City's assistance, make their neighborhoods more beautiful (In English and Spanish – examples are available). See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/beautify.pdf.
        v) A safety brochure, with phone numbers (in English and Spanish). See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/safetybrochure.pdf.
        vi) A flyer on ways to a better neighborhood (In English and Spanish – examples are available). See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/75%20ways.pdf
        vii) A who do you call list. See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/Who%20to%20Call.pdf.
        viii) List of local city and community spaces available for RNG meetings. RNGs should be encouraged to contact local churches, faith-based organizations, and community-oriented businesses.
        ix) A guide to City departments and services. See example from Salem, Oregon: http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/neighbor/Documents/GuideAug2010.pdf
        x) Links to relevant Benton County, 509J Corvallis School District, and OSU resources and services
        xi) A link to the City's Land Use education guide
        xii) Templates for meeting agendas and minutes, bylaws, etc.
        xiii) Marketing and outreach strategy suggestions for member recruitment

Examples of the content portion for many of these items are available. We expect that much of the work of pulling these together would be done by CIDAB.

<u>Land Development Code and Land Use Recommendations</u>

Historically, Corvallis neighborhood associations are most active in response to proposed development in their neighborhoods. Often their involvement in land use issues comes late in the process, after the staff recommendation goes to the Planning Commission or the Historic Resources Commission. We recommend changes that will educate neighborhood leaders on land use law and provide for their earlier entrance into the process, with the expected benefits of:

- More relaxed communications between City staff, neighborhood representatives, and the developer

DRAFT

- Fewer requests that are outside what is possible without Comprehensive Plan or Land Development Code changes
- Better informed requests for land development code changes
- Design accommodations by the developer, where possible, occurring early so as to minimize cost impacts
- Adequate time for the neighborhood to become knowledgeable about the proposed plan

Toward this end we recommend**:**

1) Land use process amendments
    a) Offer annual trainings for RNG leaders in land use process and land development code, with focus on qualifying for participating in a pre-application process.
    b) Change the land-use development process to require developers to hold pre-development, pre-application meeting with RNGs prior to any applications for minor or major development proposals occurring within a RNG and have meetings facilitated by city staff (done in Lake Oswego, Eugene, Bend, and other cities). This will only be effective in a framework in which involved RNG members have been trained in land use and land development code as required to maintain land use RNG recognition. *(Should a city staff member be involved to ensure information about the process and Land Development Code is accurate?)*

DRAFT

TO: Public Participation Task Force (PPTF)
FROM: Bicycle/Pedestrian Advisory Commission (BPAC)
RE: Eliminating Three Existing Commissions and Forming a Transportation Advisory Board
DATE: April 2014

Although members of BPAC understand the concept of creating a more integrated vision for transportation in Corvallis, we do not feel that the elimination of three existing commissions with three diverse perspectives and tasks and the formation of a single Transportation Advisory Board to attempt to fill the roles performed by the current commissions is an appropriate or effective way to accomplish an integrated vision. In particular, we feel strongly that the elimination of BPAC would be a huge step backwards for a city that has traditionally taken visionary action on behalf of bicyclists and pedestrians.

To speak more specifically about the continuing and necessary role of BPAC: our monthly meetings always have full agendas, and recent subcommittee work has produced, and is producing, cutting-edge recommendations for updating and improving bicycle and pedestrian infrastructure within Corvallis. We are justifiably proud to promote and enhance our transportation system for these unique road users, and we are proud to participate in shaping bicycle and pedestrian policy in a city ranked at the Gold Level for bicycle-friendliness by the League of American Bicyclists, and which has been acknowledged by the US Census Bureau as the #1 bicycle commuter city and #2 pedestrian commuter city in the entire nation.

However, it is the opinion of the commission that Corvallis as a whole has lost its momentum and vision with regard to bike, pedestrian, and land use issues. If anything, city government, much of the business community, and Public Works management seems to be retreating to the mid-twentieth century "car culture" mentality rather than pushing forward to set goals and create models for how we need to live in the 21st century. We might even be in danger of losing our gold level League of American Bicyclists rating, at a time when other communities, including Eugene and Portland, have become inspired and are working to do better. We need BPAC's voice at the City level to ensure that Corvallis not only maintains our reputation as a bicycle- and pedestrian-friendly city, but also advances transportation projects that enhance livability, safety, and access for all road users. And when more people can walk and bike, there is less need to devote precious land and resources to increasing space for cars.

Combining the Downtown Parking Commission, BPAC, and the Citizen Advisory Committee on Transit into one Transportation Advisory Board is bad for Corvallis bicyclists and pedestrians, who will lose an essential voice in City government. As both a large and growing share of our transportation system, and as traditionally taking second place to motorized traffic, bicyclists and pedestrians must retain a strong, clear, and independent voice in city government.

For these reasons, BPAC as a body strongly urges the PPTF to withdraw its recommendation that the Commission be eliminated, and in addition to reconsider the elimination of the Downtown Parking Commission and Citizens Advisory Commission on Transit and their combination into a single Transportation Advisory Board.

MEMORANDUM

TO: City Council Members

FROM: Julie Jones Manning, Mayor CR for JJM

DATE: April 14, 2014

SUBJECT: Vacancy on Public Art Selection Commission

Paul Rickey, Jr. has resigned from the Public Art Selection Commission. His term on the Commission expires June 30, 2014.

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

3014

MEMORANDUM

TO: **Mayor and City Council**

FROM: **Ken Gibb, Community Development Director** Kevin Young, AIC

DATE: **April 15, 2014**

RE: **PLANNING COMMISSION AND HISTORIC RESOURCES COMMISSION VACANCIES**

I. ISSUE:

The terms for three positions on the Planning Commission, and two positions on the Historic Resources Commission (HRC) will expire on June 30, 2014. Additionally, one vacancy currently exists on the HRC, which should be filled.

II. BACKGROUND:

Terms for Planning Commissioners Frank Hann, Ron Sessions, and Jim Ridlington will expire on June 30, 2014. Commissioner Hann is completing his third term on the Planning Commission, and consequently will not be able to re-apply (Planning Commissioners are limited to three terms). Commissioner Ridlington is completing his second term, and Commissioner Sessions is completing his first term.

Historic Resources Commission members with terms expiring on June 30, 2014, are the current Chair, Geoffrey Wathen, and Charles Robinson. As noted above, there is also a current vacant position, which should be filled. Geoffrey Wathen was first appointed in 2009, and Charles Robinson was first appointed in 2012.

III. DISCUSSION:

Vacant and expiring Planning Commission and Historic Resources Commission positions are filled by the City Council through a recruitment and selection process in which the position is advertised and interested citizens are invited to apply. The selection process involves completing an application and an interview with the City Council (with pre-selected questions). After all candidates have been interviewed, the Council will make a selection.

Once a new Commissioner is selected, staff provide him or her a basic orientation and an overview of the planning or historic preservation process. Staff also provide copies of necessary planning- and historic preservation-related documents, including the Statewide Planning Goals and Legislation, Corvallis Comprehensive Plan, Land Development Code, and the Vision 2020 Statement. As needed, additional training is also available for Planning Commission and Historic Resources Commission members.

IV. PROPOSED SCHEDULE:

The recruitment schedule is tentatively proposed as follows:

GT Advertisement	Saturday, April 26 and Wednesday, May 7
Receive applications	Through 5 p.m. on Monday, May 19
Schedule interviews	Week of May 19th
Council interviews	Wednesday and/or Thursday, May 28 and/or 29
Appointments	Monday, June 16, 2014

V. ACTION REQUESTED:

City Council is asked to accept the schedule for the Planning Commission and Historic Resources Commission vacancies.

Review and Concur:

James A. Patterson, City Manager

ORDINANCE 2014-____

AN ORDINANCE relating to a Comprehensive Plan Amendment, modifying Ordinance 98-53, as amended.

Whereas, the Planning Commission, after holding a duly advertised public hearing, has forwarded its recommendation to the City Council concerning a request for a Comprehensive Plan Amendment;

Whereas, the Planning Commission recommended the following:

1. Deny the requested Comprehensive Plan Map Amendment, to change the Comprehensive Plan map designation for the subject property from 57.7 acres of Low Density Residential and 36.9 acres of Open Space - Conservation to 24.6 acres of Medium-High Density Residential and 70 acres of Open Space Conservation.

Whereas, the Planning Commission denied the requested Zone Change (ZDC11-00005), Conceptual and Detailed Development Plan (PLD13-00003), and Subdivision (SUB13-00001);

Whereas, the Applicant timely filed an appeal of the Planning Commission's decisions on the Zone Change, Conceptual and Detailed Development Plan, and Subdivision on October 29, 2013;

Whereas, after proper legal notice, a public hearing before the City Council concerning the proposed Comprehensive Plan Amendment, and the appeal of the associated Zone Change, Conceptual and Detailed Development Plan, and Subdivision decisions, was held on December 2, 2013, and interested persons and the general public were given an opportunity to be heard;

Whereas, the City Council held deliberations concerning the proposed Comprehensive Plan Map Amendment, and the appeal of the associated Zone Change, Conceptual and Detailed Development Plan, and Subdivision decisions, on January 6, 2014, and the Council has reviewed the public testimony and the recommendations of the Planning Commission and of staff;

Whereas, the City Council made a preliminary decision to approve the Comprehensive Plan Amendment request and to reverse the Planning Commission's decision to deny the Zone Change request on January 6, 2014; and then decided to refer the Conceptual and Detailed Development Plan and Subdivision requests to the Planning Commission to make recommendations regarding possible conditions of approval:

Whereas, the Planning Commission conducted an on-the-record review of the Conceptual and Detailed Development Plan and Subdivision applications and prepared a recommendation to the City Council regarding conditions of approval on January 29, 2014;

Whereas, the City Council re-opened the public hearing to consider the Planning Commission's recommendation and to allow public testimony regarding the Planning Commission' recommendation on February 18, 2014, and the City Council decided to honor a request to hold the record open, and held the record open until February 25, 2014, at 5 pm, and allowed until March 3, 2014 at 5 pm for the Applicant to submit final written argument;

Whereas, the City Council Deliberated on the Conceptual and Detailed Development Plan and Subdivision requests on March 3, 2014, and preliminarily decided to reverse the Planning Commission's decisions and to approve the Conceptual and Detailed Development Plan and Subdivision applications, subject to the adoption of formal findings; and

Whereas, the findings of fact, which consist of the Formal Findings document for CPA11-00002, ZDC11-00005, PLD13-00003, and SUB13-00001 and associated attachments are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the proponents have borne their burden of proof;

Whereas, the City Council finds that there is a need for the proposed Comprehensive Plan Amendment;

Whereas, the City Council finds that the proposed Comprehensive Plan Amendment is the best means identified of meeting the demonstrated need; and

Whereas, the City Council finds that there is a net benefit to the community from adoption of the proposed Comprehensive Plan Amendment;

Whereas, the City Council finds that the proposed Comprehensive Plan Amendment will not result in compatibility conflicts with adjacent development;

Whereas, the City Council finds that the proposed Comprehensive Plan Amendment is consistent with the Land Development Code, policies of the Comprehensive Plan, other policies and standards adopted by the City Council, and with applicable Statewide Planning Goals;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan Map is amended such that the subject property is designated for 24.6 acres of Medium-High Density Residential and 70 acres of Open Space - Conservation land uses, as indicated in Exhibit A, which is attached and incorporated within this ordinance by this reference.

PASSED by the Council this _____ Day of April , 2014.

APPROVED by the Mayor this _____ Day of April, 2014.

Effective this _____ Day of _____, 2014.

_____
Mayor

ATTEST:

_____
City Recorder

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

EXHIBIT A
CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 2014-015

CASE: **Campus Crest / The Grove - Comprehensive Plan Amendment, and Appeals of the Planning Commission's denial of the associated Zone Change, Conceptual and Detailed Development Plan, and Subdivision (CPA11-00002, ZDC11-00005, PLD13-00003, and SUB13-00001)**

REQUEST: The applicant requests approval of a Comprehensive Plan Amendment to re-designate a 94.6 acre site comprised of 57.7 acres of Low Density Residential and 36.9 acres of Open Space – Conservation, to 24.6 acres of Medium-High Density Residential and 70 acres of Open Space – Conservation. Consistent with the Comprehensive Plan Amendment, the applicant requests approval to rezone 57.7 acres of PD(RS-6) – Low Density Residential with a Planned Development Overlay and 36.9 acres of PD(AG-OS) – Agriculture – Open Space with a Planned Development Overlay zoned land to 24.6 acres of PD(RS-12) – Medium High Density Residential with a Planned Development Overlay, and 70 acres of C-OS – Conservation – Open Space zoned land.

The applicant also 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.

OWNER:
SA Group Properties, Inc.
Attn. David Casty
3121 Michelson Drive, Suite 500 LM-CA-DI6P
Irvine, CA 92612

APPLICANT:
Campus Crest Communities
Attn. Chris Russ
2100 Rexford Rd., Ste. 414
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 deliberated on the subject applications on October 16, 2013, and decided to recommend that the City Council deny the requested Comprehensive Plan Amendment. The Planning Commission also decided to deny the associated Zone Change, Conceptual and Detailed Development Plan, and Subdivision requests.

The Applicant appealed the Planning Commission's decisions on the Zone Change, Conceptual and Detailed Development Plan, and Subdivision applications on October 28, 2013. The City Council held a public hearing to consider the appeal and the Planning Commission's recommendation on the Comprehensive Plan Amendment on December 2, 2013. The City Council closed the hearing, but held the record open until December 9, 2013. The City Council deliberated on the applications on January 6, 2014, and made a tentative decision to approve the requested Comprehensive Plan Amendment and Zone Change, subject to the adoption of formal findings. The City Council then decided to refer the Conceptual and Detailed Development Plan and Subdivision applications to the Planning Commission to make a recommendation regarding possible conditions of approval.

The Planning Commission conducted an on-the-record review on January 29, 2014, and prepared a recommendation regarding conditions of approval. On February 18, 2014, the City Council re-opened the public hearing to consider the Planning Commission's recommendation, and to allow public testimony on the recommendation. The hearing was closed, but the record was held open until February 25, 2014. The City Council then met on March 3, 2014, and decided to approve the proposed Conceptual and Detailed Development Plan and Subdivision applications, contingent upon the satisfaction of the attached 47 conditions of approval, and subject to the adoption of formal findings.

The City Council has adopted the attached Formal Findings and Ordinance. The proposal, staff report, hearing minutes, Formal Findings, and Ordinance may be reviewed at the Community

Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you are an affected party and wish to appeal the City Council's decision(s), an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of signing of the decision for appeals of the Conceptual and Detailed Development Plan and/or Subdivision, and within 21 days of mailing of the decision for the Comprehensive Plan Amendment and/or Zone Change. Appeals must be filed by 5:00 pm on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 pm on the subsequent work day.

_____

Julie Jones Manning, Mayor
City of Corvallis

Signed this ____ day of April, 2014

Campus Crest Conditions of Approval – PLD13-00003, SUB13-00001

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: 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**). Submitted Landscape Plans shall include the following elements: 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. 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. 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.
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. 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 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: 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.) 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. 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. If it is demonstrated that easements cannot be obtained as described above, the following conditions shall be met: 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. Drainage Facilities Shall Remain Private. Any drainage facility installed under this process without public easements shall remain private in perpetuity. 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. 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. 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 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 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 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.
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.
46	**Planned Development and Subdivision Contingent Upon Approval of Comprehensive Plan Amendment and Zone Change –** Development of the proposed Planned Development and Final Plat approval for the proposed Subdivision may only occur if the associated Comprehensive Plan Amendment (CPA11-00002) and Zone Change (ZDC11-00005) applications are approved and upheld, if appealed.
47	**Traffic Calming on Local Streets** – Concurrent with the study required by Condition # 45, staff shall require the applicant to take traffic counts at the intersections of Merrie Drive and Harrison Blvd., and Witham Drive and Harrison Blvd., and to install traffic calming measures along those streets if warranted per Council Policy 08-9.07.

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 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. Traffic Calming – Transit-friendly traffic calming measures shall be considered in the final design of Circle Blvd. between Dale Drive and Harrison Blvd.

M. 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. Removal of Ditches – 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. Bike Lane Widening – The bike lanes on Harrison Blvd., between Witham Drive and 35th 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. 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. Maintenance of Existing Multi-Use Path – Repair and/or resurfacing of the existing multi-use path should be addressed by the City.

R. 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. Shielding of Lighting – The Applicant should consider shielding on-site lighting that abuts natural areas, so that light trespass into those areas is minimized.

BEFORE THE CITY COUNCIL
OF THE CITY OF CORVALLIS, OREGON

FINDINGS OF FACT AND CONCLUSIONS OF LAW APPROVING THE LAND USE APPLICATIONS FOR CAMPUS CREST/THE GROVE

In the matter of Applications for: (1) a Post-Acknowledgment Plan Amendment to the City of Corvallis Comprehensive Plan to Re-Designate 57.7 Acres of Low Density Residential and 36.9 Acres of Open Space-Conservation as 24.6 Acres of Medium-High Density Residential and 70 Acres of Open Space-Conservation; (2) a Zoning Map Amendment to Re-Designate 57.7 Acres of PD(RS-6) and 36.9 Acres of PD(AG-OS) to 24.6 Acres of PD(RS-12) and 70 Acres of C-OS; (3) Conceptual and Detailed Development Plans to Develop a 296-Unit Apartment Complex; and (4) Major Replat/Subdivision to Create Three Development Parcels, Two Private Street Tracts, Seven Open Space Tracts, Three Stormwater Drainage Tracts, and Right-of-Way Dedications for Streets, on Property Comprised of Tax Lots 1000, 1100, and 1101 of Benton County Assessor's Map 11-5-33 and Tax Lot 2300 of Benton County Assessor's Map 11-5-28.	**CITY FILE NOS.** **CPA11-00002** **ZDC11-00005** **PLD13-00003** **SUB13-00001**

I. Introduction

In this matter, the Corvallis City Council ("City Council") considered applications from Campus Crest Communities ("Applicant") for a post-acknowledgment comprehensive plan amendment ("PAPA Application"), corresponding zoning map amendment ("Zone Change Application"), conceptual development plan ("CDP"), detailed development plan ("DDP"), and major replat/subdivision ("Subdivision") to allow development of 296 multi-

family residential dwelling units. These applications shall be collectively referred to herein as the "Applications."

For the reasons explained below, and based upon the identified evidence and argument in the record, the City Council finds that the Applications satisfy all applicable approval criteria. The Conceptual and Detailed Development Plan and Subdivision applications have been determined to meet all applicable approval criteria, subject to satisfaction of the 47 conditions of approval identified in the Notice of Disposition for this decision. Accordingly, the City Council denies the opponents' issues and contentions to the contrary and approves the Applications.

II. Summary of Project

Applicant proposes to develop a 296-unit apartment complex and related parking, landscaping, stormwater, and infrastructure (together, "Project") on approximately 94.6 acres of property located north of NW Harrison Boulevard, about 0.4 miles east of SW 53rd Street, and south of the terminus of NW Circle Boulevard ("Property"). The Property is comprised of Tax Lots 1000, 1100, and 1101 of Benton County Assessor's Map 11-5-33 and Tax Lot 2300 of Benton County Assessor's Map 11-5-28. The Project will comprise approximately 24.6 acres. Applicant proposes to preserve the balance of the Property (approximately 70 acres) as open space.

In order to develop the Project, Applicant has requested approval of the following

- Post-Acknowledgment Amendment to the City of Corvallis ("City") Comprehensive Plan to Re-Designate 57.7 Acres of Low Density Residential and 36.9 Acres of Open Space-Conservation as 24.6 Acres of Medium-High Density Residential and 70 Acres of Open Space-Conservation;

- Zoning Map Amendment to Re-Designate 57.7 Acres of PD(RS-6) and 36.9 Acres of PD(AG-OS) to 24.6 Acres of PD(RS-12) and 70 Acres of C-OS;

- Conceptual and Detailed Development Plans to Develop a 296-Unit Apartment Complex; and

- Major Replat/Subdivision to Create Three Development Parcels, Two Private Street Tracts, Seven Open Space Tracts, Three Stormwater Drainage Tracts, and Right-of-Way Dedications for Streets.

III. Notice of Applications

On December 27, 2011, the City transmitted notice of the Applications to the Department of Land Conservation and Development ("DLCD") in accordance with ORS 197.610 and OAR 660-018-0000. A copy of that notice is set forth in the record.

Although a party contended that the City should provide an additional notice to DLCD in 2013, the City Council finds that it properly provided notice in 2011 when the Applications were filed, and there is no legal requirement to provide an additional notice in 2013.

On August 14, 2013, the City mailed notice of the initial Planning Commission public hearing on the Applications to owners of property located within 300 feet of the Property. A copy of that notice is set forth in the record.

Also on August 14, 2013, Applicant posted notice of the initial Planning Commission public hearing for the Applications on the Property.

IV. Preliminary Planning Commission Proceedings

A. September 4, 2013 Hearing

The Planning Commission held a public hearing on the Applications on September 4, 2013. At the commencement of the hearing, Chair Jennifer Gervais introduced the item and called for declarations by the Commissioners. No members of the Commission declared conflicts of interest or *ex parte* contacts. All members of the Commission present declared site visits.

Commissioner Kent Daniels declared that he had been involved with the Property for many years, including supporting the annexation that occurred in 2004 and, as a member of the Parks & Recreation Advisory Board, discussing natural areas on the Property. He stated that he has been on the Property many times over the past 20 years and is very familiar with it. He declared that he had no interest or stake in development of the Property.

Chair Gervais declared that she and her husband have donated money to the Friends of Witham Oaks to support that organization's attempt to purchase open space; however, she stated that this fact would not affect her ability to make an objective, unbiased decision on the Applications.

Commissioner James Feldmann said that he was not able to observe much during his site visit to the Property because visibility was limited and no trespassing signs were posted.

Commissioner Ronald Sessions stated that he lived in the Witham Hill area for a couple of years and is very familiar with the Property.

An audience member asked if any Commissioner conducted business with US Bank, an alleged lender for the Project. Commissioner Ronald Sessions declared that he has personal accounts at US Bank but it would not affect his ability to make a fair and impartial decision.

No party challenged the impartiality or jurisdiction of the Planning Commission or any of its members to hear and decide the case.

At the hearing, Kevin Young gave an overview on behalf of staff. Then, Deputy City Attorney David Coulombe read the quasi-judicial announcements required by ORS 197.763 and ORS 197.796.

After that, the Applicant's team made its presentation through Michael Robinson, Jerry Offer, Alan Snook, Alex Eyssen, and Troy Kent. Following the Applicant's presentation, Mr. Young summarized the staff report and staff recommendation to approve the Applications, subject to conditions.

Next, the Planning Commission accepted public testimony. The following persons spoke in favor of the Applications: Peter Ramsing, Kevin Dwyer, Charlie Wilson, and Thomas Fleming.

The following persons spoke in opposition to the Applications: Larry Becker, Martin Mulford, Ann Brodie, Steve Kunke, Larry Weymouth, Kathee Kunke, Aruna Kumar, Bill Lunch, Kevin Marley, B.K. Kumar, Barbara Bull, Martha Fraundorf, Michele Mennett, Giovanna Rosenlicht, B.A. Beierle, Ann Smart, Laura Evenson, and Steve Wondzell.

The following persons gave neutral testimony: Terry Meehan, on behalf of Oregon State University ("OSU").

The Planning Commission voted unanimously to grant the Beit Am community's request that the matter be continued to September 23, 2013 at 7:00 p.m. in order to avoid a conflict with the holiday of Rosh Hashana.

B. September 23, 2013 Hearing

The Planning Commission conducted a continued public hearing on September 23, 2013. Chair Gervais opened the hearing and called for declarations by members of the Planning Commission. No members of the Planning Commission declared conflicts of interest. Commissioner Daniels and Commissioner Sessions declared additional site visits. Commissioner Daniels elaborated on his visit by stating that he rode his bicycle to the Property and then rode back through campus. He said that it took him seven minutes to ride from the Property to the Linus Pauling building and 10 minutes to get to the MU Quad. These rides occurred Tuesday between 6 and 7 p.m.

Commissioner Daniels further declared that he received an email from the Friends of Witham Oaks about tonight's hearing through his neighborhood organization. He said this correspondence would not interfere with him remaining fair and impartial in this matter.

Commissioner Woodside declared that she was employed at Otak, Applicant's planning and engineering firm, as an engineer during the 2007 Witham Oaks application

proceedings; however, she said that she is no longer employed by the firm and stated that she would remain impartial in this matter.

Commissioner Woodside further stated that she did not attend the September 4, 2013 Planning Commission meeting; however, she said she had reviewed the audio tapes and written materials and was prepared to participate in tonight's meeting.

No one challenged the impartiality or jurisdiction of the Planning Commission or any of its members to hear and decide the case.

Kevin Young introduced new written materials placed before the Planning Commission.

The Planning Commission then accepted public testimony. The following person spoke in favor of the Applications: Steve Schaberg. The following persons spoke in opposition to the Applications: Frances Stilwell, Donald Poole, Sherri Willard Argyres, Rich Wittrup, Carolyn Simmons, Marie Mingo, Chris Foulke, Mark Urista, Robert Moore, Dana Glennon, Marilyn Moore, Karin Krakauer, Sherri Johnson, Jennifer Ayotte, Michael Rodriguez, Roland Baxter, Dave Eckert, Abe Drabkin, Leslie Glassmire, Martin Mulford, Sue Helbach, Linda Tracy, B.K. Kumar, Louise Marquering, Jeff Hess, Martha Fraundorf, Gary Angelo, and Giovanna Rosenlicht. The following person gave neutral testimony on the Applications: Ken Bronstein, on behalf of Beit Am Mid-Valley Jewish Community.

Following public testimony, Mr. Robinson, Mr. Snook, and Brendan Buckley presented rebuttal on behalf of Applicant. Next, the following persons presented surrebuttal: Ms. Marquering, Ms. Rosenlicht, Ms. Johnson, Mr. Rodriguez, Mr. Marley, and Mr. Hess.

At the close of public testimony, the Planning Commission voted to hold the record open until September 30, 2013 at 5 p.m. for additional written testimony from any party and until October 7, 2013 at 5 p.m. for Applicant's final written argument. The Planning Commission further voted to conduct deliberations on October 16, 2013 at 7 p.m. The Planning Commission also voted to close the public hearing.

C. October 16, 2013 Deliberations

The Planning Commission conducted its deliberations on October 16, 2013. At this meeting, Chair Gervais introduced the item and called for declarations by Planning Commission members. No members of the Commission declared conflicts of interest or *ex parte* contacts. Commissioner Daniels declared an additional site visit. He said that he rode his bicycle through campus and to the Property, which gave him a good view of existing bicycle facilities. No party challenged the impartiality or jurisdiction of the Planning Commission or any of its members to hear and decide the case.

City staff then answered Planning Commission questions and summarized the materials received during the open record period, which were placed before the Planning Commission.

The Planning Commission then deliberated on the Applications. At the conclusion of its deliberations, the Planning Commission voted to recommend denial of the PAPA Application. The Planning Commission also voted to deny the remaining Applications.

The Planning Commission Notice of Disposition was signed on October 18, 2013.

V. Local Appeal of Planning Commission Decision

Applicant filed a timely and complete appeal of the Planning Commission's decision to the City Council on October 28, 2013.

A. Preliminary City Council Proceedings

1. December 2, 2013 Hearing

The City Council conducted a *de novo* public hearing on the Applications on December 2, 2013. At the hearing, Mayor Manning introduced the item and called for declarations from the City Council members. No members of the City Council declared conflicts of interest or *ex parte* contacts.

Councilor Brauner declared that he did not have a conflict of interest. He stated that he and all City Council members received an email asking whether he was a member of the Chamber of Commerce and participated in its deliberations on its position regarding the Applications. He did not respond to the email outside of the hearing. He said he had served as Council liaison to the Chamber but excused himself from meetings involving discussions of land use cases. As a result, he did not have a conflict of interest in this matter.

Council Hervey declared that he had not had *ex parte* contacts; however, he lived within the notification area for 12 years (1995-2007), recognized former neighbors in the audience, and his children spent many hours playing on the Property.

Councilors Hogg, Brauner, York, Traber, Hervey, Sorte, and Brown declared visiting the site.

No party challenged the impartiality or jurisdiction of the City Council or any of its members to hear and decide the case.

At the hearing, Mr. Young gave an overview on behalf of staff. Then, City Attorney Scott Fewel read the quasi-judicial announcements required by ORS 197.763 and ORS 197.796. After that, the Applicant's team made its presentation through Mr. Robinson. Following the Applicant's presentation, Mr. Young summarized the staff report and the staff recommendation to approve the Applications and the Planning Commission recommendations and decisions to deny the Applications.

The City Council then accepted public testimony. The following persons spoke in favor of the Applications: Charlie Wilson, Rachel Hausmann, Kevin Dwyer, and Peter Ramsing. The following persons spoke in opposition to the Applications: Daniel Bean, Suzanne McFarland Price, Jeff Hess, Kevin Marley, Ann Brodie, Martha Fraundorf, Louise Marquering, Donald Poole, Bonnie Johnson, Sherrie Johnson, Steve Kunke, Leslie Glassmire, Bill Lunch, George Norek, B.A. Beierle, Balakrishnan Kumar, Laura Lahm Evenson, and David Eckert.

The City Council then accepted rebuttal from Applicant. The following persons offered rebuttal on behalf of Applicant: Mr. Eyssen, Mr. Buckley, Mr. Clemow, and Mr. Robinson. The City Council then accepted surrebuttal from the following persons: Mr. Marley, Sherrie Johnson, Bonnie Johnson, Mr. Hess, Ms. Glassmire, and Ms. Fraundorf.

The City Council then closed the public hearing and held the record open until December 9, 2013, at 5 p.m. for testimony from any party and until December 16, 2013, at 5 p.m. for Applicant to submit final written argument. The City Council stated its intention to deliberate on the matter at the meeting on January 6, 2014.

2. January 6, 2014 Deliberations

The City Council conducted deliberations on the Applications on January 6, 2014. No members of the City Council declared additional site visits or conflicts of interest. Councilor Hirsch declared that he is a member of Beit Am, which owns property adjacent to the Property. He had conversations with members of Beit Am outside of the hearing to determine whether their issues related to the development were resolved. He declared that he could remain impartial. No party challenged the impartiality or jurisdiction of the City Council or any of its members to hear and decide the case.

Mr. Young reviewed the procedural status and staff's responses to Councilor questions. Community Development Director Ken Gibb and Police Chief Sassaman offered additional responses to Councilor questions.

The City Council then deliberated. At the conclusion of deliberations, City Councilor Beilstein moved, and Councilor Biff Traber seconded, a motion to approve the PAPA Application, based upon staff recommendations and subject to the adoption of formal findings at a subsequent meeting. The motion passed 5-4. By the same 5-4 vote, the City Council passed a motion to approve the Zone Change Application, based upon staff recommendations and the approval of the PAPA Application and subject to the adoption of formal findings at a subsequent meeting. Finally, the City Council voted unanimously to pass a motion to table the CDP/DDP Applications and the Subdivision Application to a future meeting and, in the interim, to refer these Applications to the Planning Commission to conduct an on-the-record review and make recommendations regarding possible conditions of approval, which the public could address at a public hearing before the City Council prior to adoption of a final decision.

B. Supplemental Planning Commission Proceedings

1. January 29, 2014 Deliberations

The Planning Commission conducted deliberations on the conditions for the CDP/DDP Application and the Subdivision Application on January 29, 2014. Chair Gervais introduced the item and called for Commissioners declarations. Commissioners Woodside, Daniels, and Gervais all had contacts from citizens wanting to know more about deliberations pertaining to the Applications, but none of them entered into discussions with these citizens. Commissioner Woodside received an email pertaining to Campus Crest that was sent to her as a member of a general email list, but she said she did not read it. Chair Gervais said she tried to obtain information about a commercial orchard that might have been on the Property, but she was not successful in doing so. She also declared that she had discussed procedural issues with some citizens but not any substance. Commissioner Daniels declared that he submitted a neutral letter pertaining to OSU's enrollment. All three of these Planning Commissioner members stated that these actions would not affect their respective abilities to make a fair and impartial decision on the CDP/DDP Application and the Subdivision Application.

After these declarations, Mr. Young gave instructions on the scope of the matter before the Planning Commission. Then, the Planning Commission deliberated. Following deliberations, the Planning Commission voted unanimously to recommend that the City Council impose staff's proposed conditions of approval, subject to the following amendments:

- Amending Condition 4e to require installation of landscaping within one year of the first occupancy permit for the Project
- Amending Condition 10 to require maintenance of "multi-use paths"
- Amending Condition 14 to require installation of a continuous center median allowing for site accesses and street intersections on Harrison Boulevard
- Adding Development-Related Concerns L-S

C. Final City Council Proceedings

1. February 18, 2014 Hearing

The City Council conducted a public hearing to consider the CDP/DDP Application and the Subdivision Application on February 18, 2014. Mayor Manning introduced the item and called for Councilor declarations. No members of the City Council had conflicts of interest or *ex parte* contacts. Councilor Sorte declared a site visit.

Mr. Young summarized the Planning Commission's recommendation and a new condition recommended by City staff, Condition 45. City Attorney Fewel read the quasi-judicial announcements required by ORS 197.763 and ORS 197.796. After that, Mr. Robinson gave the Applicant's presentation and requested approval of the CDP/DDP Application and the Subdivision Application. The following persons spoke in opposition

to the CDP/DDP Application and Subdivision Application: Ms. Marquering, Mr. Marley, Ms. Evenson, Ms. Stilwell, Sherri Johnson, Ms. Rosenlicht, Edward Epley, Be Davison Herrea, Barbara Gladstone, Ms. Fraundorf, Barbara Bull, Mr. Weymath, Mr. Lunch, Traci Garretts, James Reismiller, and Alyson Wade. The following person gave neutral testimony on the these Applications: Steve Weiler.

At the conclusion of the public testimony, the City Council closed the public hearing in this matter and held the record open until February 25, 2014 at 5 p.m. for testimony by any party and until March 3, 2014 at 5 p.m. for Applicant's final written argument.

2. March 3, 2014 Deliberations

The City Council conducted deliberations on the CDP/DDP Application and the Subdivision Application on March 3, 2014. Mayor Manning introduced the item and called for City Councilor declarations. No members of City Council declared a conflict of interest. Councilors Sorte and Traber declared site visits. Councilors York, Traber, Brauner, and Hogg declared that they had received email correspondence pertaining to this matter, but it had been forwarded to staff to be placed into the record. No party challenged the impartiality or jurisdiction of the City Council or any of its members to hear and decide the case.

City staff then responded to questions from City Council members. After that, the City Council deliberated.

At the conclusion of the deliberations, the City Council voted 5-4 to approve the CDP/DDP Application, based upon the findings and conditions set forth in the Staff Report, as modified and recommended by the Planning Commission, and including the recommended changes by staff (including Alternative Condition 14 and Conditions 45 and 46) from the March 3, 2014 memorandum from the Planning Division Manager to the Mayor and City Council, and subject to a new Condition 47 as follows:

> "47. Traffic Calming – Concurrent with the study required by Condition 45, staff shall require the applicant to take traffic counts at the intersections of Merrie Drive and Harrison Blvd. and at Witham Drive and Harrison Blvd. and to install traffic calming measures along those streets, if warranted, per Council Policy 08-9.07."

The City Council then voted 6-3 to approve the Subdivision Application, based upon the findings and conditions set forth in the Staff Report, as modified and recommended by the Planning Commission, and including the recommended changes by staff (including Alternative Condition 14 and Conditions 45 and 46) from the March 3, 2014 memorandum from the Planning Division Manager to the Mayor and City Council, and subject to a new Condition 47 as follows:

> "47. Traffic Calming – Concurrent with the study required by Condition 45, staff shall require the applicant to take traffic counts at the

intersections of Merrie Drive and Harrison Blvd. and at Witham Drive and Harrison Blvd. and to install traffic calming measures along those streets, if warranted, per Council Policy 08-9.07."

The City Council directed staff to return with formal findings at a subsequent meeting.

VI. Applicable Approval Criteria

A. PAPA Application and Zone Change Application

Campus Crest submitted the PAPA Application and the Zone Change Application to the City on December 22, 2011. The City Council finds that it is required to apply the standards and criteria in effect on this date to these two applications in accordance with the goal post rule of ORS 227.178(3)(a). As a result, the amendments to the LDC effective December 13, 2012 do not apply to the PAPA Application and the Zone Change Application.

B. CDP/DDP Applications and Subdivision Application

Campus Crest submitted the CDP/DDP Applications and the Subdivision Application to the City on February 19, 2013.The applicant requested that consideration of the Planned Development and Subdivision applications be consolidated with the previously submitted Comprehensive Plan Amendment and Zone Change applications. The City Council finds that it is required to apply the standards and criteria in effect on this date to these two applications in accordance with the goal post rule of ORS 227.178(3)(a). As a result, the amendments to the LDC effective December 13, 2012 do apply to the CDP/DDP Application and the Subdivision Application.

The City's August 14, 2013 public notice identified the following criteria as applicable to the Applications:

- Corvalllis Comprehensive Plan ("Plan") Policies 1.2.3, 3.2.1, 3.2.7, 4.2.2, 4.3.4, 4.3.5, 4.5.1, 4.6.2, 4.6.5, 4.6.6, 4.6.7, 4.6.16, 4.7.1, 4.7.3, 4.7.4, 4.9.1, 4.11.11, 4.11.12, 4.13.2, 4.13.4-4.13.6, 5.5.4, 8.2.2, 9.3.2, 9.4.6, 9.4.7, 9.7.2, 9.7.3, 10.2.11, 10.2.12, 11.2.10, 11.3.9, 11.7.7, 12.2.7, and 13.12.1-13.12.18

- Corvallis Land Development Code ("LDC") Chapters 1.2, 1.6, 2.0, 2.1, 2.2, 2.4, 2.5, 3.3, 3.6, 3.33, 3.37, 3.38, 4.0, 4.1, 4.2, 4.4, 4.6, 4.9, 4.10, 4.11, 4.12, 4.13, and 4.14

- Statewide Planning Goals ("Goals") 1, 2, 5, 6, 7, 10, 11, 12, and 13

VII. Whole Record before the City Council

The whole record before the City Council consists of all materials placed before and not rejected by the City Council. Although the whole record has not been attached to these findings, portions of the record that support the Council's findings have been included as attachments. The whole record consists of the following:

- Oral testimony presented by the Applicant and other parties at the public hearings in this matter on September 4, 2013; September 23, 2013; and December 2, 2013, and February 18, 2014, as reflected in the official recordings and minutes of these hearings.
- November 22, 2013, City Council Staff Report **(Exhibit I)**
- All timely submitted written testimony.
- Application materials (included in **Exhibit I** – the November 22, 2013, City Council Staff Report).
- Supplemental staff memoranda, including Exhibit VII (Responses to Questions from Planning Commissioners), within **Exhibit I** dated October 11, 2013; Email Response to Questions from Councilor Sorte, dated December 9, 2013; and Responses to City Council Questions, dated February 26, 2014 (Included in **Exhibit II**).
- Supplemental materials provided by the applicant **(Exhibit III)**
- All other items in the official Planning Division file for the Applications.

In addition to information in the whole record, the City Council notes that written testimony was transmitted via email to individual City Councilors via email after close of the record on February 25, 2014. The City Council acknowledges receipt of this additional testimony, but declares that it has not been considered because it was submitted after the close of the record.

VIII. Findings and Conclusions Related to the Applications (CPA11-00002/ZDC11-00005/PLD13-00003/SUB13-00001)

A. General Findings

1. The City Council finds that, as described above, the City has followed the correct procedures in this matter by providing requisite notice to area landowners, DLCD, and other affected government agencies and by conducting multiple public hearings for the Applications in accordance with the quasi-judicial procedures required by state and local law. Further, the City Council finds that no one has raised any objection to the City's procedures in this matter or to the impartiality of any member of the Planning Commission or the City Council.

2. As findings supporting approval of the Applications, the City Council hereby accepts, adopts, and incorporates within this Decision by reference, in their entirety, including any attachments or exhibits, the following materials: the Applicant's narrative for the PAPA Application and the Zone Change Application dated December 22, 2011 and revised June 17, 2013 ("CPA/ZC Narrative"); the Applicant's narrative for the CDP/DDP and Subdivision Applications dated February 19, 2013, and resubmitted June 17, 2013 ("Site Plan/Subdivision Narrative") **(Exhibit I)**; the Staff Report to the Planning Commission dated August 23, 2013 ("Staff Report," included in **Exhibit I**); the Staff Report to the City Council dated November 22, 2013 **(Exhibit I)**; supplemental information submitted by the applicant (**Exhibit III**); and supplemental information provided by City staff (**Exhibit II**). The above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below (the "Supplemental Findings") supplement and elaborate on the findings contained in the materials noted above, all of which are incorporated herein by reference.

3. The City Council finds that the Applicant's two application narratives, the Staff Report, and the additional sources cited in these findings explain the need for imposing Conditions of Approval #1-47. The City Council finds, based upon this substantial evidence, that each of these conditions is a reasonable condition that is feasible for the Applicant to comply with and is necessary to satisfy the applicable criteria presented in the Staff Report and the Supplemental Findings presented below.

4. The City Council finds that the record contains all evidence and argument needed to evaluate the Applications for compliance with the relevant criteria.

5. The City Council finds that it has considered these relevant criteria and other issues raised through public testimony.

6. The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings, and primarily address issues raised in opposition to the Applications. These Supplemental Findings are grouped into criteria and issues, with findings included in response to each criterion or issue. In the event of a conflict between the Incorporated Findings and the Supplemental Findings, the Supplemental Findings shall control.

B. Supplemental Findings for the PAPA Application and Zone Change Applications

1. Statewide Planning Goals ("Goals")

The City Council finds that the decision to approve the PAPA Application and the Zone Change Application must be in compliance with the Goals. ORS 197.175(2)(a); ORS 197.835(5); *1000 Friends of Oregon v. Land Conservation and Development Commission*, 301 Or 447, 724 P2d 268 (1986). To achieve this, the City Council finds that it must either explain how the decision complies with the Goals or explain why the

Goals are not applicable. *Davenport v. City of Tigard*, 22 Or LUBA 577, 586 (1992). In the section below, the City Council addresses each Goal in the manner required by *Davenport*.

Goal 1: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 requires local governments to adopt and administer programs to ensure the opportunity for citizens to be involved in all phases of the planning process. The City has adopted such a program for PAPA's, and it is incorporated within the Plan and LDC and has been acknowledged by LCDC. Among other things, the City's program requires notice to citizens, agencies, neighbors, and other interested parties followed by multiple public hearings before the City makes a final decision on the Applications. The City Council finds that the City has complied with its adopted notice and hearing procedures applicable to PAPA's, including the notice requirements of LDC 2.0.50.04.c.2. Further, no one contended that the City did not comply with its acknowledged citizen involvement program. Therefore, the City Council finds that the City has processed the Applications in a manner consistent with Goal 1. *See Wade v. Lane County*, 20 Or LUBA 369, 376 (1990) (Goal 1 is satisfied as long as the local government follows its acknowledged citizen involvement program).

Goal 2: Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City Council finds that the standards identified above under the heading "Applicable Criteria" establish the land use planning process and policy framework for considering the Applications. Further, the evidence in the record, which includes detailed expert reports evaluating Project impacts and proposing feasible mitigation measures, demonstrates that the Applications satisfy all of these applicable criteria. As such, there is an adequate factual base for the City's decision. Therefore, the City Council finds that the City has met the evidentiary requirements of Goal 2.

The City Council further finds that Goal 2 requires that the City coordinate its review and decision on the Applications with appropriate government agencies. The City provided notice and an opportunity to comment on the Applications to affected government agencies, including Benton County, Benton County Soil and Water Conservation District, and School District 509J, and the State Departments of Land Conservation and Development, Transportation, and State Lands. The City Council addresses the comments from these agencies in the findings below. Therefore, the City Council finds that the City has met the coordination requirements of Goal 2.

The City finds that the Applications, as conditioned, are consistent with Goal 2.

Goal 3: Agricultural Lands.

To preserve and maintain agricultural lands.

The City Council finds that Goal 3 is not applicable to the Applications for three reasons. First, the City Council finds that the Property is located within both the UGB and the City limits, and is therefore anticipated to support urban development rather than agricultural uses that would be expected outside an Urban Growth Boundary. Second, the City Council finds that the City existing zoning designations for the Property are urban in nature. Third, the City Council finds that the City applied Goal 3 at the time the Property was annexed to the City.

Goal 4: Forest Lands.

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The City Council finds that the Property is not located on designated forest resource land. No one contended on the record that Goal 4 was an applicable approval criterion. Therefore, the City Council finds that Goal 4 is not applicable to the Applications. However, the Council notes that the proposed Comprehensive Plan Amendment will concentrate development on a smaller portion of the site than the prior designations and will designate the remaining portions of the site, which contain Highly Protected Significant Vegetation Areas identified through the City's Natural Features Project, for Conservation and Open Space uses.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

To protect natural resources and conserve scenic and historic areas and open spaces.

The City Council finds that the City's acknowledged Goal 5 program identifies significant natural features on the Property, including Locally Protected Wetlands, Highly Protected Significant Vegetation Areas, Highly Protected Riparian Corridors, and steep slope areas. The City Council further finds that the Applications propose to reduce the developable area of the Property and to locate all Locally Protected Wetlands, Highly Protected Significant Vegetation Areas, and Highly Protected Riparian Corridors outside of the developable area of the Project. Additionally, the City Council finds that infrastructure required by development in the portion of the site proposed for Medium-High Density residential development may cause limited impacts to these natural

features, the City Council finds, for the reasons explained below in response to LDC 4.12.70, 4.13.50.b.2, and 4.13.80.01, that these infrastructure improvements are limited to those necessary to maintain a functional system and they are thus permitted.

The City Council also finds that, although the proposed Comprehensive Plan Amendment would allow for development in some areas with slopes in excess of 10%, development in such areas is permitted because it complies with LDC Chapter 4.14, which regulates development on sloped areas. The findings set forth below in response to this chapter are incorporated herein by reference.

Although Ms. Beierle contended that the Applications are deficient because they have not analyzed impacts to Goal 5 cultural and historical resources, the City Council denies this contention. In support of this conclusion, the City Council relies upon the memorandum from Otak dated December 9, 2013, which states that Otak's planners reviewed the City's acknowledged inventory and determined that there are no inventoried historic or cultural resources on the Property. This evidence is uncontroverted.

For these reasons and based upon the additional findings set forth below in response to LDC 4.12.70, 4.13.50.b.2, 4.13.80.01, and LDC Chapter 4.14, which findings are incorporated herein by reference, the City Council finds that the Applications are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality.

To maintain and improve the quality of the air, water and land resources of the state.

The City Council finds that the Applications propose to reduce the developable area of the Property, increase the overall density of the developable area from a single-family level to a multi-family level, and place the remainder of the Property within a designated conservation zone that allows only limited development. As a result, the City Council finds that approval of the Applications will generate fewer impacts to water quality associated with single-family residential development, such as run-off from residential lawns, than would occur under the Property's existing map designations. Although opponents contend that the Project will cause loss of wetlands, which will increase pollutants in waterways, the City Council denies this contention for two reasons. First, the City Council finds that this contention is mistaken because State and Federal regulations require mitigation for wetland impacts such that there will be "no net loss of wetlands."

Second, the City Council finds that this contention is not supported by substantial evidence. Impacts to the Locally-Protected Wetlands on the development site are anticipated to be limited to those areas where it is necessary to extend public infrastructure, such as streets and water lines, in order to maintain a functional system, as allowed by LDC Section 4.13.80.01.c.2. The area proposed for Medium-High Density

Residential Development does not contain any portion of the delineated Locally Protected Wetland area.

Further, the City Council finds that development on the site will be required to contain and treat stormwater from the development, consistent with the requirements of the Land Development Code, which will require water quantity and quality from the developed portions of the site to be controlled to meet City standards.

Although opponents contend that development of the Project will threaten air quality, the City Council finds that this contention is not supported by substantial evidence.

Accordingly, the City Council finds that the Applications are consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards.

To protect people and property from natural hazards.

The City Council finds that the Applications propose a Medium-High Density Residential designation for some areas with slopes of up to 19.99%. The City Council finds that the LDC permits development on slopes of less than 25%, subject to submittal of a Site Assessment Report. Applicant has submitted a Site Assessment Report that finds the proposed site is developable without significant hazard.

The City Council further finds that the Applications do not propose development on any areas with slopes of 20% or greater. Finally, the City Council finds that there are no other identified or inventoried natural hazards in the general area of the Property, and the Project is not located within the mapped 100-year floodplain.

For these reasons, the City Council finds that the Applications are consistent with Goal 7.

Goal 8: Recreational Needs.

To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The City Council finds that the Applications are consistent with Goal 8. Park System Development Charges (SDCs) fees are required in conjunction with residential development and would be expected to be paid in conjunction with development on the portion of the site to be designated for residential development. It is also anticipated that development on the site will facilitate completion of planned public trails through the Property. Lastly, the City Council finds that the Property is not designated for siting of destination resorts, so the Applications will not reduce the supply of land available for such resorts.

The City Council finds that the Applications are consistent with Goal 8.

Goal 9: Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The intent of Goal 9 is to ensure that each community's local comprehensive plan and policies contribute to helping the state maintain a stable and healthy economy. Goal 9 specifically requires that local governments develop an economic opportunities analysis and provide for at least an adequate supply of lands of suitable sizes, types, and locations, and service levels for industrial and commercial uses. The City Council finds that the Applications do not concern or affect land that is zoned for industrial or commercial uses. Further, the City Council finds that approval of the Applications will further economic development in the City by increasing the supply of land available for the development of multi-family housing.

The City Council finds that the Applications are consistent with Goal 9, to the extent it is applicable at all.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

The City Council finds that the Applications will reduce the developable area of the Property from 57.7 acres of Low Density Residential land to 24.6 acres of Medium-High Density Residential land. The City Council finds that the City's acknowledged Buildable Lands Inventory ("BLI") anticipates a surplus of 341 acres of Low Density Residential land in 2020, but a shortfall of 64 acres of Medium-High Density Residential land during that same planning period. Based upon the acknowledged BLI, the City Council finds that the proposed Medium-High Density Residential designation fulfills an identified need for increasing acreage for multi-family housing while not generating a shortfall of acreage for single-family housing.

The City Council finds that the Applications are consistent with Goal 10.

Goal 11: Public Facilities and Services.

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City Council finds that the Applications are consistent with Goal 11 for two reasons. First, the City Council anticipates that with development of the site, the Applicant will be required to extend water and sanitary sewer facilities "to and through" the Property consistent with the LDC and to install roadway improvements, including the extension of

Circle Boulevard, improvement of the north side of Harrison Boulevard to City standards along the Property frontage, and extension of a local street to serve the Property.

Second, the City Council finds that the extension and improvement of these various public facilities to serve the Property will not preclude delivery of services to other properties in the City. The Council finds that these improvements will not only serve the residents of proposed development on the site, but will also serve other residents of the City.

Accordingly, the City Council finds that the Applications are consistent with Goal 11.

Goal 12: Transportation.

To provide and encourage a safe, convenient and economic transportation system.

The City Council finds that Goal 12 is implemented by the Oregon Transportation Planning Rule ("TPR"), which requires local governments to determine whether or not a proposed PAPA will "significantly affect" an existing or planned transportation facility. OAR 660-012-0060(1). A PAPA will "significantly affect" an existing or planned transportation facility if it will: (1) change the functional classification of a facility; (2) change standards implementing a functional classification system; (3) as measured at the end of the planning period, result in types or levels of travel or access that are inconsistent with the functional classification of an existing facility; or (4) degrade the performance of an existing facility either below applicable performance standards, or if already performing below these standards, degrade it further. *Id.*

LUBA has stated that the initial question under the TPR is "whether the plan amendment causes a net increase in impacts on transportation facilities, comparing uses allowed under the unamended plan and zoning code with uses allowed under the amended plan and zoning code." *Griffiths v. City of Corvallis*, 50 Or LUBA 588, 593 (2005). This is commonly applied to require that an applicant compare the traffic associated with a reasonable worst case scenario development under the existing zoning district with a reasonable worst case scenario under the proposed zoning district.

The City Council finds that the Project will not significantly affect any existing or planned transportation facilities. In support of this conclusion, the City Council relies upon the "worst case scenario" analysis prepared by Applicant's transportation consultant, DKS Associates ("DKS") dated February 5, 2013. In that analysis, DKS compared the reasonable worst-case trip generation scenario of the Property under the existing comprehensive plan map designations (PD(RS-6) and AG-OS) with the reasonable worst-case trip generation scenario under the proposed zoning designation (PD(RS-12) and C-OS). *See* DKS Memorandum dated February 5, 2013 **(Exhibit III)**. This comparison indicated that the Property would generate more daily trips under the proposed zoning designation but fewer trips during the AM and PM peak hours. *Id.*

Based upon these results, DKS concluded that the Applications would not significantly affect any existing or planned transportation facilities for purposes of the TPR. The City Council finds that City Engineering staff and ODOT staff have reviewed and concurred with DKS' conclusions. *See* pages 32 and 52 of the Staff Report **(Exhibit I)**. No substantial evidence was presented that undermined this testimony.

Beyond the requirements of the Transportation Planning Rule, the City Council finds that the results of the Applicant's Traffic Impact Analysis demonstrate that, with appropriate mitigation, development of the proposed Medium-High Density Residential portion of the site will not degrade the City's transportation system in the area below an acceptable level of service.

Therefore, the City Council finds that, as conditioned, the Applications are consistent with Goal 12 and the TPR.

Goal 13: Energy Conservation.

To conserve energy.

The City Council finds that the Applications are consistent with Goal 13 for two reasons. First, approval of the Applications authorizes development of multi-family housing within reasonably close proximity to the OSU campus, which will allow students to live near school rather than in more remote locations. Further, because the Project is large in size, it increases the likelihood that residents will have the same or similar schedules as their neighbors, which increases the likelihood of carpooling to and from campus. The Council notes that proximity to destinations has been shown to support the uses of alternative modes of transportation, such as walking, bicycling, and transit, thereby reducing energy usage. The City Council finds that these factors will reduce energy demands.

Second, approval of the Applications increases opportunities for persons who work in Corvallis or who attend OSU to live in the City rather than other places, thereby reducing commute lengths and concomitant energy usage.

The City Council finds that the Applications are consistent with Goal 13.

Goal 14: Urbanization.

To provide for an orderly and efficient transition from rural to urban land use.

The City Council finds that the proposed Comprehensive Plan Amendment will facilitate the expansion of urban-style development into a currently undeveloped setting. The Council finds that by concentrating development on approximately 25 acres in the center of the site, and designating the remaining, approximately 70-acre, area for

Conservation – Open Space uses, the proposal will provide a mitigated transition from rural to urban uses. The Council finds that the Applications are consistent with Goal 14.

Goals 15-19: Willamette River Greenway and Coastal Goals

The City Council finds that Goals 15, 16, 17, 18, and 19 are directed at special locations not founds on the Property or the surrounding area. Therefore, the City Council finds that these Goals are not applicable to the Applications.

C. Corvallis Comprehensive Plan Provisions

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:

A. There is a demonstrated public need for the change.

The City Council finds that there is a demonstrated public need for the change to Medium-High Density Residential and Open Space.

The City Council finds that, in interpreting a different Plan policy with the term "demonstrated public need" at the time of annexing the Property, the City Council found that there was "a demonstrated public need" to annex the Property for a variety of reasons, including the need to "increase available choices in the market place" and to "protect identified significant natural resource areas." LUBA denied a petitioner's contention that the City erred in its interpretation of this term under those circumstances. *Mason v. City of Corvallis*, 49 Or LUBA 199 (2005).

In summary, based upon LUBA's decision pertaining to the same Property, the City Council draws two conclusions. First, the City Council finds a "demonstrated public need" exists for purposes of this policy when the record shows by reasoning that there is a lack of something desired by the community at large. Second, the City Council finds that, under similar circumstances, LUBA upheld the City Council's conclusion that increasing market choice and protecting resources could be "demonstrated public need(s)."

<u>PUBLIC NEED FOR MULTI-FAMILY STUDENT HOUSING</u>

The City Council finds that there is a demonstrated public need for the change to Medium-High Density Residential. As support for this conclusion, the City Council relies upon three sources. First, the City Council relies upon the City's adopted Buildable Land Inventory (BLI), which anticipates a deficit of 64 acres of land designated for Medium-High Density Residential use in the City by 2020, an amount much greater than the 24.6 acres that the Applications propose to redesignate as Medium-High Density Residential. *See* City's adopted BLI. Additionally, the City Council notes that the BLI further states that "additions to the Medium-High Density plan designation from either of the lower-density residential designations would be appropriate." *Id.* Although several opponents contended that the City's BLI is out-of-date and unreliable and that more current data

would support a different conclusion, the City Council finds that it is required by law to rely upon its BLI, which is adopted, acknowledged, and covers the current planning period. *See Craig-Realty Group-Woodburn, LLC v. City of Woodburn*, 39 Or LUBA 384 (2001); *D.S. Parklane v. Metro*, 164 Or App 1, 22, 994 P2d 1205 (2000). Finally, the City Council finds that no one cited any provision of the BLI that supported a contrary conclusion. For these reasons, the City Council finds that the BLI constitutes substantial evidence that supports the conclusion that there is a need for Medium-High Residential land in the City.

Second, the City Council relies upon testimony from land use economists at the firm Johnson Reid, who concluded that there is a significant need for additional student housing in the City because the growth in student housing units has not kept pace with the substantial growth in OSU enrollment over the last decade. *See* February 2012 Need Assessment and supplemental memos dated September 11, 2013; September 30, 2013; and December 9, 2013 **(Exhibit III)**. For example, Johnson Reid concluded that between 2000-2012, OSU's enrollment (minus online students) grew by 7,129 individuals, while the number of multi-family units permitted in the City only grew by 1,802 during the same time period. *See* Johnson Reid memo dated September 30, 2013.

Third, the City Council relies upon multiple provisions of the Comprehensive Plan to establish the need for student housing. First, Plan Policy 9.4.7 expressly provides that the City "shall" encourage development of specialized housing needs, including student housing. LDC 1.6.30 defines "shall" as "expressing what is mandatory." Thus, this provision imposes a specific and mandatory obligation to encourage student housing. Additionally, provisions of the Plan state that the need for higher density residential land is greatest near transit service and employment centers. The City Council finds that there is existing transit service on Route C3 along Harrison Boulevard, which is adjacent to the Property. Further, OSU is a primary employment center for the City, and it is in close proximity and accessible by various modes of transportation from the site. Thus, these facts support the conclusion that there is not only a demonstrated need but a demonstrated need in this location.

Although opponents contend that there is no demonstrated public need for multi-family student housing, the City Council denies those contentions. For example, although several opponents contend that there is no demonstrated need for student-only housing, the City Council denies this contention for two reasons. First, the City Council finds that Applicant stated on the record that the Project is not exclusive to students, and Applicant will not discriminate against any class of persons in the marketing or leasing of the Project. Second, even if the Project substantially serves students, the City Council finds that there is substantial evidence in the whole record to support the conclusion that there is a need for student-only housing in the City. *See* February 2012 Need Assessment and supplemental memos dated September 11, 2013; September 30, 2013; and December 9, 2013 **(Exhibit III)**. Therefore, the City Council denies the opponents' contention on this issue.

Additionally, although opponents contend that there is a need for single-family housing in the City and that approval of the Applications works against this need, the City Council finds that approval of the subject application does not significantly conflict with that goal for three reasons. First, as noted above, the BLI supports converting a surplus of low-density residential land in the City to higher density zoning. *See* City's adopted BLI ("[A]dditions to the Medium-High Density plan designation from either of the lower-density residential designations would be appropriate.") Second, the City Council finds that the City's 2011 Land Development Information Report (LDIR) corroborates the BLI, concluding that there are 523 acres of vacant Low Density Residential land in the City. Third, the City Council finds that approval of the Applications and development of the Project will provide additional "appropriate student housing," which will allow students to relocate from less appropriate student housing, potentially increasing the supply of single-family housing available to non-students. As support for this conclusion, the City Council relies upon the Johnson Reid memorandum dated September 30, 2013. The City Council finds that the opponents did not present substantial evidence that undermines this testimony.

Finally, the City Council finds that Applicant's testimony is supported by City staff, which concurred with Applicant's assessment regarding the need for multi-family housing in the City, based on data from the BLI and the 2011 LDIR. *See* page 36 of the Staff Report **(Exhibit I)**.

PUBLIC NEED FOR PARKS AND OPEN SPACE

For two reasons, the City Council finds that there is a demonstrated need for the change from agriculture-open space to parks-open space land. First, the City Council finds that the City currently has a need for additional park land. As support for this conclusion, the City Council relies upon the BLI, which indicated that a "substantial deficit" exists for public/institutional land, with more than half of that deficit attributable to the need for park land. *See* City's adopted BLI. Second, the City Council finds that there is a demonstrated need for the change in order to protect the significant natural features that exist on this portion of the Property. These natural features include excellent stands of Oregon White Oak, wetlands, wildlife habitat, and a portion of Witham Hill, as further outlined in Applicant's Preliminary Natural Resources Assessment dated February 2012 **(Exhibit I)**. The City Council finds that the Conservation-Open Space designation allows only conservation and civic uses as outright permitted uses and thus will preserve these natural features. The City Council further finds that preservation of these features is consistent with various Plan policies, including 4.2.2, 4.10.9, and 4.13.4.

The City Council finds that the Applications are consistent with this policy.

B. The advantages to the community resulting from the change shall outweigh the disadvantages.

The City Council finds that, on balance, the advantages to the community resulting from the change to Medium-High Density Residential and Open Space-Conservation outweigh the disadvantages as follows:

First, the City Council finds that there is substantial evidence to support the conclusion that there are several advantages to the community resulting from the change as follows:

- Approving the PAPA Application and Zone Change Application will nearly double the portion of the Property that is restricted from development, which will provide long-term wetland preservation and greater wildlife habitat protection than the existing map designations can assure.

- Approving the Applications will allow the planned collector street to be located further east than the current street alignment, which will permit preservation of additional wetland areas.

- On-site stormwater detention will ensure that development of the Property will not increase the downstream risk of flooding and may actually reduce the downstream flooding risk through detention. As support for this conclusion, the City Council relies upon testimony from Applicant's civil engineer Otak. *See* Stormwater Management Plan dated June 2013 **(Exhibit I)** and Memorandum from Otak dated February 25, 2014 **(Exhibit III)**.

- Allowing medium to high density residential development on a 24.6-acre portion of the Property will reduce the footprint of potential development as compared to typical lower density development patterns, which the current map designations promote. Additionally, a more concentrated development pattern has been shown to support higher transit usage, particularly when routes are coordinated to provide efficient service to major destinations, such as OSU.

- Approving the Applications will facilitate the development of additional multi-family housing, which will help address an identified shortage of rental opportunities in the City. As support for this conclusion, the City Council relies upon the findings (including the supportive evidence cited therein) set forth in response to Policy 1.2.3.A above, which findings are incorporated herein by reference. Consistent with economic theory, an increase in supply of housing in the community is anticipated to have a positive impact on the general affordability of housing in the community, particularly in the rental market.

- Approving the Applications will facilitate the development of additional multi-family housing that is proximate to the main OSU campus, which will encourage more use of alternate modes of transportation than would likely occur if the Property were more remote.

- It is anticipated that approval of Medium-High Density Residential development at this location will relieve some re-development pressure on existing neighborhoods nearer to the University.

- Approving the Applications, including the related conditions of approval, will require that Applicant complete off-site transportation improvements that will benefit the general community and be consistent with the City's Transportation System Plan.

Where not otherwise cited above, the City Council finds support for these conclusions in the CPA/ZC Narrative. The City Council finds that these advantages are not only significant in number but also in overall community impact.

Notwithstanding the extensive advantages associated with the Applications, the City Council finds that there are disadvantages to approving the Applications as follows:

- Protection of a greater amount of natural features and resource land could result in a greater long-term cost to the City for long-term maintenance if that land is donated to (and accepted by) the City. The City Council finds that this disadvantage is speculative because, for the reasons set forth in Section VIII.E.6 of these findings, Applicant has only offered to dedicated approximately 15.1 acres of the Property, and the City has not yet decided whether it will accept this land. The City Council finds that it is possible that a non-governmental organization such as Friends of Witham Oaks could acquire the Property and agree to perform maintenance instead of the City, in which case this disadvantage disappears.

- Preserving more of the Property for conservation purposes will reduce the amount of Low Density Residential land available for development in the City. However, the City Council discounts this disadvantage because the City has an identified surplus of low-density residential land in the City. As support for this conclusion, the City relies upon the BLI and the 2011 LDIR and the findings on this point in response to Policy 1.2.3.A above, which findings are incorporated herein by reference.

- Approval of the Applications will facilitate development of multi-family units, which may impact the pastoral view of the hillside from a distance. However, the City Council finds that this impact is less significant than could occur under the existing map designations, which would allow for development of a greater portion of the site with residential units.

- Approval of the Applications would facilitate development of the Property; however, the City Council finds that this disadvantage is mitigated by the fact that the Applications will protect a greater amount of the Property from development.

- Development of the Property will increase demand for public services; however, as explained in the findings below in response to LDC Chapter 4.0, subject to the identified conditions of approval, Applicant will mitigate impacts caused by the development. The City Council incorporates these findings by reference.

As explained above, the City Council finds that each of the identified disadvantages can be qualified. On balance, the City Council finds that the advantages resulting from approving the Applications outweigh the disadvantages both in number and impact.

Although opponents contend that the disadvantages resulting from the proposed change outweigh the advantages, the City Council denies these contentions. For example, although opponents contend that the Applications are not consistent with this sub-policy because any advantages from the Project flow to an out-of-state developer, the City Council denies this contention because it misconstrues the facts. For the reasons stated above, there are extensive advantages to the community resulting from approving the Applications. Therefore, the City Council finds that there is no basis to grant the opponents' contention on this issue.

Additionally, although numerous opponents contend that adverse parking and traffic impacts resulting from approving the Applications outweigh any advantages resulting from approving the Applications, the City Council denies the opponents' contention. As set forth in response to Policy 3.2.7.H and I, LDC 2.1.30.06.c.8 and 9, and subject to Conditions 14 ("NW Harrison Boulevard Street Improvements"), 15 ("NW Circle Boulevard Street Improvements"), 16 ("Local Street Improvements"), 17 ("Street Lights"), 18 ("Public Improvements"), and 27 ("Right-of-Way Dedication"), the City Council finds that the Applications will mitigate all parking and traffic-related impacts in accordance with the City's applicable approval criteria. Further, opponents have not presented substantial evidence that undermines this conclusion. Therefore, the City Council finds that there is no basis to grant the opponents' contention on this issue.

The City Council finds that there is substantial evidence in the whole record to support the conclusion that, on balance, the advantages resulting from approving the Applications outweigh the disadvantages.

C. The change proposed is a desirable means of meeting the public need.

The City Council finds that the Applications are a desirable means of meeting the public need for additional Medium-High Density Residential land and additional Parks and Open Space land.

PUBLIC NEED FOR MULTI-FAMILY STUDENT HOUSING

The City Council finds that the change proposed by the Applications is a desirable means of meeting the public need for Medium-High Density Residential land. The City Council concurs with the analysis of City staff in explaining the merits of approving the Applications:

> "Given these alternatives, the proposed CPA is a desirable means of providing additional MHDR land within the City because there is an excess of low density residential land in the City (and therefore re-designating this property will not jeopardize the necessary supply of LDR land in the City); overall transportation and utility system impacts are anticipated to be roughly the same as those under the current designations; the developable portion of the site would be well separated from residential neighbors, thereby reducing compatibility impacts; and the subject site is located in closer proximity to anticipated destinations than other MHDR locations."

(Staff Report at p. 40 – **Exhibit I**) The City Council adopts and incorporates these findings herein by reference.

In applying this provision to the Applications, the City Council first finds that this provision does not require that the change proposed must be the "most desirable means." Rather, it only requires that the change proposed is "a desirable means" (emphasis supplied).

Notwithstanding this interpretation, the City Council finds that other possible means of meeting the public need for increasing the supply of Medium-High Density Residential land are infeasible and/or more detrimental to the public interest. For example, although the City could meet the public need for increasing the supply of Medium-High Density Residential land by annexing additional lands to the City and designating them Medium-High Density Residential, the City Council finds that this is not a feasible or advantageous option at this time for three reasons. First, the City Council finds that annexing additional land is a time-consuming and uncertain process. For example, it requires approval by a majority of City electors who cast a ballot on the issue.

Second, the City Council finds that there are only limited areas within the Urban Fringe (outside the City limits but within the Urban Growth Boundary) designated for Medium-High Density Residential Development, including properties to the west of the recent Sather annexation site, areas west of the Benton County Fairgrounds, areas neared planned Neighborhood Centers in South Corvallis, a large area at the southwest corner of West Hills Road and 53rd Street, and a portion of the Owens Farms site immediately to the north of Good Samaritan Regional Medical Center. The City Council identified these properties based upon the testimony of City staff at pages 39-40 of the Staff Report.

Third, the City Council further finds that annexation of these additional properties is not feasible in every case because not all of these properties are currently contiguous to the City limits. *Id.* Therefore, annexation of these lands is not currently permitted under ORS 222.111(1).

Fourth, the City Council finds that even the Medium-High Density Residential properties that are currently contiguous to the City limits will generate more extensive traffic impacts than the Applications because (with the exception of one site) all are located a greater distance from the OSU main campus than the Property is, likely leading to less use of alternate modes of transportation such as public transit and bicycling. *Id.* For these reasons, the City Council finds that annexation is not a desirable means to meet the identified public need.

The City Council further finds that another means of meeting the identified public need for Medium-High Density Residential lands is re-designating other lands already within the City limits. However, the City Council finds that this option is not desirable for two reasons. First, the City Council finds that it may disrupt existing citizen and property owner expectations. Second, the City Council finds that it will introduce additional infrastructure impacts within developed areas. For these reasons, the City Council finds that re-designating other lands already within the City limits is not a desirable means to meet the identified public need.

The City Council finds that another means of meeting the identified public need for Medium-High Density Residential lands is increasing densities on properties that are already designated Medium-High Density Residential. The City Council finds that this is not a desirable means of meeting the public need because it is detrimental to the public interest based upon feedback and recommendations from the ongoing Neighborhood Planning, Parking and Traffic, and Livability Work Groups of the City/OSU Collaboration efforts. As support for this conclusion, the City Council relies upon the testimony of City staff at page 40 of the Staff Report **(Exhibit I)**.

Therefore, the City Council finds that there are no more desirable options for meeting the identified need for Medium-High Density Residential lands.

Additionally, although opponents contend that the Applications are not a desirable means of meeting the public need, the City Council denies this contention. For example, although opponents contend that the Applications are not a desirable means of meeting the public need because they will truncate and destroy an existing path, the City Council denies this contention because the Project will provide every path identified on the Property in the City's Trails Master Plan. As support for this conclusion, the City Council relies upon testimony from Otak at pages 64-65 of the Site Plan and Subdivision Narrative **(Exhibit I)**.

Further, although opponents contend that the Applications are not a desirable means of meeting the public need because they will not result in housing for families, the City Council denies this contention for two reasons. First, the City Council denies the opponents' contention because it misconstrues the definition of "family." The City Council finds that a single individual or a group of unrelated individuals can constitute a "family" for land use regulatory purposes:

"Individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. * * *." (LDC 1.6.30)

Opponents did not offer an alternative plausible interpretation of this definition that would support their contention. Further, the City Council finds that Applicant has stated on the record that Applicant will not discriminate based upon family status in its marketing or leasing activities; as such, traditional families will have the opportunity to reside in the Project, if they so choose.

Finally, even to the extent that petitioners are correct that traditional families will not generally reside in the Project, this does not provide a basis to deny the Project. Rather, as noted by Johnson Reid, at least some of the housing shortage in the City is caused by students living in areas where they compete for housing with, and often displace, traditional families. *See* Johnson Reid memorandum dated September 30, 2013. The City Council finds Johnson Reid's testimony to be compelling, in part, because it referenced information contained in an OSU School of Public Policy rental housing market study from June 2012. Thus, the City Council finds that, by increasing the supply of "appropriate student housing," the Project allows students to relocate from other areas, which, in turn, makes those other areas potentially available to traditional families.

The City Council denies the opponents' contention on this issue.

PUBLIC NEED FOR PARKS AND OPEN SPACE

The City Council finds that the Applications are a desirable means of meeting the identified public need for additional parks and open space land for the reasons set forth at pages 40-41 of the Staff Report, which reasons are incorporated herein by reference. The City Council finds that no one presented substantial evidence that undermined this conclusion.

The City Council finds that the Applications are consistent with this sub-policy. In conclusion, the City Council finds that the change proposed is a desirable means of meeting the public need.

CONSISTENCY WITH APPLICABLE COMPREHENSIVE PLAN POLICIES

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 diverse mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

The City Council finds that the Applications are consistent with this Plan policy for the reasons set forth at pages 14-15 of the Staff Report, which reasons are incorporated herein by reference.

Although opponents contended that the Applications are not consistent with sub-policy 3.2.1.F because student-only housing does not support a diverse mix of uses, the City Council denies this contention because Applicant has testified that the Project will not be restricted to students, and Applicant will not discriminate in its marketing or leasing of the Project. *See* Applicant letter dated September 30, 2013. Additionally, the Council finds that the proposed Comprehensive Plan Amendment will allow for a more diverse mix of uses in the larger neighborhood than would be possible with the prior Low Density Residential designation.

Further, although opponents contended that the Applications are not consistent with this Policy because they do not promote a compact urban form or preserve significant natural features, the City Council denies this contention because it is not supported by substantial evidence. The Applications reduce the developable area on the Property by approximately 33 acres, while increasing the conservation area by that same amount, thus concentrating development in a smaller area. Further, the conservation area is concentrated in areas where significant natural resources have been identified. *See* Applicant's Preliminary Natural Resources Assessment dated February 2012. Therefore, the City Council finds that there is no basis to sustain opponents' contentions on this issue.

3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:

A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);

On this issue, City staff summarized their findings in relation to the existing Comprehensive Plan designations on the property as follows:

"The proposed amendment would result in less encroachment into steeply sloped areas, greater separation from existing development to the north and east, preservation of a larger open space buffer on the site between the developable area and neighboring uses, and would ensure that development would occur only on the west side of Circle Boulevard. Additionally, given the small difference in permitted building heights and lot coverage standards between LDR and MHDR, the intensification of uses on the development site under MHDR designation is not anticipated to result in compatibility conflicts."

Staff Report at p. 43. On the basis of this summary and the additional findings and conclusions at page 43 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

B. Visual elements (i.e., scale, structural design and form, materials, etc.);

On the basis of the findings and conclusions at page 44 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

C. Noise attenuation;

On the basis of the findings and conclusions at pages 44-45 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

D. Odors and emissions;

On the basis of the findings and conclusions at pages 45-46 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

E. Lighting;

On the basis of the findings and conclusions at page 46 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

F. Signage;

On the basis of the findings and conclusions at page 46 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

G. Landscaping for buffering and screening;

On the basis of the findings and conclusions at page 47 of the Staff Report, which findings and conclusions are incorporated herein by reference, the City Council finds that the Applications are consistent with this sub-policy. Further, the City Council finds that no one presented substantial evidence that undermined this testimony.

H. Transportation facilities; and

I. Traffic and off-site parking impacts.

The City Council finds that the Applications are consistent with these two sub-policies. As support for this conclusion, the City Council relies upon the following testimony:

- Memorandum from DKS dated February 5, 2013 **(Exhibit I)** finding that the Applications would not "significantly affect" any existing or planned transportation facilities

- Traffic Impact Analysis from DKS dated April 23, 2013 **(Exhibit I)** finding that the Project will not cause any studied intersections to operate below acceptable performance standards but recommending transportation improvements to provide optimal performance

- Concurrence of City Engineering staff (page 32 of the Staff Report)

- Letter from ODOT staff dated January 18, 2013 concurring with DKS testimony that the Applications would not significantly affect any existing or planned state facilities

- Memorandum from DKS dated December 9, 2013 **(Exhibit III)** rebutting an opponent's contention that the traffic analysis was flawed because it was based upon bedrooms, not persons. The DKS memorandum summarized the results of applying the opponent's methodology and concluded that the worst-case scenario development (a 1,500-person apartment complex) is expected to have approximately the same trip generation as a single-family residential development allowed under the existing zoning and that all impacts from the Project would be mitigated with the identified improvements.

- Memorandum from Mackenzie dated December 10, 2013 rebutting an opponent's contention that DKS' methodology was flawed in this case.

- Memorandum from Mackenzie dated February 24, 2014 rebutting an opponent's contention that bicycle facilities at the intersection of Circle Boulevard and Harrison Boulevard are unsafe.

- Imposing Conditions 14 ("NW Harrison Boulevard Street Improvements"), 15 ("NW Circle Boulevard Street Improvements"), 16 ("Local Street Improvements"), 17 ("Street Lights"), 18 ("Public Improvements"), 27 ("Right-of-Way Dedication"), and 47 ("Traffic Calming") in order to ensure compliance with these criteria.

The City Council further accepts, adopts, and incorporates the findings and conclusions at pages 47-53 of the Staff Report. Finally, although a number of opponents expressed concerns about traffic and parking impacts, the City Council finds that these concerns were often generalized in nature and not supported by substantial evidence. Further, as noted above, Applicant's expert team rebutted more specific and technical issues raised by opponents. Therefore, the City Council finds that none of the opponents' testimony undermined the testimony of Applicant's two experienced transportation engineers, which testimony was concurred with by both City and ODOT staff.

4.2.2 Natural features and areas determined to be significant shall be preserved, or have their losses mitigated and/or reclaimed. The City may use conditions placed upon development of such lands, private nonprofit efforts, and City, State, and Federal government programs to achieve this objective.

The City Council finds that the Applications are consistent with this policy for the reasons set forth in the Preliminary Natural Resource Assessment for the Project prepared by Calex Working Group dated February 2012 and for the reasons set forth at pages 14-15 of the Staff Report. The City Council finds that no one presented substantial evidence that rebutted this testimony.

4.3.4 The ecosystems services and open space values of agricultural and forest lands shall be a strong consideration before approving a change in land use designation.

The City Council finds that the Applications are consistent with this policy for the reasons set forth in the Preliminary Natural Resource Assessment for the Project prepared by Calex Working Group **(Exhibit I)** and for the reasons set forth at pages 14-15 of the Staff Report. The City Council finds that no one presented substantial evidence that undermined this testimony.

4.3.5 A buffer between urban density development and resource land shall be provided, consistent with Section 3.2 of this Plan, to protect Open Space - Agriculture and Open Space - Conservation lands from intrusion by urbanization and to protect urban lands from potential impacts from forest or agricultural practices. For forest and agricultural uses that currently exist on non-open space designated lands, transitional buffering shall be provided to address compatibility concerns.

The City Council finds that this Plan policy is implemented by LDC 3.6.30.g, which establishes setback and buffering requirements between OS-AG and development in the RS-12 zoning district. For the reasons set forth below in response to LDC 3.6.30.g, which reasons are incorporated herein by reference, the City Council finds that the Applications are consistent with this policy.

4.5.1 The City shall encourage the use of density transfers as a means of preventing the development of significant resource sites and potentially hazardous locations, to mitigate the potential negative effects of hillside development, and/or to maximize the availability of open space.

The City Council finds that the LDC no longer provides for density transfers, although the Applications do effectively result in a density transfer. The City Council finds that the Applications are consistent with this policy because they will maximize the availability of open space and prevent development on portions of the Property with the steepest slopes and/or significant natural resources.

4.6.2 Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at pages 17-18 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.6.5 On tree-covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at pages 17-18 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.6.6 On tree-covered hills, the design of dwellings and their placement shall be planned to retain a sufficient number of trees to preserve a green, tree-covered hillside appearance. If a proposed development pattern would result in the loss of a tree-covered hillside appearance, assuming the development plan has been designed to minimize the loss of existing trees to the extent that it is safe and practicable, the development may proceed, provided the following provisions are met: 1) the loss of trees is further minimized by development techniques such as clustering; and 2) a sufficient number of new trees are planted to recreate (at maturity) a green, tree-covered hillside appearance.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at pages 17-18 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

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

A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.

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

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

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

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

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

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

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

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

The City Council finds that the Applications are consistent with this policy for two reasons. First, Applicant will preserve the steepest slopes on the Property in the area mapped Conservation-Open Space. Second, this policy is implemented by LDC Chapter 4.12. As explained below, the Applications satisfy LDC Chapter 4.12. Therefore, the Applications are consistent with this policy. The City Council incorporates the findings in response to LDC Chapter 4.12 herein by reference. Although an opponent contends that Applicant should be required to submit photo simulations of impacts, the City Council finds that this policy does not require such photo simulations.

4.6.16 Witham Hill:

Development proposals on Witham Hill that include areas of visual contrast between forest and grassland habitat shall consider protection of the grassland

open space that abuts the forested area. Where feasible, building mass and other land development will be sited and designed within areas of trees to retain visual contrast between grassland and the vegetated/developed areas.

Areas with slopes greater than 20% of the west side of Witham Hill, as identified in the Open Space - Hillside Report (November, 1983), shall be retained in Open Space - Conservation uses.

The City Council finds that the Applications are consistent with this policy for two reasons. First, Applicant will preserve the steepest slopes on the Property in the area mapped Conservation-Open Space. Second, this policy is implemented by LDC Chapter 4.12. As explained below, the Applications satisfy LDC Chapter 4.12. Therefore, the Applications are consistent with this policy. The City Council incorporates the findings in response to LDC Chapter 4.12 herein by reference. Although an opponent contends that Applicant should be required to submit photo simulations of impacts, the City Council finds that this policy does not require such photo simulations.

4.7.1 Developments shall not be planned or located in known areas of natural hazards without appropriate safeguards.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 18 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.7.3 Prior to development, the City of Corvallis may require site-specific soil surveys and geologic studies where potential hazards are identified based upon available geologic and soils evidence. When natural hazards are identified, the City shall require that special design considerations and construction measures be taken to offset the soil and geologic constraints present in order to protect life and property, and to protect environmentally hazardous areas.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 18 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.7.4 The City shall provide mechanisms such as density transfer and Open Space - Conservation districts (or other reduced density provisions) to reduce the risks of natural hazards and provide protection for significant natural features.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 18 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.9.1 Significant watercourses, lakes, and wetlands shall be preserved, or have their losses mitigated in order to: maintain clean water, support natural

vegetation, protect the aquatic habitat, retain existing significant public vistas, and provide wildlife habitat and recreation sites. Site-specific buffering and setback requirements may be required, as necessary, to achieve protection.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 19 of the Staff Report and based upon the findings set forth below in response to Policy 4.11.1, which are incorporated herein by reference. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.11.1 Consistent with State and Federal policy, the City adopts the goal of no net loss of significant wetlands in terms of both acreage and function. The City shall comply with at least the minimum protection requirements of applicable State and Federal wetland laws as interpreted by the State and Federal agencies charged with enforcing these laws.

The City did not identify this policy as an applicable approval criterion. However, an opponent contended that the Applications were inconsistent with this policy because they would lead to the loss of wetlands. The City Council denies this contention because the opponent misconstrues this policy. The City Council finds that the plain language of this policy does not require that there be no loss of wetlands. Rather, it provides that there is to be "no net loss of significant wetlands" (emphasis added). As such, only significant wetlands are implicated. Additionally, a party may comply with this policy by mitigating any impacts to significant wetlands in a manner consistent with state and federal law. The City Council further finds that the Project is not anticipated to lead to the loss of on-site wetlands, with the exception of wetland areas that would be impacted by the completion of necessary public improvements. As support for this conclusion, the City Council relies upon the DSL Letter of Concurrence dated June 8, 2012, and Staff Report, p.19 **(Exhibit I)**. Finally, the City Council finds that **Condition 37** requires Applicant to obtain other agency permits, including any required cut/fill permits from the Department of State Lands and U.S. Army Corps of Engineers, before City approval of public improvement plans. The City Council finds that this condition will ensure compliance with the state and federal policies referenced in this Plan policy, thereby ensuring that there will be no net loss of wetlands.

4.11.11 Regarding significant wetlands downstream of development sites, the cumulative unavoidable losses of significant wetland acreage and function attributable to upstream development should be mitigated by the City. Such mitigation can be achieved, in part, through dedication of open space, drainageways, and related natural infrastructure.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 19 of the Staff Report and based upon the findings set forth above in response to Policy 4.11.1, which are incorporated herein by reference. The City Council further finds that no one presented substantial evidence that undermined this testimony.

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

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 19 of the Staff Report. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.13.2 Development on land identified with significant plant communities, or significant fish and wildlife habitats, shall be planned to minimize the impact on the significant resources.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 20 of the Staff Report. As additional support for this conclusion, the City Council relies upon Applicant's Preliminary Natural Resource Assessment, which concluded that there are no significant plant communities or significant fish and wildlife habitats on the 24.6-acre portion of the Property that is subject to development under the Applications. The City Council finds that the portion of the site that contains Highly Protected Significant Vegetation (HPSV) areas will be designated for Conservation – Open Space, and is not proposed to be developed. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.13.4 The City shall encourage the retention of large, varied habitat areas on private and public lands including inventoried plant communities.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 20 of the Staff Report. As additional support for this conclusion, the City Council relies upon Applicant's Preliminary Natural Resource Assessment, which concluded that there are no significant plant communities or significant fish and wildlife habitats on the 24.6-acre portion of the Property that is subject to development under the Applications. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.13.5 Development occurring in significant wildlife areas will set forth a plan of action to reduce impact to significant identified areas.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 20 of the Staff Report. As additional support for this conclusion, the City Council relies upon Applicant's Preliminary Natural Resource Assessment, which concluded that there are no significant wildlife areas on the 24.6-acre portion of the Property that is subject to development under the Applications. The City Council further finds that no one presented substantial evidence that undermined this testimony.

4.13.6 The City shall consider mechanisms such as density transfer and reduced densities as a means to protect significant plant, wildlife, and fish resources.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 20 of the Staff Report. As additional support for this conclusion, the City Council relies upon Applicant's Preliminary Natural Resource Assessment, which concluded that there are no significant plant communities or significant fish and wildlife habitats on the 24.6-acre portion of the Property that is subject to development under the Applications. The City Council further finds that no one presented substantial evidence that undermined this testimony.

5.5.4 Appropriate trails, creeks, drainageways, and other natural constraints shall have an Open Space - Conservation designation to ensure their protection and utilization for multiple uses.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 20 of the Staff Report. As additional support for this conclusion, the City Council relies upon Applicant's Preliminary Natural Resource Assessment, which concluded that there are no significant plant communities or significant fish and wildlife habitats on the 24.6-acre portion of the Property that is subject to development under the Applications. The City Council further finds that no one presented substantial evidence that undermined this testimony.

8.2.2 The City shall monitor changes in demographic information to assure that the type, quantity, and location of services, facilities, and housing remain adequate to meet changing needs.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at pages 21-22 of the Staff Report. As additional support for this conclusion, the City Council relies upon the findings set forth above in response to Policy 1.2.3, which findings are incorporated herein by reference. The City Council further finds that no one presented substantial evidence that undermined this testimony.

Section 9.2 Neighborhood Development

An opponent contended that the Applications are not consistent with this entire section of the Plan. The City Council denies this contention for two reasons. First, it is inadequately developed for review. Consistent with the public notice in this matter, the City Council finds that the City reviews applications for consistency with individual Plan policies, not for compliance with entire sections of the Plan. Because opponent's contention does not identify any individual Plan policies, the City Council finds that opponent has not raised the issue with sufficient specificity to allow an adequate opportunity to respond to the issue on the merits. Second, the City Council finds that Applicant is not developing an entire neighborhood, but is developing an area within a larger neighborhood. The larger neighborhood has a variety of housing types, open

space, parks, churches, trails, and related neighborhood elements. Therefore, the City Council denies the opponent's contention.

9.2.4 Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

The City did not identify this policy as an approval criterion, but an opponent contended that the Applications are not consistent with this policy. The City Council finds that this policy is not a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Alternatively, the City Council finds that this policy is implemented by LDC standards concerning Pedestrian Oriented Design Standards at LDC Chapter 4.10 ("PODS") and other LDC requirements for public sidewalks and planned trails. As set forth in the findings below, the Applications satisfy the PODS. Therefore, the Applications are consistent with this policy. The findings in response to the PODS and other requirements are incorporated herein by reference.

The City Council denies the opponent's contention and finds the proposed Comprehensive Plan Amendment is consistent with this Comprehensive Plan Policy.

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

The City did not identify this sub-policy as an approval criterion, but an opponent contended both that the sub-policy was applicable and that the Applications are inconsistent with this policy. The City Council finds that this sub-policy is not a directly applicable decision criteria for the proposed Comprehensive Plan Amendment, but notes that the proposed amendment will not subvert the establishment of a neighborhood center at the southwest corner of the intersection of 53rd Street and Harrison Blvd., as called for in the Comprehensive Plan.

Alternatively, the City Council finds that the sub-policy is applicable, but the plain language of Policy 9.2.5 provides that the Project is not required to reflect all neighborhood characteristics. The Comprehensive Plan does not indicate a

Comprehensive Neighborhood Center on the subject site. The nearest Comprehensive Neighborhood Center site is located on the southwest corner of the intersection of Harrison Blvd. and 53rd Street. It is anticipated that this area will be more intensively developed as described by Policy 9.2.5 at some point in the future.

For either of these reasons, the City Council denies the opponent's contentions.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

The City did not identify this sub-policy as an approval criterion, but an opponent contended both that the sub-policy was applicable and that the Applications are inconsistent with this policy. The City Council finds that this sub-policy is not applicable because it applies on a neighborhood scale and not to individual developments such as the Project. As support for this conclusion, the City Council finds that the plain language of the policy refers to "[c]omprehensive" neighborhoods.

Alternatively, the City Council finds that the sub-policy is applicable, but the plain language of Policy 9.2.5 provides that the Project is not required to reflect all neighborhood characteristics. Additionally, the City Council finds the proposed density of development on the site is anticipated to support efficient transit service, consistent with this sub-policy.

For either of these reasons, the City Council denies the opponent's contentions.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

The City did not identify this sub-policy as an approval criterion, but an opponent contended both that the sub-policy was applicable and that the Applications are inconsistent with this policy. The City Council finds that this sub-policy is not applicable because it applies on a neighborhood scale and not to individual developments such as the Project.

Alternatively, the City Council finds that the sub-policy is applicable, but the plain language of Policy 9.2.5 provides that the Project is not required to reflect all neighborhood characteristics.

For either of these reasons, the City Council denies the opponent's contentions.

9.3.2 Where a variety of dwelling types are permitted by the development district, innovative site development techniques and a mix of dwelling types shall be encouraged to meet the range of demand for housing.

Opponents contend that the Applications violate the intent of this provision because it only provides a single type of housing. The City Council denies this contention because

this provision is not an approval criterion applicable to individual quasi-judicial land use applications. Further, this provision does not mandate that each development provide a mix of housing types. Instead, the City Council finds that this policy provides general direction to the City Council to adopt LDC provisions that encourage innovative development techniques and a mix of dwelling types and thus implement this policy. Further, the City Council finds that it has adopted these LDC provisions as clear and objective requirements (LDC Section 4.9.80), which are met by this proposal. The Project complies with these criteria for the reasons set forth in these findings below.

Alternatively, the City Council finds that this Plan policy is applicable, and the Applications are consistent with this Policy. The Project incorporates innovative site development techniques by preserving significant natural features and clustering development on the remainder of the Property. Additionally, the Project incorporates a mix of dwelling types by including both townhome and non-townhome dwelling types.

9.3.4 No one who sells, rents, or leases a house, apartment, or other real property within the City Limits of Corvallis shall discriminate on the basis of race, religion, sex, sexual orientation, marital status, color, national origin, age, familial status (children), mental or physical disability, or source of income.

The City did not identify this policy as an applicable approval criterion; however, an opponent contended both that this policy is applicable and that the Applications are not consistent with it. Specifically, the opponent contended that Applicant's statement that the Project is primarily designed for students indicates that the Project will be inconsistent with this policy. The City Council denies the opponent's contention for two reasons.

First, the policy is not an applicable approval criterion because it concerns the operation of, not the development of, housing. As such, it is not possible to measure compliance with (or comply with) this policy at the development stage. The City Council anticipates that the applicant will operate future housing on the site in compliance with applicable Fair Housing regulations. Furthermore, the City Council has no basis to conclude that the applicant intends to discriminate against the protected classes listed in this policy.

Alternatively, the City Council finds that the policy is applicable, and the Applications are consistent with it. Applicant testified on the record that, although it will primarily market the Project to students, Applicant will not discriminate against any classes of persons in the marketing or leasing of the Project. *See* September 30, 2013 letter from Applicant to Planning Commission. Opponent's contentions to the contrary are purely speculative and do not constitute substantial evidence.

The City Council denies the opponent's contention on this policy.

9.4.1 To meet Statewide and Local Planning goals, the City shall continue to identify housing needs and encourage the community, university, and housing industry to meet those needs.

The City did not identify this policy as an applicable approval criterion, but opponents contended that the Applications are inconsistent with this policy. Specifically, opponents contended that OSU is not providing enough on-campus housing, and the City should take additional steps to encourage OSU to take further action. The City Council finds that this policy is not an approval criterion applicable to individual quasi-judicial land use applications such as the Applications. Instead, the City Council finds that it is a directive to the City to conduct a housing needs analysis and plan for meeting that need. Further, the City Council finds that OSU is not the applicant in this matter or the owner of the Property. Therefore, OSU is not involved in this matter, and there is no basis to involve OSU.

Alternatively, the City Council finds that this policy is applicable to the Applications. In that case, the City Council finds, for the reasons set forth in response to Plan Policy 1.2.3 that there is a need for multi-family housing in the City, and the Applications are a desirable means of achieving that need.

The City Council denies the opponent's contention on this issue.

9.4.2 The City shall continue to periodically review the immediate and long-term effects of fees, charges, regulations, and standards on dwelling costs and on community livability as defined in the Corvallis 2020 Vision Statement.

The City did not identify this policy as an applicable approval criterion, but an opponent contended that the Applications are inconsistent with this policy. The City Council finds that this policy directs the City to review impacts associated with its fee schedule, as well as the impacts of other regulations and policies. The Applications do not seek to amend the fee schedule, regulations, or policies. Therefore, the City Council finds that this policy is not an approval criterion applicable to the Applications, but rather provides ongoing direction to City staff.

The City Council denies the opponent's contention on this issue.

9.4.3 The City shall investigate mechanisms to assure the vitality and preservation of Corvallis' residential areas.

The City did not identify this as an applicable approval criterion, but an opponent contended that the Applications are inconsistent with this policy. The City Council finds that this policy directs the City to complete studies to protect the City's residential neighborhoods. The City Council finds that the plain language of this policy does not direct the City Council to apply those studies or take any particular action based upon those studies when presented with a site-specific quasi-judicial land use application. Therefore, the City Council finds that this policy is not applicable to the Applications.

Alternatively, the City Council finds that this policy is an applicable approval criterion, and the Applications are consistent with this policy for three reasons. First, the

Applications satisfy all applicable LDC criteria, including compatibility requirements, subject to the identified conditions of approval. Second, the City Council finds that the proposed developed area of the Property is not immediately adjacent to any off-site residentially-zoned lands. Third, the City Council finds that the Applications are consistent with this policy because development of the Project will increase the supply of "appropriate student housing," which will allow students to relocate from "inappropriate student housing" in existing residential neighborhoods and allow non-students to move into those existing neighborhoods, potentially offering stability in those locations. As support for this conclusion, the City Council relies upon the market dynamics discussed in the Johnson Reid memorandum dated September 30, 2013.

The City Council denies the opponent's contention on this issue.

9.4.6 The City shall maintain minimum standards for multi-family units that encourage the development of units designed for long-term family living. Factors which need to be considered include privacy, child and adult recreation areas, variety of building design, play space/open space, and landscaping.

The City Council finds that this policy is not an applicable approval criterion applicable to individual quasi-judicial applications such as the Applications. Instead, this policy directs the City to enact LDC provisions that encourage development of multi-family units for long-term family living. The Council notes that provisions in the LDC, including landscaping requirements; green area and private and public outdoor space requirements; and building design requirements in Chapter 4.10 achieve results consistent with this policy.

Alternatively, the City Council finds that this policy is applicable, and the Applications are consistent with this policy for the following reasons:

- The Project will encourage long-term family living because it will include many amenities such as a swimming pool and workout facilities. *See* September 30, 2013 letter from Applicant to Planning Commission. Further, the City Council finds that the record does not reflect any limits on the duration of tenancies.

- The Project is not limited to students, and Applicant has stated it will market the Project to all classes of persons without discrimination. *Id.*

- Even if an individual student rents a unit, that student constitutes a "family." *See* LDC 1.6.30 ("Family" defined as "Individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit.") (Emphasis supplied.)

- Additionally, the extensive design elements and landscaping associated with the Project are also consistent with this policy.

9.4.7 The City shall encourage development of specialized housing for the area's elderly, disabled, students, and other groups with special housing needs.

Opponents contend that the Applications violate the intent of this provision because the Project will not serve elderly persons or those in need of affordable housing. The City Council denies this contention because Applicant stated on the record that it would not discriminate against any class of persons in its marketing and leasing at the Project. Further, Applicant stated that it intends to primarily market the Project to students, which are identified in this policy. For these reasons, the City Council finds that the Applications are consistent with this policy.

9.4.9 Residential development should consider and accommodate to the maximum extent possible, the future needs of senior citizens.

The City did not identify this policy as an approval criterion, but an opponent contended both that the policy is applicable and that the Applications are not consistent with it. The City Council denies this contention for two reasons. First, the City Council finds that, based upon the plain language of the policy, it is aspirational in nature. The City Council reaches this conclusion for two reasons. First, the policy uses the term "should" and not the mandatory term "shall." Second, the policy only provides that development accommodate senior citizens if possible. Accordingly, the City Council denies the opponent's contentions on this policy.

9.5.1 The City shall plan for affordable housing options for various income groups, and assure that such options are dispersed throughout the City.

The City did not identify this policy as an approval criterion, but opponents contended that the Applications are not consistent with this policy. The City Council denies this contention because this policy is not a mandatory approval criterion applicable to individual quasi-judicial land use applications such as the Applications. Rather, it is a directive to the City to establish a plan to provide for and disperse affordable housing. Therefore, this policy does not provide a basis to deny or further condition the Applications.

9.5.2 The City shall address housing needs in the Urban Growth Boundary by encouraging the development of affordable dwelling units which produce diverse residential environments and increase housing choice.

The City did not identify this policy as an approval criterion, but opponents contended that the Applications are not consistent with this policy. The City Council denies this contention because this policy is not a mandatory approval criterion applicable to individual quasi-judicial land use applications such as the Applications. Rather, it is a directive to the City to "encourage" affordable housing. Therefore, this policy does not provide a basis to deny or further condition the Applications.

9.7.2 The City shall encourage OSU to establish policies and procedures to encourage resident students to live on campus.

The City Council finds that this provision is aspirational in nature and not a mandatory approval criterion. The City Council reaches this conclusion for two reasons based upon the plain language of the provision. First, this provision does not impose any obligations or restrictions upon private developers. Second, the only obligation it imposes upon the City is to "encourage" OSU to adopt particular policies. Because OSU is not the applicant and no OSU policies or procedures are at issue in this matter, the City Council finds that this provision is not an approval criterion applicable to the Applications.

9.7.3 The City and OSU shall work toward the goal of housing 50% of the students who attend regular classes on campus in units on campus or within a 1/2 mile of campus.

For two reasons, the City Council finds that this standard is aspirational and not a mandatory approval criterion applicable to individual quasi-judicial applications such as the Applications. First, the City Council finds that this provision only establishes a "goal" that the City is to "work toward." It does not mandate that 50% of student housing be located within a 1/2-mile of campus nor does it condition approval or denial of an application based upon its location relative to campus. Second, the City Council finds that this provision requires another party, OSU, to participate in achieving this goal, and OSU is not the applicant or property owner in this matter. As such, the City Council finds that the City alone cannot implement this policy in the context of reviewing the Applications.

10.2.11 Developers shall be required to participate financially in providing the facilities to serve their projects as a condition of approval.

The City Council finds that Applicant is required to participate financially in providing facilities to serve the Project in Conditions 14 ("NW Harrison Boulevard Street Improvements"), 15 ("NW Circle Boulevard Street Improvements"), 16 ("Local Street Improvements"), 17 ("Street Lights"), 18 ("Public Improvements"), 20 ("2nd Level Waterline"), 22 ("Sewer Extension in NW Harrison Blvd."), 27 ("Right-of-Way Dedication"), 29 ("Storm Water Quality and Detention Design"), and new condition 45 (Future Intersection Analysis and Additional Mitigation at NW Circle Blvd. and Harrison Blvd.). The City Council finds that, as conditioned, the Applications are consistent with this policy.

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

The City Council finds that Applicant is responsible for the construction of all facilities internal to and fronting the Property and for needed extensions of facilities to and

through the Property in Conditions 14 ("NW Harrison Boulevard Street Improvements"), 15 ("NW Circle Boulevard Street Improvements"), 16 ("Local Street Improvements"), 17 ("Street Lights"), 18 ("Public Improvements"), 20 ("2nd Level Waterline"), 22 ("Sewer Extension in NW Harrison Blvd."), 27 ("Right-of-Way Dedication"), and 29 ("Storm Water Quality and Detention Design"). The City Council finds that, as conditioned, the Applications are consistent with this policy.

11.2.10 Development proposals shall be reviewed to assure the continuity of sidewalks, trails, multi-use paths, and pedestrian ways.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at page 23 of the Staff Report and subject to Conditions 7 and 9. The City Council further finds that no party presented substantial evidence that undermined this testimony.

11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to accommodate transportation level of service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

The City Council finds that, after development of the Project and subject to Conditions 12, 14-18, and 45, the Applications are consistent with this policy because affected arterial and collector intersections will meet the identified level of service standards. As support for this conclusion, the City Council relies upon the TIA prepared by DKS dated April 23, 2013 **(Exhibit I)**. The City Council further finds that no party presented substantial evidence that undermined this testimony.

11.3.10 In addition to level-of-service and capacity demands, factors such as livability, sustainability, and accessibility shall be considered in managing the City's transportation system.

The City did not identify this policy as an approval criterion; however, an opponent contended both that this policy is applicable and that the Applications are inconsistent with this policy. The City Council denies this contention for two reasons. First, the City Council finds that it is an aspirational policy that is not applicable to site-specific quasi-judicial land use applications such as the Applications. Second, the City Council finds that, within the context of development review, these provisions are incorporated within LDC 2.1.30.06.c.8 and .9. For the reasons explained below, the Applications satisfy these LDC provisions. Therefore, the Applications satisfy this policy. The City Council

incorporates the findings in response to LDC 2.1.30.06.c.8 and .9 in response to this policy.

11.5.1 Bikeways shall be conveniently located, be adequately constructed, have minimal stops and obstructions, and have safe crossings on major streets.

The City did not identify this as an approval criterion, but an opponent contended both that this policy was applicable and that the Applications are not consistent with it. The City Council denies this contention because this policy directs the City to develop standards for safe bikeways. The City Council finds that the plain language of this policy does not indicate that it applies to site-specific quasi-judicial land use applications such as the Applications.

Alternatively, the City Council finds that this policy is implemented by LDC standards concerning bikeways at LDC 4.0.40. As set forth in the findings below, the Applications satisfy LDC 4.0.40. Therefore, the Applications also satisfy this policy. The findings in response to LDC 4.0.40 are hereby incorporated by reference.

The City Council denies the opponent's contentions on this policy.

11.5.15 The City shall work to maintain and preserve the scenic aspects of current and future separated multi-use paths.

The City did not identify this policy as an applicable criterion; however, an opponent contended both that this policy is applicable and that the Applications are inconsistent with this policy. Specifically, the opponent contends that the Applications will degrade the scenic aspects of the City's trail system because the Project proposes large apartment buildings adjacent to trails. The City Council denies the opponent's contention because this policy is not an approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications. For example, this policy does not require that developments meet any particular standard if they are located near trails. For that matter, the policy does not even mention development proposals. Instead, the City Council finds that this policy is aspirational in nature and simply directs the City to "work to" establish preservation measures. The Council finds that, based on existing and proposed Comprehensive Plan Designations on the site, accommodation of the planned multi-use paths through the site is anticipated to occur in conjunction with residential development on a portion of the site.

11.7.7 The City should seek appropriate opportunities for increasing residential density and providing industrial and commercial development along existing and proposed transit routes.

The City Council finds that this Plan policy is aspirational in nature, as indicated by use of the non-mandatory term "should."

Alternatively, the City Council finds that the Applications are consistent with this policy for the reasons set forth at pages 23-24 of the Staff Report and subject to Condition 11 ("Transit Facilities"). The City Council further finds that no party presented substantial evidence that undermined this testimony.

12.2.7 The City shall encourage the development of high density uses that are significantly less dependent on automobile transportation.

The City Council finds that the Applications are consistent with this policy for the reasons set forth at pages 23-24 of the Staff Report and subject to Condition 11 ("Transit Facilities") and the bicycle lane components of Conditions 14 ("NW Harrison Boulevard Street Improvements") and 15 ("NW Circle Boulevard Street Improvements"). The City Council further finds that no party presented substantial evidence that undermined this testimony.

13.4.6 OSU shall continue to prevent harmful agricultural runoff from entering local streams and avoid agricultural activities that ecologically impair the Oak Creek and Squaw Creek systems.

The City did not identify this policy as an approval criterion; however, an opponent contended that this policy is both applicable and that the Applications are not consistent with this policy. Specifically, an opponent contended that the Project may add too much water to wetlands, which will make it more difficult for OSU to adhere to this policy. The City Council denies the opponent's contention for two reasons. First, the City Council finds that there is no substantial evidence to support the conclusion that the Project will introduce too much water into the wetlands. Second, the City Council finds that this policy only imposes obligations on OSU, not on the City or private developers on private lands.

13.12.1 The City shall work to ensure that development within the west Corvallis Urban Fringe is consistent with the West Corvallis - North Philomath Plan.

13.12.2 The City shall seek to establish a joint management agreement among Benton County and the Cities of Corvallis and Philomath to ensure that the mutually-adopted policies of the West Corvallis - North Philomath Plan are implemented.

13.12.3 The City shall foster compact development and conserve open space by maintaining its Urban Growth Boundary consistent with the findings of the Buildable Lands Inventory and Land Need Analysis for Corvallis (1998).

13.12.4 Within the City limits of the West Corvallis - North Philomath Plan, the City shall use a Planned Development process when partially developed sites are converted to neighborhood villages, as designated on the adopted Plan.

13.12.5 The City shall consider revising the Land Development Code to provide for a range of incentives for development proposals meeting site development standards such as those described in the West Corvallis - North Philomath Plan.

13.12.6 The City shall revise the Land Development Code to require a clear edge between open space and developed areas. The edge shall be defined by the use of streets or public trails, or by other means which encourage visual or physical access to the open space.

13.12.7 Residential uses at Medium Density Residential are an essential feature of neighborhood villages. To meet the demand for single-family housing while reducing land costs, the City shall review the Land Development Code to do the following:

A. Require a minimum average residential density of nine dwelling units per net residential acre, including pocket parks but excluding areas set aside for commercial and employment uses, public facilities, and neighborhood parks greater than four acres;

B. Require at least one-third of a neighborhood village's dwelling units to be either multi-family or attached single-family; and

C. Require that the majority of a neighborhood village's residential land be set aside for medium-density single-family housing, either detached or attached.

13.12.8 The City shall revise the Land Development Code to require developers to develop Neighborhood Villages consistent with the West Corvallis - North Philomath Plan. Features in the Plan include a shopping street, a 1/2-acre public space or plaza and a transit stop that allows other appropriate uses including small-scale shopping, professional offices, personal services, and eating drinking establishments.

13.12.9 The sizes and locations for the neighborhood centers and villages shown on the West Corvallis - North Philomath Plan are approximate, and are subject to approval through the Planned Development process.

13.12.10 The City shall locate major and minor neighborhood centers near the junctions of arterials or collectors.

13.12.11 The City shall revise the Land Development Code to require commercial entries to be located immediately adjacent to the street right-of-way within the neighborhood center and mixed use areas. Additionally, parking lots shall be located to the rear of buildings, and, where they do not disrupt the pedestrian streetscape, may be located to the side of buildings.

13.12.12 The City shall revise the Land Development Code to require large retailers to be located only on sites within major neighborhood centers adjacent to arterial roads. These facilities must have a major entry onto public streets. Such retailers are not appropriate within minor neighborhood centers.

13.12.13 Along the shopping street of neighborhood centers, the City shall encourage occupation of ground floor storefront space by retail and service users that serve local neighborhood needs and generate high volumes of pedestrian traffic.

13.12.14 The City shall revise the Land Development Code to encourage the fronts of buildings to face parks and other public open spaces.

13.12.15 The City shall revise the Land Development Code to require the incorporation of existing native vegetation or new native plantings where possible, particularly adjacent to open space areas.

13.12.16 Each neighborhood center shall have its own site-specific development standards and design guidelines that closely represent the vision of the area's stakeholders: the citizens of Corvallis, land owners, developers, and the larger community. Stakeholders shall develop these standards and guidelines through a charette, design workshop, or similar public process. Standards and guidelines shall be consistent with the overall West Corvallis - North Philomath Plan.

13.12.17 The City shall work with Benton County and Philomath to create a distinct edge to urban areas and separation between Philomath and Corvallis by establishing a Corvallis-Philomath open space buffer.

13.12.18 The City shall maintain the scenic character of West Hills Road, Harrison Boulevard/Oak Creek Road, Reservoir Road, and Philomath Boulevard through mechanisms such as gateway standards, or securing easements to preserve existing vegetation or views.

The City Council adopts findings in response to Policies 13.12.1-13.12.18 as follows:

The City Council finds that the Applications are consistent with these policies for the reasons set forth at pages 24-26 of the Staff Report and for the reasons set forth at pages 46-49 of the CPA/ZC Narrative. Additionally, although an opponent contended that lighting from the Project could violate Policy 13.12.18, the City Council denies this contention because development on the subject site is expected to satisfy applicable lighting standards. *See* findings in response to LDC 4.2.80, which are incorporated herein by reference.

C. Corvallis Land Development Code Provisions

2.1.20 - PURPOSES

This Chapter describes the review criteria and procedural requirements to accomplish the following:

a. Respond to changing conditions and community attitudes;

b. Ensure flexibility while maintaining the integrity of the Comprehensive Plan; and

c. Establish procedures by which the Plan text and map may be amended.

The City Council finds that the Applications satisfy this provision. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions set forth at pages 11-12 of the Staff Report.

2.1.30.06 Review Criteria for the Majority of Comprehensive Plan Amendments

a. This Section addresses review criteria for the following:

1. Text amendments to the Comprehensive Plan; and

2. Amendments to the Comprehensive Plan Map that do not involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation request per Chapter 2.6 - Annexations.

Comprehensive Plan Amendments shall be reviewed to ensure consistency with the purposes of this Chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The Applications request an amendment to the Plan map that does not involve a map amendment to Open Space-Conservation or Public Institutional when required as part of an annexation request. Therefore, the City Council finds that this section establishes review criteria applicable to this request.

b. Amendments shall be approved only when the following findings are made:

1. There is a demonstrated public need for the change;

The City Council finds that there is a demonstrated public need for the change for the reasons explained in these findings in response to Plan Policy 1.2.3.A, which reasons are incorporated herein by reference.

2. The advantages to the community resulting from the change outweigh the disadvantages; and

The City Council finds that the advantages to the community resulting from the change outweigh the disadvantages for the reasons explained in these findings in response to Plan Policy 1.2.3.B, which reasons are incorporated herein by reference.

3. The change proposed is a desirable means of meeting the public need.

The City Council finds that the change proposed is a desirable means of meeting the public need for the reasons explained in these findings in response to Plan Policy 1.2.3.C, which reasons are incorporated herein by reference.

c. Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of Uses on a site and the Uses' relationships to neighboring properties);

2. Visual elements (scale, structural design and form, materials, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

The City finds that the standards in LDC 2.1.30.06.c.1-.9 mirror the standards in Plan Policy 3.2.7.A-.I. At pages 29 - 32 of these Findings, the City Council determined that the Applications were consistent with Policy 3.2.7.A-.I. Therefore, the City Council finds that the PAPA Application and the Zone Change Application satisfy these LDC standards. The City Council incorporates the findings in response to Plan Policy 3.2.7.A.-.I herein in support of its findings in response to these LDC standards.

10. Utility infrastructure;

The City Council finds that the Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 53-57 of the Staff Report. The City Council further finds that

no party presented persuasive evidence that the applicable requirements would not be met.

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

The City Council finds that the Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 57-60 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

The City Council finds that the Application satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 60 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

13. 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.

The City Council finds that the Application satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 60-61 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

C. Findings for the Zone Change Application

1. Corvallis Land Development Code Provisions

2.2.20 - PURPOSES

This Chapter describes review criteria and procedural requirements for legislative and quasi-judicial Official Zoning Map changes to accomplish the following:

a. **Maintain sound, stable, and desirable development within the City;**

b. **Permit changes in zone boundaries where appropriate;**

c. **Ensure Zone Changes are consistent with the community's land use policies and goals;**

d. **Lessen the influence of individual economic interests in the land use decision-making process;**

e. **Establish procedures and criteria for applying Historic Preservation Overlays to, or removing Historic Preservation Overlays from, Designated Historic Resources; and**

f. **Establish procedures and criteria for reclassifying a Designated Historic Resource in a National Register of Historic Places Historic District.**

The City Council finds that the Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 63-67 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

2.2.40.05 - Review Criteria

a. **Review Criteria for Zone Changes, Except Those Requesting to Apply or Remove a Historic Preservation Overlay**

Quasi-judicial Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the purposes of this Chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

1. **Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);**

2. **Visual elements (scale, structural design and form, materials, etc.);**

3. **Noise attenuation;**

4. **Odors and emissions;**

5. **Lighting;**

6. **Signage;**

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

13. 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, 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.

The City Council finds that the Zone Change Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 63-67 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

d. For Zone Change requests to a Conservation-Open Space (C-OS) Zone on lands that are not located on lands already designated with a Natural Resource and/or Natural Hazard Overlay, the applicant shall demonstrate the following:

1. That the area requested for the Zone Change to C-OS is part of a larger development site;

2. What the development potential is for the proposed C-OS land. This development potential shall be calculated using the same development per acre calculations specified in Tables 4.11-1 and 4.11-2 of Chapter 4.11 - Minimum Assured Development Area (MADA); and

3. That the development potential associated with the proposed C-OS land is transferred to other land that:

a) Will not be zoned C-OS;

b) Is located on the same development site; and

c) Is proposed for development concurrent with the Zone Change request so that it can be verified that the transfer of development potential is feasible.

The City Council finds that the Zone Change Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 66-67 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

D. Findings for the Planned Development (Conceptual Development Plan (CDP) and Detailed Development Plan (DDP) Applications

1. Corvallis Land Development Code Provisions

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.

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:

The City Council finds that the Planned Development Application is consistent with the policies and density requirements of the Plan and other applicable policies and standards adopted by the City Council. As support for this conclusion, the City Council

accepts, adopts, and incorporates by reference the findings and conclusions at pages 69-70 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

a. Compatibility Factors -

1. Compensating benefits for the variations being requested;

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 70-76 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

2. Basic site design (the organization of Uses on a site and the Uses' relationship to neighboring properties);

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 76-77 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

3. Visual elements (scale, structural design and form, materials, etc.);

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 77-78 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

4. Noise attenuation;

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 78-79 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

5. Odors and emissions;

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 79 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

6. **Lighting;**

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 80 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

7. **Signage;**

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 80 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

8. **Landscaping for buffering and screening;**

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 80-81 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

9. **Transportation facilities;**

10. **Traffic and off-site parking impacts;**

The City Council finds that the Planned Development Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 81-83 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

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.

The City Council finds that the DDP Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 68-69 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

COMPLIANCE WITH APPLICABLE LAND DEVELOPMENT CODE REQUIREMENTS

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 2.4.20.08 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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 83 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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. Sidewalk Installation Timing - 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).

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 85-87 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 88-89 of the Staff Report. The City Council further

finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 89-90 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 turnarounds, 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

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) Complete Blocks - Developments shall create a series of complete blocks bound by a connecting network of public or private streets with sidewalks.

b) Maximum Block Perimeter - 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 - 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) Variations Allowed Outright - 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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 96-99 of the Staff Report. The City Council further

finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy the applicable standards of LDC Chapter 4.1 for off-street parking and access. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 101-102 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard, including in the areas of water, sewer, storm, and street lights. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 103-106 of the Staff Report. The City Council further finds that no

party presented persuasive evidence that the applicable requirements would not be met.

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.

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 judgment 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.

The City Council finds that the CDP/DDP Applications satisfy this standard, subject to compliance with **Condition 25** and **Condition 26**. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 108 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard, subject to compliance with **Condition 27** and **Condition 28**. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 109 of the Staff Report. The City Council further finds that no party presented persuasive substantial evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 110 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 111-112 of the Staff Report. The City Council further finds that no party presented persuasive substantial evidence that the applicable requirements would not be met.

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 112-113 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 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.

<u>Applicable Land Development Code Requirements</u>:

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.**

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 113-114 of the Staff Report. The City Council further

finds that no party presented persuasive substantial evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 113-114 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

ADDITIONAL APPLICABLE LDC DEVELOPMENT STANDARDS

In addition to the applicable Planned Development Compatibility Criteria discussed above, the City Council has reviewed the CDP/DDP Applications 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

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 116 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 116 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

Table 3.6-1

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.

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 117 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 10 ft. minimum and vision clearance Abutting a Street

The City Council finds that the CDP/DDP Applications satisfy the setback standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 117-118 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. No buildings are proposed to be constructed within 100 feet of the abutting actively farmed OS-AG property to the west. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 118 of the Staff Report. The City Council further finds that no party presented persuasive substantial evidence that the applicable requirements would not be met.

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

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 118 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

i. Maximum Lot/Site Coverage 70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green area is calculated per lot.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 118-119 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 119 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 119-120 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 120 of the Staff Report. The City

Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 120 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 121 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 121 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 121 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 122 of the Staff Report. The City Council further finds

that no party presented persuasive evidence that the applicable requirements would not be met.

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**

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 122 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 123 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 123-124 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 rooftop 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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 124 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 124-125 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by

reference the findings and conclusions at page 125 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 126-127 of the Staff Report. The City Council further finds that no party presented substantial evidence that undermines this testimony.

CONSISTENCY WITH APPLICABLE PROVISIONS OF CHAPTER 4.2 – LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING

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 these findings.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 127 of the Staff Report. The City Council further finds

that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 127 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 127-128 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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;

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 128 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 128-129 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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

EXCERPT FROM TABLE 4.9-3 – ALLOWED HOUSING TYPES BY ZONE

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 131 of the Staff Report. The City

Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.**

The City Council finds that the CDP/DDP Applications satisfy this standard, with the exception of the requested variation for Buildings 4 and 5, which the City Council supports based on the analysis at pages 71 – 73 of the Staff Report. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 132-133 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

> **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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 133 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 134 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard, subject to the satisfaction of Condition 39. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 134 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard, with approval of the requested variation to the allowable gradable area, per LDC 4.14.70.04.c.3.b. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 74 and 134 of the Staff Report. The City Council further finds that no party presented persuasive substantial evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy these standards. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 135 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications do not use this alternative 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.

The City Council finds that the CDP/DDP Applications do not use this alternative 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.

The City Council finds that the CDP/DDP Applications incorporate walkways in accordance with this section for each four-unit townhome building, which 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.

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;

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.

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.

4. Increased Eaves Width - Eaves with a minimum 18-in. 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.

6. Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.

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.

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.

The City Council finds that, as proposed and conditioned, the design of the buildings in the Project includes five of the eight listed building design features, including trim, building and roof articulation, building materials, increased eave width, and architectural details. Therefore, the City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 136-138 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 offsite 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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 139 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the Project does not propose any roof mounted mechanical equipment. Therefore, the City Council finds that this standard is not applicable to the CDP/DDP Applications.

4.10.60.06 – Pedestrian Circulation

a. Applicability

These additional pedestrian circulation standards apply to all residential developments with eight or more units.
The Project will include 296 dwelling units. As a result, the City Council finds that these pedestrian circulation standards apply to the CDP/DDP Applications.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 139 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 140 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 140 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 140 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 140 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 141 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

g) Lighting - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

The City Council finds that the CDP/DDP Applications satisfy this standard, subject to imposing **Condition 2.** As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 141 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 141 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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;

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 142 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 143 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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;

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 144 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 145 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 revegetation. 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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 146 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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

The City Council finds that the CDP/DDP Applications satisfy this standard, subject to imposing **Conditions 34, 35, and 36**. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 147-148 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 148-149 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the CDP/DDP Applications satisfy this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 151 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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 –

The City Council finds that the CDP/DDP Applications satisfy this standard, with approval of the requested variation to the allowable gradable area. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 74 and 153-154 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

D. Findings for Subdivision Application

1. Corvallis Land Development Code Provisions

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;

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 155 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 156 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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:

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 156 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the Through Lot standard is not applicable, because it only applies in Low Density Residential Zones. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 156 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

d. Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 157 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

e. Lot Grading - Lot grading shall conform to Chapter 4.12 – Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 157 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be 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.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 157 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 157 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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).

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 157 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

Applicable Provisions from Chapter 4.11:

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.

The City Council finds that the Subdivision Application satisfies this standard, subject to imposing **Condition 43**. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 158-159 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by

reference the findings and conclusions at page 159 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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;

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 159 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at page 159 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

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.

The City Council finds that the Subdivision Application satisfies this standard. As support for this conclusion, the City Council accepts, adopts, and incorporates by reference the findings and conclusions at pages 159-160 of the Staff Report. The City Council further finds that no party presented persuasive evidence that the applicable requirements would not be met.

E. Findings Addressing Other Issues Raised During Local Proceedings

1. Voters' Intent in Approving Annexation of Property is Not Relevant or Controlling.

Although several opponents contended that the Applications were inconsistent with the voters' intent when they approved the City's annexation of the Property, the City Council denies this contention for four reasons. First, the City Council finds that the opponents' contention is not directed at any applicable approval criterion and, therefore, cannot serve as a basis to deny the Applications. In fact, the City Council finds that it denied a similar contention on the grounds that it was "irrelevant" when it was raised in conjunction with the previous development proposal for the Property. *See* pages 35-36 of City Council decision approving Witham Oaks Conceptual and Detailed Development Plans.

Second, the City Council finds that approval of the annexation did not bind the City Council to a particular development proposal for the Property. As such, the City Council is not required to approve or deny the Applications based upon whether or not they are consistent with any development proposal that may have been associated with the annexation of the Property.

Third and in the alternative, the City Council finds that, to the extent the ballot pamphlet for the annexation is relevant to these proceedings at all, that ballot pamphlet reflects that the annexation was also proposed for the purpose of preserving open space, and the Applications will protect twice as many acres of open space on the Property as a conventional single-family development would. In this way, the City Council finds that the Applications serve this aspect of the voter intent. During the deliberations in this matter, Councilor Brauner favorably cited this as a reason to support the Applications.

Fourth, for the reasons set forth in these findings, the City Council finds that the Applications satisfy applicable approval criteria and have been reviewed through a noticed public process consistent with state and local law. Therefore, the City Council finds there is no basis to deny the Applications.

2. Compliance with ORS 90.262(3) is Not at Issue.

Opponents contended that Applicant will violate ORS 90.262(3) by allowing only one person per room. The City Council denies this contention for two reasons. First, the City Council finds that ORS 90.262 is not an applicable approval criterion. As such, it cannot provide a basis to deny the Applications, per ORS 227.178(3)(a). Second, the City Council finds that this provision is inapplicable because it only limits a landlord from adopting rules and regulations, and Applicant has testified that it does not have current plans to adopt any rule or regulation that establishes an occupancy guideline. *See* letter from Michael C. Robinson on behalf of Applicant dated October 7, 2013 **(Exhibit III)**.

3. Online Reviews of Other Applicant Projects Are Either Not Relevant or Not Compelling.

Although several opponents contended that online reviews indicated that Applicant's projects in other cities are not well-reviewed by residents or employees, the City Council denies this contention for three reasons. First, the testimony is not relevant because it is not directed at an applicable approval criterion. As such, it cannot provide a basis to approve or deny the Applications. Second, even if the testimony were relevant, the City Council finds that it would not constitute substantial evidence to support the opponents' conclusion because the source and context of the online reviews is not known. Third, the City Council further finds that Applicant presented testimony that it has employed over 1,000 employees over the past eight years and has multiple thousands of residents at its various locations, and many of these employees and residents have been quite satisfied with their experience. *See* Letter from Michael C. Robinson on behalf of Applicant dated December 10, 2013 **(Exhibit III)**.

4. The Applications Do Not Constitute Piecemeal Development or Contract Zoning.

Although several opponents contended that approval of the Applications sets a dangerous precedent for the City because it constitutes approval of piecemeal development or contract zoning at the request of a single developer, the City Council denies this contention because it is not supported by the facts. The City Council finds that the process for review of the proposed Comprehensive Plan Amendment and Zone Change were thorough and comprehensive, and that the applicant has met the burden of proof to demonstrate, among other things, that the advantages of the change to the community outweigh the disadvantages to the community. The proposal constitutes a comprehensive development proposal for the entire 94.6 acres of the Property, which has been thoroughly evaluated and found to be compatible. Further, the City Council finds that its consideration of the Applications has not constituted "contract zoning." The City Council has not struck a deal with Applicant behind closed doors. Again, to the contrary, the City has thoroughly reviewed the Applications for compliance with a number of discretionary approval criteria, held at least four different noticed public hearings before the Planning Commission and City Council, and has imposed 47 conditions on its approval. Finally, the City Council denies the related contention that piecemeal zoning is inconsistent with LDC 2.2.10 for the reasons just stated and because this LDC provision is a purpose statement but not an applicable approval criterion.

5. Imposing a Condition Requiring Dedication of the Open Space is Not Warranted Under the Circumstances.

Opponents also contended that Applicant should be required to dedicate the remaining open space on the Property to the public as a condition of approving the Applications. Opponents further contend that, in the absence of a condition, there is no assurance that the area will be preserved.

The City Council finds that it lacks the legal authority, in the context of approving the Applications, to impose a condition requiring that Applicant dedicate the open space to

the public. The City Council reaches this conclusion for two reasons. First, the City Council finds that its authority to impose conditions is limited to ensuring that the Applications satisfy applicable approval criteria, and no such criterion has been identified in this case. Second, the City Council finds that it can only legally require a dedication of real property as a condition of approving a land use permit when: (1) there is an essential nexus between the City's interest and the condition; and (2) the extent of the condition is roughly proportional to the projected impacts of the Project. *Dolan v. City of Tigard*, 512 US 374, 1145 SCt 2309, 129 LEd2d 304 (1994). Further, the City Council finds that these legal thresholds apply even if Applicant voluntarily agrees to the condition. *See* February 25, 2014 memorandum from City Attorney. The City Council finds that there is no substantial evidence in the record to support that both of these legal thresholds are met in this case.

Finally, the City Council finds that no condition is warranted because Applicant has already voluntarily offered to dedicate 15.1 acres of open space for preservation. *See* minutes of November 21, 2013 City Parks, Natural Areas, and Recreation Board meeting and minutes of October 16, 2013 Planning Commission meeting.

For these reasons, and as further discussed at the March 3, 2014, deliberations on the CDP/DDP and Subdivision Applications, the City Council finds that applying a condition of approval to require dedication of open space is not warranted based on applicable decision criteria.

6. There are Adequate Assurances that Applicant Will Maintain Open Space Areas.

Opponents further expressed concern that Applicant would not maintain the open space areas. The City Council finds that this concern is speculative and not supported by substantial evidence. Additionally, the City Council finds that LDC 5.040.020 ("Prohibition Against Nuisances") applies and requires that Applicant maintain its Property free from public nuisances. The City further finds that the LDC provides adequate enforcement measures in the event Applicant is not properly maintaining the open space. In short, the City Council finds that existing regulations provide assurances that Applicant (or its successor in interest if this portion of the Property is dedicated) will maintain the open space areas.

Further, the City Council finds that no party requested a condition of approval requiring that Applicant maintain the open space areas, and the City Council finds that it lacks the authority to impose such a condition because it is not related to compliance with any identified approval criterion.

7. The Conditions of Approval are Enforceable.

Opponents contended that the City's proposed conditions are unenforceable. The City Council denies this contention because there are ample controls for the City under both

the conditions of approval and the LDC to ensure that Applicant will perform the obligations required by the conditions.

For example, the City Council finds that Condition 1 requires that Applicant's development be consistent with its plans and narrative. Condition 6 provides that the City will not issue a building permit for the Project until all public improvements are complete and/or accepted by the City Engineer. Condition 18 requires that the City Engineer review and approve all public improvements. On the basis of these conditions, the City Council finds that the City has adequate controls to ensure that Applicant satisfies important obligations, such as completing public improvements and complying with submitted plans, before issuing building permits and allowing occupancy for the Project.

Second, the City Council finds that the LDC also provides authority to enforce the conditions. Specifically, LDC Chapter 1.3 ("Enforcement") provides the following remedies to the City for a development that fails to comply with conditions of land use approval:

- Not issuing a building permit (LDC 1.3.20.a)
- Not issuing a certificate of occupancy (LDC 1.3.30)
- Issuing an order to a developer to remedy inconsistency between approved plans and actual construction (LDC 1.3.40)
- Issuing a stop work order (LDC 1.3.50)
- Issuing and enforcing a notice of violation (LDC 1.3.60)

For the foregoing reasons, the City Council finds that there is no basis to conclude that the conditions of approval are not enforceable.

8. There is No Basis to Require that Applicant Acquire a Trail Easement Across the OSU Dairy Property.

Opponents requested that the City impose a condition requiring that Applicant acquire an easement across the OSU Dairy property for development of a trail that can connect to trails associated with the Project. The City Council denies this request for two reasons. First, the City Council finds that there is no substantial evidence in the record to support the conclusion that the trail is reasonably related to the impacts of the Project. Second, OSU has not agreed to grant the easement or to accommodate the trail on the Dairy property. *See* Ron Simons testimony to Parks and Natural Areas Review Board on November 21, 2013. Under these circumstances—when the act is subject to a third party who is not willing to participate—the City Council finds that it cannot legally impose a feasible condition upon Applicant. Therefore, the City Council finds that there is no legal basis to impose this condition.

9. The Project is "Multi-Family" in Nature Under the LDC.

Opponents also contended that the Project is not truly "multi-family" in nature because it is being marketed to students, who will typically live alone, or because a group of unrelated students will live together in a single unit. The City Council denies the opponents' contention because it misconstrues the definition of "family."

The City Council finds that a single individual or a group of unrelated individuals can constitute a "family" for land use regulatory purposes. The LDC defines a "family" as:

> "Individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. * * *."

LDC 1.6.30. Opponents did not offer an alternative plausible interpretation of this definition that would support their contention. Further, the City Council finds that Applicant has stated on the record that Applicant will not discriminate based upon family status in its marketing or leasing activities; as such, traditional families will have the opportunity to reside in the Project if they so choose.

Finally, even to the extent that petitioners are correct that traditional families will not generally reside in the Project, this does not provide a basis to deny the Project. Rather, as noted by Johnson Reid, at least some of the housing shortage in the City is caused by students living in areas where they compete for housing with, and often displace, traditional families. *See* Johnson Reid memorandum dated September 30, 2013. The City Council finds Johnson Reid's testimony to be compelling because it relied upon an OSU School of Public Policy study from June 2012. Thus, the City Council finds that, by increasing the supply of "appropriate student housing," the Project allows students to relocate from other areas, which, in turn, makes those other areas potentially available to traditional families.

The City Council denies the opponents' contention on this issue.

10. Comprehensive Plan Findings are Not Approval Criteria.

Opponents further contended that the Applications are inconsistent with various Plan findings, including Finding 3.2.i, 4.6.c, and 9.3.h. According to Article 1 of the Plan, a Plan finding is only a statement or conclusion: "A finding is a statement of fact or a conclusion reached after the examination or investigation of the facts." Plan at p.1. By contrast, a Plan policy is a criterion that may be applicable to decisions: "A policy is a decision making guideline for actions to be taken in achieving goals and the community's vision." *Id.* Based upon these definitions, the City Council finds that Plan findings are not applicable approval criteria. Therefore, the City Council finds that it is not relevant whether the Applications are consistent with such findings. The City Council denies the opponents' contentions.

IX. Summary and Conclusion

Based upon the cited and incorporated evidence and argument and the findings of fact and conclusions of law stated above, the City Council finds that the Applications, as conditioned, satisfy all applicable approval criteria. Therefore, the City Council **APPROVES** the Applications, subject to the 47 conditions set forth in the Staff Report, as further revised and supplemented above, and as tentatively approved by the City Council on March 3, 2014.

Dated: _____

By: _____

HUMAN SERVICES COMMITTEE
MINUTES
April 8, 2014

Present
Councilor Mike Beilstein, Chair
Councilor Bruce Sorte

Absent
Councilor Penny York (excused)

Staff
Jim Patterson, City Manager
Nancy Brewer, Finance Director
Steve DeGhetto, Parks and Recreation Assistant Director
Carrie Mullens, City Manager's Office

Visitors
Joe Raia, *Corvallis TidBits*
Cynthia Spencer, Public Art Selection Commission
Cheryl French, The Arts Center Interim Executive Director

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Council Policy Review and Recommendation: 91-1.02, "Liquor License Approval Procedures"			Amend Council Policy 91-1.02, "Liquor License Approval Procedures" as recommended
II.	Council Policy Review and Recommendation: 94-4.07, "City Owned or Funded Art Objects on City or Private Property"			Amend Council Policy 94-4.07, "City Owned or Funded Art Objects on City or Private Property" as recommended, amended to include a four-year review period
V.	Public Art Selection Commission Annual Report			Accept the Public Art Selection Commission annual report
III.	Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities"		Yes	
IV.	The Arts Center Annual Report			Accept The Arts Center annual report
VI.	Other Business	Yes		

Chair Beilstein called the meeting to order at 2:05 pm.

CONTENT OF DISCUSSION

I. Council Policy Review and Recommendation: 91-1.02, "Liquor License Approval Procedures"

Ms. Brewer noted that the policy has not been amended since 2006. Staff recommends extending the review period to four years.

Councilor Sorte reported that Councilor York emailed comments for the meeting since she was not able to attend. He agreed with her support of a four-year review. He suggested staff consider amending all Council Policy reviews to four years except for high-risk policies that need a more frequent review. He added that he does not recall a liquor license ever being denied or Council considering an appeal.

Ms. Brewer said Council previously recommended that the Oregon Liquor Control Commission (OLCC) decline one application. OLCC issued a provisional license instead and the business changed ownership soon thereafter. Most applications process through without difficulties. City Departments do a thorough job completing background investigations and reviews during the application process. The Tavern Owners Association is very active and provides education and assistance to local establishments.

In response to Chair Beilstein's inquiry, Ms. Brewer said the City offers OLCC an opinion about the approval or denial of liquor license applications and renewals. The City collects a $100 fee for the initial application and a $35 fee for the annual renewal. Although the fee is used toward background investigative costs, the fees do not cover the costs of the program. OLCC regulates the amount the City can collect so the fees cannot be increased to cover true costs

Chair Beilstein said although he enjoys reviewing the list of establishments seeking renewal, he wonders whether it is necessary for the City to bother with the application process.

Ms. Brewer said she is not sure what OLCC would do if the City did not provide recommendations. She noted that the Police Department prefers to continue the renewal process since it identifies new owner information that might not have been reported.

<u>The Committee members present unanimously recommended</u> Council amend Council Policy 91-1.02, "Liquor License Approval Procedures" as recommended.

II. <u>Council Policy Review and Recommendation: 94-4.07, "City Owned or Funded Art Objects on City or Private Property"</u>

Mr. DeGhetto reported that amendments were made to the policy based on recommendations from the Public Art Selection Commission (PASC) and City Attorney. PASC requested that prior to acceptance of any artwork, the City obtain written permission to relocate the artwork if necessary. PASC also suggested removal of some language; however, the City Attorney recommended retaining the language for legal purposes.

In response to Chair Beilstein's inquiries, Mr. DeGhetto and Ms. Spencer provided examples of issues when artwork was relocated. Mr. DeGhetto clarified that the City is responsible for moving City owned or funded art objects and the contributing artist is responsible to provide permission to move or repair damaged art.

Mr. DeGhetto confirmed for Councilor Sorte that staff would be acceptable to a four-year review.

The Committee members present unanimously recommended Council amend Council Policy 94-4.07, "City Owned or Funded Art Objects on City or Private Property" as recommended by staff, amended to include a four-year review period.

V. Public Art Selection Commission Annual Report

Ms. Spencer said PASC has been developing a mission statement and created a brochure to let artists know that PASC can help them facilitate public art projects. She acknowledged that there have been questions in the community about PASC and the Arts and Culture Commission (ACC), and opined that PASC has a focused purpose and ACC focuses on overall arts and culture awareness.

Councilor Sorte recommended PASC attend the April 28 Public Participation Task Force (PPTF) public meeting. PPTF will be recommending consolidating some boards and commissions and the recommendation may impact PASC.

Mr. DeGhetto noted that the brochure developed by PASC includes information about commissioned art projects and simplifies the process for public participation. He said including artists with varied backgrounds on PASC is helpful when considering artwork.

Ms. Spencer added that it was a good exercise for PASC to write guidelines since the Policy does not include standards for deliberations or other PASC procedures. Mr. DeGhetto agreed that a clear process is essential when working with contracts and risk assessments.

Chair Beilstein said it would be helpful for future reviews to include the policy establishing PASC.

Chair Beilstein noted that he previously suggested PASC consider expanding the policy describing locations where public art can be displayed. He said there are many public areas that are not acceptable for public art displays due to policy language. He referred to Council Chambers, City Hall, Corl House, Avery House, and the Chintimini Senior Center as examples. He is interested in expanding the language, but understands this may not be something PASC wants to pursue.

The Committee members present unanimously recommended Council accept the Public Art Selection Commission annual report.

III. Council Policy Review and Recommendation: 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities"

Mr. DeGhetto reported that staff amended policy language to reflect suggestions made by this Committee during the February review. He noted that Councilor Sorte and Parks and Recreation Director Emery met to discuss proposed amendments.

In response to Chair Beilstein's comments, Mr. DeGhetto clarified that staff anticipates additional language changes based on PPTF recommendations that may include mention of neighborhood associations in the policy.

Mr. Patterson added that when this policy was originally reviewed, it was assumed PPTF would forward their recommendations to Council sooner than they are able to. He agreed with Mr. DeGhetto's assessment that this policy will need to be reviewed again after Council deliberates the PPTF recommendations.

Councilor Sorte confirmed that he discussed draft language with Ms. Emery. She incorporated that discussion into the proposed amendments and he has additional changes to propose.

In response to Councilor Sorte's inquiries, Mr. DeGhetto explained that a separate policy addressing reduced fees does not exist. The fee schedule includes fees for non-profit and private organizations. This policy would be used to review a request from the public for free use. The procedure includes submitting a request for co-sponsorship and a description of the community benefit. If there is significant community benefit, the user fee could be eliminated. Most groups submitting requests are classified as non-profits in the lower fee schedule. Groups would need to qualify their contributions in exchange for free use. For instance, a group who cannot afford fees to meet at the Avery House might provide a specific number of volunteer hours weeding around Avery House in exchange for free use. Mr. DeGhetto confirmed for Councilor Sorte that this policy would be used to determine whether a specific activity qualifies if the activity benefitted the community and the organization equally.

Councilor Sorte suggested that the policy title and description be amended to read, "Guidelines for Free **or Reduced Cost** Use of Parks and Recreation Facilities." He would prefer the policy easily identify what staff is looking for to qualify for free use or a reduced fee. Councilor Sorte proposed additional amendments *(Councilor Sorte revisions in bold/underline and strikeout; staff revision in bold only*:

Section 4.09.010, Purpose (second sentence): This policy provides a methodology to permit free **or a reduced cost for using facilities based on the extent to which use of the facility furthers community-wide goals,** ~~use, where appropriate, while optimizing the generation of non-property tax revenue to financially support the onoing facility operation~~ **recognizing the need to generate revenue to supplement property tax revenue for financial support of the facilities as described in the Cost Recovery Methodology, adopted in 2011.**

Mr. DeGhetto confirmed for Chair Beilstein that the Department has a fee schedule based on the Cost Recovery Methodology (CRM). The fee schedule includes community benefit at the bottom tier increasing to individual benefit at the top tier. Some non-profits contribute to community benefit identified in the lower tier. The fee increases to the top tier for events that benefit individuals of the organization as much as the community.

Councilor Sorte added that the fee schedule pyramid extends to the CRM for all Parks and Recreation programs and events.

Councilor Sorte suggested the word "must" be avoided in policy language as it is too authoritative. A softer approach would be the use of **shall**, **will**, and/or **needs to**.

Chair Beilstein suggested that the word "must" be removed (and not replaced with another word) to soften the first sentence in Section 4.09.022, Guidelines: All users ~~must~~ pay to....

Councilor Sorte reported that Councilor York's email mentioned that the Committee previously discussed "business purpose" in Section 4.09.025 b. He proposed the following: **Free use for programs or events that are directly related to the applicant's mission and not for unrelated social gatherings or activities.**

Chair Beilstein said he prefers Councilor Sorte meet with Mr. DeGhetto to finalize language proposals before the Committee makes a recommendation to Council. Mr. Patterson suggested Councilor Sorte email Mr. DeGhetto his proposed language amendments for review at the next Committee meeting.

This item is for information only.

IV. The Arts Center Annual Report

Ms. French said The Arts Center celebrated its 50th Anniversary last year. The membership drive included a matching grant of $25,000 for acquiring 50 new memberships. The Center continues to offer a variety of exhibitions. Last year, "The Last Supper" exhibit received coverage in the *New York Times*. The exhibit included ceramic representations of last meals of people on death row. The "Howland Community Exhibit" offers an opportunity for residents of Linn and Benton Counties to display one piece of artwork. The Center has continued its arts education classes and camps. The highly popular Circus Camp will be offered again this year.

In addition to serving as the Interim Executive Director, Ms. French serves as the At-Risk Youth Education Program Director. This program brings arts education to children who may not otherwise have exposure to arts. Programs are offered at Lincoln and Garfield Elementary Schools, Jackson Street Youth Shelter and other youth facilities. The Center also offers the Arts Care program, bringing arts experiences to patients, health care workers, and families in medical facilities.

Ms. French said The Arts Center provides more than $100,000 in income to artists each year through teaching contracts or selling their work. The Art Center is grateful for the funding and other resources it receives from the City. Although the funds are less than what has been provided in previous years, it is appreciated and needed for program stability. Ms. French noted that the Center brings grant funds into the community from the National Endowment for the Arts and Oregon Arts Commission.

Ms. French explained that the Center hired a new executive director last year after the previous director accepted a position elsewhere. The Board and the new executive director had different goals and ideas that eventually led to the new director leaving. The search for a new executive director has begun.

Mr. Patterson said it is important to acquire a good fit when hiring a director. He encouraged the Board to ask candidates about their goals to determine if their goals match the Board's goals, and to identify whether the candidate's background reflects similar goals.

Ms. French agreed with Mr. Patterson's comments and said the Board is working to make sure they understand their goals and refine the strategic plan before they hire a new director.

Chair Beilstein said The Arts Center is a model for successful local arts and culture organizations. The Center is clearly a strong organization that has necessary civic and citizen support. He acknowledged Fall Festival as another successful arts organization.

Mr. Patterson said difficult funding decisions were required after he was hired as City Manager. He is impressed by the spirit of those people involved with The Arts Center who focus on what can be done with what has been given instead of focusing on previous allocations. He stated appreciation for the gratitude expressed by Ms. French and said it is also important to acknowledge that the amount is less than previous years. In addition to being a model organization focused on good things for the community, the people are very gracious in their dealings with the City.

Councilor Sorte said annual reports should reinforce mission with research. The Arts Center includes examples of good work throughout the report. Including research about how or why art is a benefit could be included.

The Committee members present unanimously recommended Council accept The Arts Center annual report.

IV. Other Business

Chair Beilstein said the City provided the Corvallis Boys and Girls Club (CBGC) with a $100,000 grant many years ago with the agreement that CBGC present an annual report to this Committee. A few years ago, Council agreed to discontinue CBGC mandatory reporting. At that time, CBGC Executive Director Higgins offered to present annual reports on a voluntary basis. Chair Beilstein said he is not insisting CBGC provide a report; however, he believes there is value in obtaining an update of their programs.

Mr. Patterson said he would reach out to Ms. Higgins about presenting a report. Mr. DeGhetto added that his Department collaborates on many youth activities with CBGC. Councilor Sorte noted that the City receives CBGC information through the United Way of Benton on Lincoln Counties reports.

Mr. Patterson said there are no agenda items scheduled for April 22. If Ms. Higgins is willing to present a report to the Committee on that date, the Committee could also consider amendments to the Free Use Policy.

The next Human Services Committee meeting is scheduled for 2:00 pm on Tuesday, April 22 in the Madison Avenue Meeting Room.

The meeting adjourned at 3:05 pm.

Respectfully submitted,

Mike Beilstein, Chair

MEMORANDUM

TO: Human Service Committee

FROM: Nancy Brewer, Finance Director
Jon Sassaman, Chief of Police

DATE: March 26, 2014

SUBJECT: CP 91-1.02 Liquor Licenses Approval Procedures

I. ISSUE

The Chief of Police and the Finance Director are required to conduct a biennial review of Council Policy 91-1.02, Liquor Licenses Approval Procedures and recommend changes if necessary.

II. DISCUSSION:

Upon review of CP 91-1.02, the only recommended change involves review and update. Staff recommends moving from a biennial review to a review every four years and updated as appropriate for City Council Adoption (see attached).

III. RECOMMENDATION:

Staff recommends approval of the proposed revisions to CP 91-1.02, Liquor Licenses Approval Procedures.

Review and Concur:

James A. Patterson, City Manager

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 1 - GENERAL

CP 91-1.02 Liquor Licenses Approval Procedures

Adopted	**February 4, 1980**
Revised	October 7, 1991
Affirmed	1993
Affirmed	October 16, 1995
Revised	December 1, 1997
Revised	October 6, 1998
Revised	October 18, 1999
Revised	December 18, 2000
Revised	November 4, 2002
Revised	December 1, 2003
Revised	November 20, 2006
Affirmed	October 20, 2008
Affirmed	October 18, 2010
Revised	April 2, 2012

1.02.010 Purpose and Policy

The City shall employ a consistent, uniform process for the receipt, review, and Council action upon all applications for liquor licenses. The process will provide to citizens due opportunity for comment/input regarding each liquor license application, prior to Council action.

1.02.020 Procedures for New Licenses

1.02.021 Council Endorsement

Applications for a new license must be read at a regular Council meeting. The City Council normally meets on the first and third Monday of each month (unless there is a Monday holiday and then it would be on the following Tuesday). The application must be filed with the Finance Department twelve working days prior to a scheduled Council meeting.

Applications filed less than twelve working days before a scheduled Council meeting will be processed for the next Council meeting.

1.02.022 Application

a. Application for a new license must be made on the prescribed City application form and must be accompanied by the applicant's endorsed Oregon Liquor Control Commission (OLCC) application and payment of the application processing fee. The application and payment must be submitted to the Finance Director, or her/his designee, at 500 SW Madison Avenue, Corvallis, Oregon 97333. The Finance Director, or her/his designee, will forward the application to the Chief of Police, the Fire Chief, and the Community Development Director. The Police Department will investigate the applicant's background and criminal record. The Fire Department will inspect the applicant's business site to ensure Fire Code compliance. The Community Development Director will ascertain the site's suitability as a liquor dispensing/sales site, with regard to land use regulations.

b. A summary of the application shall be published on the City's Web site at least five days prior to the first reading of the liquor license application by the Council.

c. Staff shall report to the Council, as part of the Consent Agenda, the results of the Police, Fire, and Community Development investigations and the nature and extent of citizen input/comments received, unless the investigation results and/or citizen input/comments are unfavorable. In the event that unfavorable investigation results or citizen input/comments are received, staff shall present the report to Council as part of the "New Business" agenda (refer to Section 1.02.022.d.). Citizens may comment on a liquor license during Visitors' Propositions. If the Council so desires, a public hearing may be scheduled to hear further comments from citizens and/or interested parties. If this process will take more than 40 days, the Finance Director, or her/his designee, will file for an extension of the application review deadline with the OLCC. The City has 45 days in which to provide a recommendation to the OLCC; if no recommendation is given to the OLCC, the OLCC shall proceed as if the City has made a favorable recommendation.

d. If, at any time prior to approval of the application, City staff investigations of the application result in an adverse recommendation by staff, staff making the adverse recommendation shall contact the applicant and endeavor to

resolve the issue. If staff's contact does not address the issue, the matter of the application shall be scheduled for hearing at the next available Human Services Committee meeting. The City Manager's designee shall notify the applicant of that event and request that the applicant attend the meeting. The Finance Director, or her/his designee, will file for an extension of the application review deadline with the OLCC. The Committee hearing shall include a report regarding the basis for the adverse recommendation; the applicant shall have the opportunity to respond to the adverse recommendation and/or present rebuttal or other comments. After hearing all comments and receiving all information, the Committee shall, at the next regularly scheduled Council meeting, make its recommendation to the Council under "New Business" on the agenda. The Council shall read the application a second time and act upon it, either to approve, approve with conditions, or deny it. The applicant and the State (OLCC) shall be notified of Council's recommendation regarding the liquor license application.

1.02.023 Procedures for Existing Licenses; changes or renewals

The procedures specified in Section 1.02.020 of this Policy will pertain to City processing of changes to existing liquor licenses, except that no publication to the City's Web site is required.

The procedures specified in Section 1.02.020 of this Policy will also pertain to City processing of renewals of existing licenses, except that the initiation of the license renewal process shall be done automatically by OLCC and City staff on an annual basis; only one reading of the application before the City Council is required. Applicants will be notified by the OLCC annually to pay for the renewal of their license. Any applicant not approved by the City Council and the OLCC will have their renewal fee returned.

1.02.030 Review and Update

a. ~~This general Policy shall be reviewed every two years in October by~~ ~~t~~The Finance Director and Chief of Police **will prepare the Council Policy review every four years for Council approval.** ~~and updated as appropriate.~~

b. A copy of this Policy is on file with the OLCC Portland office. All revisions need to be filed with License Process OLCC, PO Box 22297, Portland, Oregon in strikeout/redline format.

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Human Services Committee
From: Karen Emery, Director Parks and Recreation
Stephen DeGhetto, Assistant Director Parks and Recreation
Date: April 8, 2014
Subject: Review-Council Policy 94-4.07 City Owned or Funded Art Objects on City or Private Property.

Issue: Council Policy 94-4.07 City Owned or Funded Art Objects on City or Private Property is due for review, and this memorandum reflects the suggested revisions from the Public Art Selection Commission.

Background: The PASC administers Council Policy 94-4.07 and provides suggested revisions to HSC.

Discussion: The Public Art Selection Commission suggests revisions to update the policy. The summary of PASC revisions are highlighted below:

After some discussion, revisions were suggested to the second paragraph of 4.07.021 as shown below:

> *"Prior to acceptance of the artist's work, the City will obtain the artist's* ***written**** *permission to move the art in the event that such relocation may be in the public interest."*
>
> *Phrasing on Point 4 of the second page was discussed, specifically the section referring to "responsible cleaning, maintenance, and protection of the work..." Members felt "within reason" should be omitted unless it is specifically necessary for purposes of legal protection.**

*Consultation with the City Attorney recommended including the word "**written**" in the second paragraph. Also recommended by City Attorney; page 2, point 4; to retain the phrase "within reason" for the purposes of legal protection.

The March 19, 2014 PASC minutes (Attachment 1) and CP 94-4.07 (Attachment 2) are provided as reference for the suggested revisions.

Recommendation: Staff recommends the Human Services Committee recommend to City Council to approve the suggested language changes to CP 94-4.07 City Owned or Funded Art Objects on City or Private Property.

Review and Concur:

James A. Patterson, City Manager

Attachments:
1) PASC Meeting Minutes-3/19/14
2) CP 98-4.12 City Owned or Funded Art Objects on City or Private Property

DRAFT

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
MARCH 19, 2014

Attendance
Hester Coucke
Josh Hackenbruck
Chi Meredith
Shelley Moon
Paul Rickey, Jr.
Cynthia Spencer

Staff
Stephen DeGhetto, Assistant Director

Absent/Excused
John Arne
Shelley Curtis
Joel Hirsch, Council City Liaison

Guests
Carolyn Rawles, Director, Corvallis-Benton County Public Library

CONTENT OF DISCUSSION

I. CALL TO ORDER: Vice Chair Paul Rickey, Jr. called the meeting to order at 4:01 p.m.

II. REVIEW OF MINUTES.
There was some brief discussion regarding the usage of the term "jury" in the January minutes; such will be changed to more accurately display meaning that the PASC does not review works in any sort of punitive fashion. Following such revision, PASC moved to approve the January 15, 2013 minutes as presented; motion passed.

It was discussed that Rickey, Jr. will not be renewing his position with PASC due to time constraints. He is however still available for consultation in the future.

III. VISITOR PROPOSITIONS.
PASC welcomed Carolyn Rawles, Director, Corvallis-Benton County Public Library. The Library is looking to accept the donation of a piece by George D. Green, an artist with historical ties to the Corvallis community and who had ties to the Beat movement in San Francisco. The piece in question, entitled "The Poetry of H.D. Moe – Zowie Sang to the Sea," would be coming from a private collection and is presently valued at an estimate of $16,000. The piece measures roughly 18" x 20" on birch and appears to have a 3D effect. The library has a specific location in mind for the piece near their new books section and would greatly like to accept the donation. Hester requested that the library look into ways the work might be permanently affixed so as to safeguard against potential theft due to the smaller size and high value of the piece.

IV. ELECTION OF OFFICERS.

Election of Officers has been postponed to the next PASC meeting, scheduled for April 16, 2014.

V. PUBLIC ART SELECTION BROCHURE DEVELOPMENT.

PASC decided they will be using the most recent Vision Statement as-is.

VI. MISSION STATEMENT DISCUSSION.

PASC decided to use Hackenbruck's Mission Statement as a base, and PASC members will prepare possible revisions prior to the next PASC meeting which is currently scheduled for April 16, 2014. Consideration is being given as to whether or not the term "City" should be capitalized.

Additionally, the "Commissioned Art Procedures" text is planned to be used as-is. Such will be circulated via email to PASC members, who should be considering what artists' works and images should be featured throughout.

VII. COUNCIL POLICY 94-4.07 CITY-OWNED ART OBJECTS ON PRIVATE PROPERTY.

PASC reviewed the text pertinent to Policy Area 4, which was included with in the March meeting materials. After some discussion, revisions were suggested to the second paragraph of 4.07.021 as shown below.

"Prior to acceptance of the artist's work, the City will obtain the artist's written permission to move the art in the event that such relocation may be in the public interest."

Phrasing on Point 4 of the second page was discussed, specifically the section referring to "responsible cleaning, maintenance, and protection of the work..." Members felt "within reason" should be omitted unless it is specifically necessary for purposes of legal protection. Additionally, terms "reasonable," "within reason," "security," and "preservation" were discussed for potential inclusion.

Regarding 4.07.030, DeGhetto will research the section currently referring to the City Manager as to whether or not this is the correct party to be listed. It is believed that HSC may instead be correct.

VIII. PREPARE FOR PASC ANNUAL REPORT.

In preparation for PASC's Annual Report, such reference materials will be included and/or drawn from such as the following: Membership roster, accomplishments, information pertaining to new pieces and projects, prospective roles, vacancies, mosaic collaborations, the need seen for a simplified process and brochure regarding PASC, and the need to differentiate between processes for donated and commissioned art.

Some key items are talking about the validity of the Commission and PASC's plans for the future. Others include PASC's increase in invitation and publicity.

Differentiating PASC from ACC is a key point as well. ACC is much more broad, whereas PASC deals with art only, and more specifically with public art only.

PASC mentioned that said presentation will be heard by the Human Services committee on April 8th at 2pm at the Madison Avenue Meeting Room. Coucke and Spencer presently plan to attend, subject to availability.

Lastly, Rickey, Jr. encouraged PASC members to attend an exhibition he is curating at the Wine Vault in Philomath, which is open Saturdays and Sundays from Noon to 5pm through April 13th.

IX. ADJOURNMENT: Meeting adjourned at 5:01 p.m.

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

CP 94-4.07 **City Owned or Funded Art Objects on City or Private Property**

Adopted	**May 2, 1994**
Revised	October 21, 1996
Revised	October 5, 1998
Affirmed	December 17, 2001
Affirmed	May 3, 2004
Revised	January 7, 2008
Revised	August 3, 2009
Affirmed	March 7, 2011
Revised	**April XX, 2014**

4.07.010 Purpose

This Policy seeks to improve public access to art and enhance the beauty of the Corvallis community by establishing guidelines for City-owned or funded art on City or private property.

4.07.020 Policy

4.07.021 All decisions on whether or not the City should accept ownership or participate in funding of art objects will be made by the Public Art Selection Commission, and affirmed by the City Council, prior to installation. Procedures for decisions are to be consistent with the guidelines outlined in Council Policy 98-4.12.

The City shall also consider the Visual Artist Right Act (VARA) of 1990 in the participation of funding and accepting art objects on City or private property. VARA protects the rights of the artist and their artwork and states that public art may not be distorted, mutilated or modified, without the written permission of the artist. ~~In addition~~, **Prior to acceptance of the artist's work,** the City will secure the artist's **written** permission to

move the art ~~prior to acceptance of the artist's work,~~ in the event that ~~it~~ **such relocation** may be in the public interest. ~~to relocate the artwork.~~

4.07.022 Art objects owned or funded by the City may be displayed on public or private property under the following conditions:

1. Any private property displaying City-owned art objects must be within the City Limits of the City of Corvallis.

2. Any art placed on private property shall require a written agreement between the City and the property owner(s) and lessee(s) if any, establishing the conditions for such display and identifying the respective responsibilities of each party, including insurance and liability.

3. The art object is to be placed in a location where art is accessible for appreciation by the public. At no time will a fee or charge be required for such access.

4. The costs to the City for art placed on any private property (maintenance, insurance, etc.) shall be minimal. Upon acceptance of the artwork, the City shall be responsible for the proper cleaning, maintenance, and protection of the work within reason, after installation, pursuant to the written agreement with the property owner and with the written instructions provided by the Artist and submitted by Artist at the time of completion. Cost control may be achieved through agreement(s) with a recognized and responsible art or civic group(s) or property owner to maintain such art objects. Any such agreement must be approved by all parties prior to the commissioning of the artwork. The art or civic group(s) must have been in existence for a minimum of three years.

5. The selection process for the artwork, conditions for acceptance, and liability by the City for the artwork shall follow the guidelines set forth in Council Policy 98-4.12, "Guidelines for Public Art Selection."

4.07.030 Review and Update

~~This Leisure and Cultural Activities Policy shall be reviewed every three years by the City Manager and updated as appropriate.~~ The Parks and Recreation Director will prepare the Council Policy review every three years for Council Approval.

MEMORANDUM

To: Human Services Committee
From: Karen Emery, Department Director
Stephen DeGhetto, Assistant Director
Date: April 8, 2014
Subject: Public Art Selection Commission Annual Report

Issue: The Public Art Selection Commission (PASC) is scheduled for its annual report to the Human Services Committee.

Background: The Public Art Selection Commission (PASC) was established by Council in 1998 to oversee the selection, acceptance and placement of public art in the City of Corvallis consistent with Council policy. The Commission is comprised of 7 citizen voting members and a City Council liaison.

Discussion: The Commission met seven (7) times between April of 2012 and August of 2013. Shelly Curtis is the current chair of the Commission. City Councilor Joel Hirsch is the current Council liaison.

The Commission currently has one vacancy as a citizen at large position. In the past year the commission has been involved with the review of two proposals; the Mosaic Collaborations project and a recommendation to City Council to accept a piece by George D. Green. The piece in question, entitled "The Poetry of H.D. Moe – Zowie Sang to the Sea," has been offered to the Library as a donation.

During the review period the Commission also reviewed Council policies CP 94-4.07, CP 98-4.12 and a sunset review for PASC.

One outreach project PASC has undertaken is the development of a Public Art Brochure. The intent of the brochure is to invite artists to donate art and to encourage sponsoring entities to solicit commissioned art projects for the City. This brochure intends to simplify the process to invite the public to participate.

Citizen volunteers on the Commission continue to provide invaluable expertise and oversight to forward the community's values supporting public art.

Recommendation: Staff recommends the Human Services Committee recommend to City Council to accept the Public Art Selection Commission's annual report.

Review and Concur:

James A. Patterson, City Manager

Nancy Brewer, Finance Director

Attachments:
PASC Minutes

- All minutes for the review period

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
April 25, 2013

Present
Shelley Curtis
Chi Meredith
Shelley Moon
Joel Hirsch, Council Liaison

Staff
Steve DeGhetto, Assistant Director
Steve McGettigan, Parks Operations Specialist
Claire Pate, Recorder

Excused Absence
Paul Rickey, Jr.
Josh Hackenbruck
Bill Laing
Cynthia Spencer

Visitor
John Morris
Ella Rhoades

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order/Introductions	
II.	Approval of minutes – August 16, 2012	Postponed; lack of quorum
III.	Memorial Policy	Information only
IV.	Visitor's Propositions	None presented
V.	Downtown Mosaic Project	Information only
VI.	Leadership Corvallis – Potential Project	Information only
VII.	Selection Process Review	
VIII.	Capital Projects Review	Held for next meeting
IX.-X.	Other Information/Adjournment	Information only

CONTENT OF DISCUSSION

I. **CALL TO ORDER.** Steve DeGhetto called the meeting to order at 4p.m. He stated that the agenda needed to be revised in that there was no need for the item "Election of Co-Chair;" this had been mistakenly put on the agenda. He said there were two primary issues he wanted to discuss, which is why he called the meeting. They include reviewing the guidelines and policy for Memorial Donation Acceptance and Management and getting a status report from Ella Rhoades regarding the Downtown Mosaics project.

He noted that the Public Art Selection Commission (PASC) had not met for a long time because there had not been any topical issues; however, it would be good to get on a more regular meeting schedule.

II. APPROVAL OF AUGUST 16, 2012, MEETING MINUTES.

Chair Curtis noted that they did not have a quorum, so approval of minutes would be held over to the next meeting.

III. MEMORIAL POLICY.

DeGhetto introduced Steve McGettigan, Parks Operations Specialist, who gave a brief description of one of his duties which was to work with donor families who wished to memorialize a loved one with a public amenity within the City system of parks. This included planning out and purchasing memorial amenities such as benches, rocks, and trees. Typically, the planning effort includes looking at the amenity and location and ensuring that an installation will be both meaningful to the family and will also be a positive contribution to the Corvallis Parks system in that it will not become a maintenance burden in the future. An example of one of their approaches is to swap out existing wooden park benches with a new memorial bench that requires less upkeep. They are also careful not to have too many amenities in any one site. Plaques are another part of the memorial donation process, and they work with vendors who can provide somewhat individualized plaques. Important aspects of the memorial amenity are that it be revenue neutral and done in a way that will be maintenance neutral.

DeGhetto added that there were similarities between memorial and public art placements. Typically, the memorials come with funding from the donor, as compared with public art often involving public money.

McGettigan said that they were actively inventorying the locations and noting the GPS waypoints for all types of parks amenities that are already in place. DeGhetto said that another piece that needed to be added to the policy was a means of maintaining contact with the various families or individuals responsible for the memorial amenity for future reference in case there is a need to relocate, refurbish or replace an amenity.

Moon thanked McGettigan for the work he did with volunteers from the Corvallis Farm Home. McGettigan said that in 2012, they had over 7400 volunteer hours of work with 2200-2300 different volunteers helping them out. DeGhetto added that, department-wide, there were over 24,000 volunteer hours on an annual basis.

IV. VISITOR PROPOSITIONS – None presented

V. DOWNTOWN MOSAIC PROJECT – ELLA RHOADES.

Rhoades said she had sent DeGhetto a status update on the project, and DeGhetto said he would send it out to all the commissioners. Rhoades said they have had 14 community participation events with about 845 participants working on the mosaic inserts which will be placed on the downtown trash receptacles along 3rd and 4th Streets. She suggested that the commissioners visit her website (*sacredshardmosaics.com*) which will show photographs of a lot of the participants. A group of volunteers has evolved informally called the Downtown Mosaics Volunteer Brigade, which has logged 120 hours out of her studio helping to prepare materials for the project. The final event will be on May 18, from 9am to 1pm, at the Farmers Market. The goal was to raise $4500 for the project, or $250 for each of the 18 panels. They

have currently raised $4,031 dollars. A large donation consisted of a grant from the Benton County Cultural Coalition. Laticrete International, located in Lebanon, provided all of the adhesive and the grout for the project. She invited the commissioners to view three of the panels which she had brought to the meeting.

In preparation for installation of the panels, they will be having a "scrubbing bubbles" day on May 20, with volunteers helping to scrub all the trash receptacle surfaces. They are hoping to have installation wrapped up by the end of June. Twelve panels have been completed with four additional intended to be completed during the May 18 event at Farmers' Market. The other two will be done through other random events, such as possibly at the Corvallis Skate Park. They still have a waiting list of people who would like to participate. She appreciates everyone's support.

VI. LEADERSHIP CORVALLIS - POTENTIAL PROJECT.

DeGhetto said that Cynthia Spencer talked with the Neukomm family to give them more information about the public art policy and to get clarification of their ideas for commemorating Hans Neukomm. It appears that this would more appropriately fall under the Memorial Policy as opposed to the Public Art Selection Policy. Initial discussions were of a memorial in the form of a bust to be located in the Central Park fountain area. The cost of refurbishing that area and fountain would require funding as a Capital Improvement Project (CIP), and though it has been identified as a future CIP it is unfunded at this time.

Curtis added her understanding that there was public interest in this area as being a location for a public art feature. DeGhetto agreed and said that there would have to be a public process prior to anything being selected. The Neukomm family seems to understand this, and there will be more discussions around the effort. This topic leads to the next one on the agenda.

VII. SELECTION PROCESS REVIEW.

DeGhetto said that PASC's experience with the Martin Luther King, Jr. project pointed out the need to have clearly understood policies and guidelines to follow for the selection of public art. One issue identified is whether all art selection processes need to have an end product, or prototype, submitted before a decision can be made, or whether a stylized representation or sketch is all that is needed. Curtis said that it was not uncommon for an artist to be selected based on art in his/her portfolio. She suggested that it might be a good idea to have a simple, educational brochure made up that could make the Public Art Selection policy easier to comprehend. DeGhetto agreed, and said that they are doing this for the community gardens policy as well. It can be difficult for the average citizen to understand jargon and procedural descriptions contained in the policies. He thought this would be a good undertaking for the PASC when they have more people in attendance at a meeting or work session. He referenced two policies that might benefit from PASC review: CP94-4.07 (City Owned or Funded Art Objects on City or Private Property) and CP-98-4.12 (Guidelines for Public Art Selection).

VIII. CAPITAL PROJECT LIST FOR CENTRAL PARK (Held for the next meeting).

IX. OTHER INFORMATION.

A. Meredith showed some pictures of the Martin Luther King, Jr. project. The artist was Kathyrn Jederlinich and the medium was acrylic paint.

B. DeGhetto passed out thank you gifts from Mayor Manning as appreciation for the commissioners' volunteer work over the past year.

X. ADJOURNMENT.

The Commission agreed to have the next meeting on May 23, 2013, at 4pm, which is in keeping with the fourth Thursday of the month. Curtis said that the reading assignment prior to the meeting should be copies of the policies referred to earlier in the meeting. Elections should also be added to the agenda for the May meeting.

The meeting was adjourned at 4:55pm.

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
May 23, 2013

Present
Chi Meredith
Josh Hackenbruck
Bill Laing
Joel Hirsch, Council Liaison

Staff
Steve DeGhetto, Assistant Director
Jackie Rochefort, Parks Planner
Claire Pate, Recorder

Absent
Shelley Curtis
Shelley Moon
Paul Rickey, Jr.
Cynthia Spencer

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order/Introductions	
II.	Review of Minutes a. August 16, 2012 b. April 25, 2013	No quorum; postponed to next meeting
III.	Capital Project list for Central Park	
IV.	Visitors' Propositions	
V.	Mandatory Review of Council Policy 98-4.12, Guidelines for Public Art Selection	Postponed to next meeting
VI.	Members eligible for reappointment and elections	
VII.	Selection Policy Process Review and Selection Process Brochure	Postponed to next meeting
VIII.	Adjournment at 4:50pm	The next meeting to be determined in June 2013 at the P&R Conference Room

CONTENT OF DISCUSSION

I. **CALL TO ORDER.** Steve DeGhetto called the meeting to order at 4p.m. With the absence of Shelley Curtis, he asked if Hackenbruck would serve as the chair pro tem. It was noted that since there was no quorum, several items would be postponed to the next meeting. Meredith expressed her disappointment that there was no quorum, especially since she had come back from the coast expressly to attend the meeting.

II. APPROVAL OF MEETING MINUTES.

For lack of a quorum, consideration of draft minutes for August 16, 2012, and April 25, 2013, was postponed until the June meeting.

III. CAPITAL PROJECTS LIST FOR CENTRAL PARK

Jackie Rochefort, Parks Planner, introduced herself and talked about the Capital Improvement Program (CIP). The CIP is a 5-year plan identifying capital improvement expenditures throughout the community, and is updated on an annual basis. She said that Public Works oversees the program, but Parks and Recreation is a major player in that a large portion of the projects are under its purview.

The CIP has two criteria for determining whether projects qualify for consideration: 1) they must be valued at $25,000 or more, and 2) need to have a 10-year life span. The City seeks input each year from citizens who suggest various projects. The ones that are appropriate to Parks and Recreation come to her for an initial review process then a review process by a CIP subcommittee which has representation from both staff as well as members of various boards and committees. This subcommittee reviews the projects using additional criteria. Those that meet the criteria are then evaluated for cost estimates as well as what the timing might be for implementation and completion. If a project is put into the first year of the CIP, it has to have identified funding. If it is placed in subsequent years, funding can be determined at a later date.

Once reviewed by the Parks and Recreation CIP subcommittee, projects then go to the City's CIP Commission for a public hearing process. They are then sent to the Planning Commission and Budget Commission for review, and ultimately to the City Council for approval. The CIP is adopted for the next fiscal year as part of the City's Budget.

Rochefort said that PASC might have involvement in various ways. Within a larger capital project there could possibly be a component for public art. For instance, in redoing Tunison Park there had been talk about including some sort of mural or art project along with the walking path. Additionally, this group might review a significant art piece that in and of itself meets the criteria. A member of PASC might possibly be asked to serve on the CIP subcommittee.

In response to questions from commissioners, Rochefort further explained that projects will often move through the five-year queue and still not find funding. The reason for having the projects maintained in the CIP is to increase the possibility of getting grants and financing which generally are awarded to projects that have already been adopted as part of a plan. Funding sources include grants, property tax dollars, Systems Development Charge funds, private donations, partnerships, and money raised by the group "Friends of Corvallis Parks and Recreation." The emphasis lately has been on projects dealing with health and safety. They have also prioritized projects that bring funds back to the City.

IV. VISITOR'S PROPOSITIONS. None

V. MANDATORY REVIEW OF COUNCIL POLICY 98-4.12, GUIDELINES FOR PUBLIC ART SELECTION

DeGhetto said that this had been sent out as part of the packet, and that a review and

update of the document needed to be done by June 25, 2013, with recommendations sent back to City Council for consideration. He is looking to the commissioners to make suggestions for changes that might be appropriate, and hopes that a meeting can be scheduled early enough so that this can be accomplished. One change that is needed is one which might accommodate electronic copies of images.

VI. MEMBERS ELIGIBLE FOR REAPPOINTMENT AND ELECTIONS

Chi Meredith, Bill Laing, and Josh Hackenbruck indicated their willingness to continue on as members of PASC.

VII. SELECTION POLICY PROCESS REVIEW AND SELECTION PROCESS BROCHURE.

Consideration of this was postponed to the next meeting.

VIII. ADJOURNMENT

There was discussion about when to have the next meeting, though consensus was that the day and time of the week (Thursdays, at 4pm) worked. Staff will poll the commissioners to determine whether the next meeting would be on June 13, 20, or 27th.

The meeting was adjourned at 4:40pm.

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
JUNE 10, 2013

Attendance
Shelley Curtis
Chi Meredith
Shelley Moon
Josh Hackenbruck
Bill Laing
Cynthia Spencer
Joel Hirsch, City Council Liaison

Absent/Excused
Paul Rickey, Jr.

Staff
Steven DeGhetto, Assistant Director
Mark Lindgren, Recorder

Visitors

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call to Order	X		
II. Review of Minutes- August 16, 2012; April 25, 2013; May 23, 2013	X		
III. Visitor Propositions	X		
IV. Mandatory Review of Council Policy 98-4.12: Guidelines for Public Art Selection	X		
V. Selection Policy Process Review and Selection Process Brochure	X		
VI. Adjournment	X		The next regular Public Art Selection Commission meeting is scheduled for 4:00 p.m., July 18, 2013 at the Parks and Recreation Conference Room.

CONTENT OF DISCUSSION

I. CALL TO ORDER: Chair Shelley Curtis called the meeting to order at 4:10 p.m.

DeGhetto highlighted an email from Ella Rhodes regarding her recently completed trashcan mosaics project.

II. REVIEW OF MINUTES.
Shelley Curtis moved and Cynthia Spencer seconded to approve the August 16, 2012 minutes as presented; motion passed.

Chi Meredith moved and Josh Hackenbruck seconded to approve the April 25, 2013 minutes as presented; motion passed.

Bill Laing moved and Chi Meredith seconded to approve the May 23, 2012 minutes as presented; motion passed.

III. VISITOR PROPOSITIONS. None.

IV. MANDATORY REVIEW OF COUNCIL POLICY 98-4.12: GUIDELINES FOR PUBLIC ART SELECTION.

Chair Curtis said the group should look at existing language and see if any needed to be clarified.

Assistant Director Steve DeGhetto highlighted 4.12.041, item "d", suggesting adding "or digital format". Meredith suggested getting more specific regarding the kinds of acceptable digital formats. Meredith said most groups now only accept digital submissions, and state that they do not return reproducibles. Spencer said that will require artists to be able to handle digital format. She advocated not including details of the types of "digital format" in the Policy, saying that that could be left to staff; Laing concurred. He said the brochure could specify acceptable forms for digital submissions. Curtis added that that should be listed at the website, as well. The issue was not decided.

Under 4.12.010, Purpose, Meredith asked about the Council Liaison position; DeGhetto said the Liaison was not a voting member. Meredith suggested adding "seven *voting* members"; the group agreed.

Under 4.12.030, Art Selection Criteria, DeGhetto suggested omitting item c; the group agreed. DeGhetto suggested adding "security of artwork" to item e; the group agreed. DeGhetto suggested getting some advice on the aspect of risk management in item e; the group agreed. He suggested adding "site appropriateness" to item b.

Under 4.12.041, item "a" was modified to "The artwork or images..". Part of item "c.4" was modified to "..detailed budget, if any, and maintenance provisions". The group agreed that the third sentence in item d should be modified to read "artwork or images".

Under 4.12.042, Donations of Art-Acceptance Criteria, DeGhetto noted that typically items go back to artists. Under item c, DeGhetto noted that PASC may decommission works.

Under item e, DeGhetto said the "disinterested third party" may, in some cases, be the City's insurer, currently Barker-Uerlings. He said the item needed to be firmed up and would get advice on it. Curtis suggested in some cases getting the artist's own valuation or the work; Spencer objected that there could be wide disparities in some cases with that approach. Laing said there is often language regarding having the donor consult a tax adviser, and the existing language covers this. Laing said the donor or the donor representative has the *option* of declaring its value; that is not the responsibility or concern of the City. The language advises the donor upfront that they may wish to appraise a donation's value. Spencer said that there must be consideration of replacement value for insurance purposes.

Regarding 4.12.043, Commissioned Works of Art, item c #7 was modified to "photos or digital images of previous work,.. ", Laing said there should be a visual component to proposals provided by artists,

such as "a sketch or model". Under e, Curtis suggested "..images of the proposed piece, or a scale model".
The PASC will schedule a second meeting for review.

Laing gave the example of the MLK Jr. Park art project, noting the winning artist only submitted previous examples. Meredith noted that the MLK Committee gave the artists flawed instructions on the PASC art selection process, and then asked the PASC to make a fast decision. DeGhetto said the committee has the latitude to decide whether a proposal is complete or not.

Under 4.12.044, the group agreed on item b, #7, "photos or images" of previous work..". The third sentence in item c was modified to "The sponsor will be asked to present a complete description of the project".

Regarding 4.12.050, Notification and Award, Hackenbruck and Curtis departed at 5:14 p.m, noting that there would still be a quorum. DeGhetto said a Public Art account was not yet established, and suggested removing the last two sentences. He said the Friends of Parks and Recreation or the Benton County Foundation may be able to handle the account. Laing asked whether the language meant that a donor must also donate extra for maintenance; DeGhetto said that that was the meaning of it, but the account did not exist. Laing said the language did not fit in this paragraph.

Liaison Hirsch said the revisions next go to the Human Services Committee (HSC), and suggested including explanations for the proposed changes. DeGhetto said the review of this paragraph should get direction from the HSC on how to handle the account. The group agreed to strike the last two sentences.

Spencer related that Ella Rhodes agreed to maintain her mosaics on trashcans for ten years and accepted liability (she got riders on her existing business insurance); members cautioned that many artists would not be able or willing to do this.

Spencer moved to accept the changes to the Policy as discussed, and that DeGhetto should present them to the City Council; Moon seconded; motion passed.

V. SELECTION POLICY PROCESS REVIEW AND SELECTION PROCESS BROCHURE.
Discussion postponed.

VI. ADJOURNMENT: Meeting adjourned at 5:27 p.m.

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
July 18, 2013

Present
Shelley Curtis
Shelley Moon
Cynthia Spencer
Chi Meredith
Josh Hackenbruck
Bill Laing

Staff
Steve DeGhetto, Assistant Director (4:45pm)
Claire Pate, Recorder

Absent
Joel Hirsch, Council Liaison
Paul Rickey, Jr.

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order/Introductions	
II.	Review of Minutes June 10, 2013f	Approved, with revisions
III.	Visitors' Propositions	
IV.	Status Report: Council Policy Review: CP 98-4.12, "Guidelines for Public Art Selection"	Recommended Revisions for Human Services to review
V.	Meeting Schedule for PASC	
VI.	Adjournment at 4:50pm	The next meeting will be October 16, 2013, at 4pm in the P&R Conference Room

CONTENT OF DISCUSSION

I. CALL TO ORDER.
Chair Curtis called the meeting to order at 4pm. It was announced that Assistant Director DeGhetto was in another meeting and would be delayed in getting to the PASC meeting.

II. APPROVAL OF JUNE 10, 2013, MEETING MINUTES.
One revision was noted. On page 2, Section IV, 2nd paragraph, line 4: change the word "art" to "reproducibles." Spencer **moved** to accept the minutes as revised. Meredith seconded the motion which **passed** unanimously.

III. VISITORS' PROPOSITIONS. None.

IV. STATUS REPORT: COUNCIL POLICY 98-4.12, GUIDELINES FOR PUBLIC ART SELECTION.

Curtis gave a brief report on the status of Human Services Committee's review of PASC's suggested revisions to this policy. Human Services Committee had met on July 16, and they accepted all of the revisions recommended by PASC and DeGhetto. However, there were two additional items they wished to have addressed. Councilor Sorte suggested that in Policy Section 4.12.042, Donations of Art – Acceptance Criteria, some other word other than "advantageous" ought to be used in the phrase ...."if no other action more *advantageous* to the City is available." It was suggested that the sentence be changed to: "The City will handle all gifts in a respectful manner and may return a gift to the original donor or estate of the donor, if no other action is deemed appropriate by the City." The second item related to Policy Section 4.12.070, Review and Update, and the need for more specificity as to who had responsibility for reviewing the Policy. Commissioners agreed that the City Manager and Human Services Committee should be added in.

Laing **moved** and Hackenbruck seconded a motion to approve both revisions as noted above. The motion **passed** unanimously.

V. MEETING SCHEDULE FOR PASC.

There was discussion about the need for meeting monthly, and it was decided that there was no need to meet more than quarterly unless a proposal required more immediate consideration. In that case a special meeting could be called by DeGhetto. The months of January, April, July and October were suggested as possibilities, though there was support to meet in August if needed to finish their policy review work.

There was discussion about shifting the meetings to third Wednesdays, at 4pm, which would occur immediately before the A&CC meeting which is on third Wednesdays at 5:30pm. DeGhetto will look at scheduling to ensure this will work, and will confirm it with the commissioners.

VI. ADJOURNMENT.

The meeting was adjourned at 4:50pm. Next meeting is tentatively set for October 16, 2013, at 4pm.

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
OCTOBER 16, 2013

Attendance
Shelley Curtis (at 4:40 p.m.)
Chi Meredith
Shelley Moon
Cynthia Spencer
Joel Hirsch, City Council Liaison

Absent/Excused
John Hackenbruck
Bill Laing

Staff
Steven DeGhetto, Assistant Director
Linda Hart, Recorder

Visitors

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call to Order	X		
II. Review of Minutes- July 18, 2013	X		Approved.
III. Visitor Propositions	X		None.
IV. Public Art Selection Brochure	X		
VI. Adjournment	X		The next regular Public Art Selection Commission meeting is scheduled for 4:00 p.m., January 15, 2014 at the Parks and Recreation Conference Room.

CONTENT OF DISCUSSION

I. CALL TO ORDER: Co-Chair Paul Rickey, Jr. called the meeting to order at 4:10 p.m.

II. REVIEW OF MINUTES.
Chi Meredith moved and Shelley Moon seconded to approve the July 18, 2013 minutes as presented; motion passed.

Steve DeGhetto said that Bill Laing has resigned, and he will be notifying Mayor Manning of this opening on the Commission. He introduced Wayne Wiegand, who will be applying for the open position on the Commission as representative of The Arts Center.

III. VISITOR PROPOSITIONS. None.

IV. MANDATORY REVIEW OF COUNCIL POLICY 98-4.12: GUIDELINES FOR PUBLIC ART SELECTION.
DeGhetto said the second review before the Human Services Committee went well, and HSC forwarded the revised policy to Council with a recommendation to approve. Board members asked to be forwarded a copy of the finalized Policy; Hart was directed to do so.

V. PUBLIC ART SELECTION BROCHURE.

DeGhetto will have John Ame, the department's graphic artist, create some sample layouts of a simple tri-fold brochure. He will email Commission members asking for volunteers to work on a sub-committee to create the brochure. The group will meet on Wednesday Dec. 18 at 4:00 p.m. to review samples and discuss content. Suggestion for content included differences between memorial donation, public art, etc. Spencer suggested asking artists who have gone through our process art on display to offer their suggestions on how it worked for them and how it might be improved.

VI. NEW BUSINESS:

Ella Rhoades has received an award for her mosaic project, and Spencer suggested that a letter of thanks and congratulations be sent to her by the Commission. DeGhetto will draft and route for review, with the intent that all Commission member will sign.

Commission agreed to meet quarterly, in January, April, July and October. The January agenda will include election of officers. Shelley Curtis stated she does not wish to continue as chair of the Commission. Meeting dates for 2014 will be January 15, April 16, July 16 and October 15.

VII. ADJOURNMENT: Meeting adjourned at 5:10 p.m.

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
DECEMBER 18, 2013

Attendance	Staff
John Arne	Steve DeGhetto, Assistant Director
Shelley Curtis	
Josh Hackenbruck	Absent/Excused
Chi Meredith	Joel Hirsch, Council City Liaison
Shelley Moon (at 4:07 p.m.)	Bill Laing
Cynthia Spencer	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 October 16, 2013 minutes as presented; motion passed.

DeGhetto said that prospective member Hester Coucke will be confirmed for PASC membership at the January 6, 2014 City Council meeting. The Commission will be in touch with Paul Rickey, Jr. to discuss options regarding future PASC involvement.

III. VISITOR PROPOSITIONS. None.

IV. PUBLIC ART SELECTION BROCHURE DEVELOPMENT.
DeGhetto introduced John Arne, the department's graphic artist. Arne's draft flyer was distributed for review and discussion. DeGhetto stressed that a major focus is to keep things simple, so as to encourage maximum participation, traffic, and interest. The tips section specifically should be fun and inviting.

Possibilities were discussed regarding differentiating the processes for donated art, commissioned art, and memorial art respectively. As the general timeline and steps for each are similar, the Commission may touch upon that a different process exists for donated artwork and point toward the applicable by-laws and guidelines pertaining to such. While there is the future possibility of a flyer for donated art, it was decided this would be an internal project to handle later on.

Spencer noted that the included timeline is good and will help improve proposals.

The information regarding insurance as pertaining to submission will be fact-checked and revised so as to be exact in terms of law and policy. The Commission decided this information will be placed in the timeline section.

Spencer added that if artists may be entering into a contract with the city, it could be helpful to supply a template contract ahead of time that would be accessible to the artists, and this could be referenced in the timeline as well. DeGhetto then stated that it would be a matter of selecting which template to provide.

DeGhetto added that further information could be helpful pertaining to proof of insurance for the installation (which is only during the period of installation), what the city's and artist's specific responsibilities are (which can vary due to the installation location and how many parties are involved), and that shipping costs to-and-from are covered by the city.

An inventory of sites and schedules will be assembled to aid in finding the most suitable locations in terms of visibility and easier processing, though difficulty in placement is not an exclusionary item and the Commission will review all items case-by-case. Legal will be contacted to make sure that all phrasing is accurate.

Arne suggested Commission members choose their top five previous public art pieces for possible placement in the brochure. Spencer noted that ordinance should be referenced, and linked via pdf file.

DeGhetto stated that an abbreviated mission statement should be included in the brochure, speaking to aesthetics and community heritage, possibly involving "selecting and placing art that enhances the quality of our community." DeGhetto will send this information to those members not present for their thoughts as well.

DeGhetto added that the recycle logo and information related to the brochures being printed on 90% recycled paper should be included also.

V. UPDATES.
DeGhetto noted that the letter of thanks and congratulations to artist Ella Rhoades has been sent. DeGhetto said the Commission is always interested in more and better ways to fund themselves and asked all members to consider ways that public art can generate revenue. DeGhetto will get information to Curtis regarding available grants like those related to McMinnville, some in the $50,000 range. DeGhetto stated that maintenance, upkeep, and tracking of large art were all areas to consider.

DeGhetto will contact Commission members via email prior to the next quarterly PASC meeting, which is scheduled for Wednesday January 15th.

VI. ADJOURNMENT: Meeting adjourned at 5:04 p.m.

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.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

MEMORANDUM

To:	Human Services Committee
From:	Karen Emery, Director
	Stephen DeGhetto, Assistant Director
Date:	April 8, 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 with 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 the 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 revised the policy language to reflect suggested changes originating from the HSC meeting held on February 4, 2014. The changes to the policy are identified by bold type for additions and language to be removed is identified by strikeout.

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 April 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 **as described in the Cost Recovery Methodology, adopted in 2011.**

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 Parks 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 **use** ~~year~~. **The user must be providing a program or service that has considerable benefit to the community.** 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~~.

4.09.025 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 rebooking** 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 the 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 prepare the Council Policy review **every three years for Council approval.** ~~at a minimum triennially, beginning in October 1998, or when needed~~, ~~and will make recommendations to the City~~ **Council** ~~Manager~~.

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Human Services Committee
From: Karen Emery, Director
Steve DeGhetto, Assistant Director
Date: March 24, 2014
Subject: The Arts Center Annual Report

Issue: The Arts Center is scheduled for its annual review before the Human Services Committee.

Background: The City Council allocates funds to The Arts Center for its operations through the annual appropriation of tax revenues ($40,470 in FY12-13). As per the current agreement between the City and The Arts Center, dated July 30, 2012, a report describing The Arts Center's organizational highlights and financial position is to be submitted on an annual basis.

Discussion: The Arts Center's fifteen (15) member Board of Directors, Cheryl French, Interim Executive Director and The Arts Center staff have continued in the 50th anniversary year of providing art programming and cultural events for the community.

The Arts Center has continued to maintain diverse revenue streams which include funding from the City of Corvallis, the Oregon Arts Commission, Oregon Community Foundation, and the National Endowment for the Arts. These grants support programming, services, and training for ArtsCare artists.

Volunteers contributed 3,500 hours toward operations, educational and exhibition support at The Arts Center.

Memberships at The Arts Center have increased by 50 new members from the previous fiscal year and brought in $37,474 during the report period.

The following highlights demonstrate The Arts Center's diversity in revenues and partnerships:

- The Arts Center received $99,196 in grants from private foundations and state agencies.
- School Districts - the Arts in Education program is funded through grants and private donations, serving over 3,000 students annually.
- Samaritan Health Services continued the ArtsCare program which brings art and artists into the healthcare and hospice environment, serving approximately 3,200 individuals.

- The Arts Center Exhibition Program offered nine (9) major exhibitions in the Main Gallery and twelve (12) exhibitions featuring the work of community art guilds and guest artists in the Corrine Woodman Gallery.

Recommendation: Staff recommends that the Human Services Committee recommend to City Council to accept The Arts Center Annual Report.

Review and Concur:

James A. Patterson, City Manager

Nancy Brewer, Finance Director

Attachments:
1. The Arts Center Annual Report
2. The Arts Center/City of Corvallis Agreement
3. Finance Department Financial Review Memo

The Arts Center Annual Report to the City of Corvallis 2012-2013
Submitted by Cheryl French, Interim Executive Director

This annual report includes highlights from The Arts Center's fiscal year, July 1, 2012 through June 30, 2013. The arts play a vital role in the character and culture of Corvallis. By bringing transformative arts experiences and educational opportunities to a broad spectrum of the community, The Arts Center continues to have a significant positive impact on the City's economic vitality, livability, and resident well-being.

2013 marked a true milestone – The Arts Center's 50th anniversary. We put a great deal of energy into leveraging this milestone to augment our fundraising and marketing efforts. At year's end, thanks to a $25,000 matching gift from a private Corvallis resident, we increased our membership by 50, for a total of 490. Donors were also asked to give at increased levels to support The Arts Center's ongoing financial sustainability.

We finished the year with a modest cash surplus of $3,489 and an increase of net assets of $11,087.

Shortly before the end of the fiscal year, David Huff, The Arts Center's Executive Director, accepted a position as Assistant Director for the Oregon Arts Commission. The Arts Center Board conducted a national search for a new Executive Director. The selection process included the public's introduction to and feedback on the five finalists. During the selection process, Cheryl French, the At-Risk Youth Education Coordinator, served as Interim Executive Director. The new Executive Director started shortly after the end of the fiscal year. (Unfortunately, at the time of this report, the Executive Director chosen last July has left The Arts Center, Cheryl French is once again serving as the Interim Executive Director, and the Board is in the process of searching for a new Executive Director. The Board expects to hire a new Executive Director by early July.)

We continue to support the economic health of Corvallis by making it possible for artists in our community to earn a living wage. In our last fiscal year, we paid over $110,000 in wages, commissions, and contract payments to artists who provide services through our programs or sell their work through our exhibitions and shop. In addition, we offer scholarships for all of our in-house classes and camps making quality arts education opportunities affordable for all families in our community.

FISCAL

City Funding and Grants
The Arts Center received $40,470 from the City of Corvallis during our 2012/2013 fiscal year. This funding continues to be extremely important to The Arts Center as it is leveraged to help secure additional funding from foundations, individuals and businesses. City funding is used to

cover The Arts Center's essential general operating expenses including staff salaries, utilities and ordinary repairs and maintenance of the facility.

In FY12/13 The Arts Center received $99,196 in grants from private foundations and State agencies. Grant awards included: $6,000 from the Oregon Community Foundation, $22,000 from the Oregon Arts Commission and $12,000 (part of a $30,000 total award) from the National Endowment for the Arts. These grants helped support The Arts Center's essential programs and services including: arts education and enrichment for at-risk and underserved youth, exhibitions by local and regional artists and training for artists who participate in the ArtsCare hospital program.

The Arts Center Endowment

The Endowment Board of Directors oversees five permanently restricted funds: a General Fund; the Howland Fund to support public art in Corvallis and awards for the Howland Community Open exhibition; the Elizabeth Starker Cameron Arts Education Fund; the Bob & Kitty Bunn Fund for the ArtsCare Program; and the Steele Family Fund designated for the Exhibits Program. Given the ongoing turbulence of the market, The Arts Center has continued to be extremely conservative in its use of Endowment funds.

Volunteers/In-Kind Donations

Over 3,500 volunteer hours were donated to The Arts Center with services ranging from daily front desk receptionist hours to support in our classes and camps and exhibition installation.

Memberships / Donations

There is no doubt that The Arts Center enjoys incredible support from its loyal members and donors. Memberships (the majority of which are of under $100) brought in a total of $37,474 in FY12/13 – almost identical to last year's total; however, we gained 50 new members this year increasing our total to 490.

Donations totaled $68,807 for the fiscal year.

End of the Year Balance

The Arts Center ended FY12/13 with $77,774 in total net assets (including temporarily restricted assets). This total represents a net gain of $11,087 for the year.

PROGRAMS & SERVICES

Public Programs/Exhibitions

The Arts Center welcomed over 10,000 visitors to our ArtShop and Exhibitions in FY12/13 at no charge. The exhibition committee coordinated a total of nine major exhibitions that offered a variety of work from local, regional, and international artists. Each exhibition featured a free opening reception for artists and community members as well as a Brown Bag Art Talk. We mounted an additional 12 exhibitions in the Corrine Woodman Gallery featuring the work of local art guilds and guest artists. Our July show, Julie Green's "Last Supper", garnered incredible press attention including an article in the New York Times.

In addition to our gallery programs, The Arts Center hosted a youth poetry contest in July 2013. All submitted work was displayed in our Corrine Woodman Gallery and several participants read their work at a special event showcasing young poets. In addition, we continued our partnership with Between the Cracks, a music series curated by Dana Reason of Oregon State University. The Arts Center also celebrated El Dia de los Muertos/Day of the Dead by creating a community altar that was open to the public.

ArtsCare

Funded in part through an ongoing partnership with Samaritan Health Services, The ArtsCare program continues to provide over 1,400 hours of free art experiences to patients in area hospitals each year. In FY12/13, 20 local artists worked with patient groups in cancer, intensive care, dialysis treatment, and mental health units. Artists also worked with patients' families staying short term at the Pastega House. In total, we served approximately 3,200 individuals.

Education

In FY12/13, The Arts Center offered nine on-site classes in ceramics, textiles, painting and drawing for young artists ages 4-18. We also held 10 all-day programs on school vacation and in-service days and eight weeks of summer arts camp (Globetrotters Arts & Culture Camp) for children in grades 1-7. In addition, we serve home-schooled youth through our popular Open Studio program. We served approximately 530 students during the course of the year.

The Arts Center also continued our At-Risk Arts Education program in 2012/2013 serving almost 1,200 students. Our outreach program served every student at both Garfield and Lincoln elementary schools (780 total), as well as most students at Muddy Creek Charter School. We served students identified as at-risk at Crescent Valley High School and College Hill Alternative High School. Our at-risk programming also served over 250 young people in facilities serving youth in crisis, including the Jackson Street Youth Shelter, the Yes House (Youth Entering Sobriety) and the Oregon Youth Authority Correctional Facility for Young Women at Oak Creek.

Collaborations

In an effort to serve the needs of our community and to effectively maximize community resources, The Arts Center collaborates with many individuals and organizations. This year The Arts Center partnered with the Corvallis School District, the Jackson Street Youth Shelter, the Corvallis-Benton County Public Library, Leadership Corvallis, Casa Unidos de Benton County, Corvallis Fall Festival and daVinci Days Festival.

The Arts Center is fortunate to have a supportive and engaged Board of Directors composed of 15 individuals who offer the organization a countless hours of hard work, insight and networking opportunities.

For any questions concerning this report, please contact Cheryl French, Interim Executive Director, at The Arts Center, 754-1551 or cheryl@theartscenter.net.

CITY OF CORVALLIS AND THE ARTS CENTER
AGREEMENT

This Agreement is entered into this 30th day of July 2012, by and between the CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as "CITY", and THE ARTS CENTER, an Oregon non-profit corporation, formerly known as ArtCentric, hereinafter referred to as "THE ARTS CENTER".

All notifications necessary under this agreement shall be addressed to:

Corvallis Parks and Recreation	The Arts Center
Attn: Steve DeGhetto	Attn: David Huff
1310 SW Avery Park Drive	700 SW Madison
Corvallis, OR 97333	Corvallis, OR 97333
541-766-6918	541-754-1551

1. Term

1.1 This Agreement shall be effective from July 1, 2012 through June 30, 2015

1.2 If this Agreement crosses fiscal years, funding for future years is contingent upon the City Council adopting appropriations.

2. THE ART CENTER agrees to:

2.1 Offer cultural arts programs including art exhibits, art classes, and other related art activities at The Arts Center, located at 700 SW Madison, Corvallis, Benton County, Oregon.

2.2 Maintain a listing of art organizations in the community.

2.3 Conduct an Arts-in-Education Program in the community.

2.4 Inform the public about the arts in the community.

2.5 Cooperate with CITY in putting on events and activities which promote the use of The Arts Center facility and CITY facilities.

2.6 Publish a quarterly newsletter and calendar distributed to members of THE ARTS CENTER, media, and citizens, informing them about the activities at The Arts Center facility and CITY facilities.

2.7 All accounting records and evidence pertaining to all costs of THE ARTS CENTER and all documents related to this agreement shall be kept available at THE ARTS CENTER office or place of business for the duration of the agreement and thereafter for three (3) years after completion of any audit. Records which relate to (a) complaints, claims, administrative proceedings or litigation arising out of the performance of this Agreement, or (b) costs and expenses of this Agreement to which the CITY or any other governmental agency takes exception, shall be retained beyond the three (3) years until resolution of disposition of such appeals, litigation, claims or exceptions. The obligations in this section shall survive termination of the agreement.

2.8 THE ARTS CENTER shall provide for an independent financial and compliance audit or financial review annually for any fiscal year in which CITY funds are received under this Agreement. The results of the independent audit or financial review must be submitted to CITY within thirty (30) days of completion. Within thirty (30) days of the submittal of such audit report, THE ARTS CENTER shall provide a written response to all conditions or findings reported in such audit report. The response must discuss each condition or finding and set forth a proposed resolution, including a schedule for correcting any deficiency. All conditions or corrective actions shall take place within six (6) months after receipt of the audit report unless the City Manager or his/her designee authorizes an extension of time to complete such actions. Two copies of this review shall be forwarded to the City's Parks and Recreation Director as part of the annual report.

2.9 THE ARTS CENTER shall submit a report annually by October 31st to the City, documenting the revenues and expenditures, activities, problems, and achievements of THE ARTS CENTER's programs for the previous fiscal year ending June 30th. THE ARTS CENTER annual report shall include, but not be limited to, a description of its effectiveness in the following program areas:

2.9.1 Organization: Progress THE ARTS CENTER has made to involve the arts and the public in its activities.

2.9.2 Promotion: Progress of THE ARTS CENTER in promoting the Center as a community arts facility.

2.10 THE ARTS CENTER will display a Corvallis Parks and Recreation co-sponsorship banner during co-sponsored youth camps when THE ARTS CENTER uses Parks and Recreation rental facilities free of charge. Reservations will be established 60 days prior to the start of THE ARTS CENTER programs, with facilities available on a first come first served basis and through the normal facilities reservation process in the Corvallis Parks and Recreation Department.

2.11 THE ARTS CENTER will meet with the City annually to review the City's building maintenance plan to establish the building repair schedule and to outline Special, Capital Improvement, and Operating projects.

2.12 THE ARTS CENTER is prohibited from making any structural changes and/or improvements which might or will change the historical status of The Arts Center structure without written permission from the City.

2.13 THE ARTS CENTER will maintain the landscape and turf area adjacent to the Arts Center building.

2.14 THE ARTS CENTER agrees to maintain the premises in a good and safe condition and to be responsible for ordinary repairs and maintenance. The maintenance responsibility will include interior painting, wood floor maintenance, stripping and waxing vinyl floors, carpet cleaning, and window cleaning.

3. CITY agrees to:

3.1 Budget the City Council-approved proportion of the CITY's property tax levy to be paid to THE ARTS CENTER each fiscal year that this Agreement is in effect. CITY will levy property taxes in compliance with Constitutional and statutory requirements each fiscal year during this Agreement. The City Council determines, by policy, the proportion of the CITY's total levy to be allocated to THE ARTS CENTER each year. In the event that a reduction or elimination of the appropriation for this Agreement is being considered by the CITY's Budget Commission or City Council during annual budget deliberations, CITY shall provide notice to THE ARTS CENTER on or before May 15th of such contemplated action. If the appropriation is eliminated THE ARTS CENTER shall be relieved of all obligations described in this Agreement effective the beginning of the fiscal year in which the funds are not appropriated.

3.2 The CITY's Finance Department will notify THE ARTS CENTER's Director by April 1st of each year of THE ARTS CENTER's currently projected portion of the CITY's estimated property tax levy for the following fiscal year, beginning July 1st.

3.3 The CITY's Finance Department will provide THE ARTS CENTER's Director with the actual revenue figure when the actual amount of taxes levied for the year is known (around mid-November).

3.4 Payments will be made to THE ARTS CENTER in the amount of $32,000 by July 31st of each year, or up to the maximum of the total estimated allocation if less than $32,000. The payment made in December of each year will be the net amount of the total of THE ARTS CENTER property tax allocation as identified in section 3.3, less the $32,000 or other amount paid to THE ARTS CENTER in July of each year.

3.5 The Parks and Recreation Department agrees to co-sponsor the free use of The Arts Center Plaza for THE ARTS CENTER's youth programming during the contract term. The use will need to be scheduled on an annual basis as part of the normal reservation process for rental facilities in the Corvallis Parks and Recreation Department. The use of the Central Park Gazebo will be available for one day during the term of the contract on a first come first served basis and through the normal reservation process for rental facilities in Corvallis Parks and Recreation Department.

3.6 The Parks and Recreation Department will provide the co-sponsorship banner to THE ARTS CENTER for the term of the contract.

3.7 Include THE ARTS CENTER facility under the CITY's property and general liability policies.

4. Liability

4.1 THE ARTS CENTER shall indemnity, protect, defend, and hold City, its officers, agents, volunteers, and employees harmless against any actions, claim for injury or damage and all loss, liability, cost or expense, including court costs and attorneys fees, growing out of or resulting directly or indirectly from the performance of this contract, except for that resulting from the sole negligence of CITY.

4.2 THE ARTS CENTER shall purchase and maintain fire damage insurance in the amount of no less than $35,000 on property and equipment owned by THE ARTS CENTER, and General Liability insurance with a combined single limit, or the equivalent of, not less than $1,000,000 each claim, incident, or occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Agreement, and shall be in a form at least as broad as Commercial General Liability ISO form CG 0001. It shall provide that CITY and its officers and employees are Additional Insureds, but only with respect to THE ARTS CENTER's service to be provided under this Agreement.

Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been give to CITY.

THE ARTS CENTER shall furnish acceptable insurance certificates to CITY with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. Certificates will be received and approved by CITY upon execution of this Agreement. The certificate shall specify the CITY and its officers, agents, employees and volunteers are Additional Insured as respect to the work under the Agreement. Insuring companies or entities are subject to CITY acceptance. THE ARTS CENTER shall be financially responsible for all pertinent deductibles, self-insured retention and/or self-insurance. All such deductibles, retention, or self-insurance must be declared to, and approved by, CITY.

5. Termination

5.1 City may terminate this Agreement upon sixty (60) days written notice to THE ARTS CENTER for failure of THE ARTS CENTER to fulfill its obligations under this Agreement, if such violation remains uncured after sixty (60) days from THE ARTS CENTER's receipt of such written notice.

5.2 In the event that THE ARTS CENTER, by majority vote of its members, decides to discontinue this Agreement, then its action, and this Agreement, shall be deemed canceled sixty (60) days after the date of the notice is received by CITY and each party shall be relieved of its obligations described herein. In no event shall THE ARTS CENTER be obligated by this Agreement for any period of time for which the funds outlined in 3.1 and 3.2 above have not been disbursed to its account.

6. Independence

THE ARTS CENTER in an independent organization and entity pursuant to this Agreement and shall not, in any way, be considered to be an affiliate, subsidiary, officer, agent or employee of CITY. THE ARTS CENTER agrees that CITY shall not be liable or responsible for any benefits, including, but not limited to, worker's compensation, disability insurance, retirement benefits, life insurance, unemployment insurance, health insurance or any other benefits which THE ARTS CENTER may be required by law or contract to provide to its employees, officers, agents, or contractors. THE ARTS CENTER agrees that it shall not sue or file a claim, petition or application therefore against CITY or any of their officers, employees, agents, representatives or sureties with respect to such benefits. THE ARTS CENTER shall not have any authority to bind CITY or to make any representations or warranties to accept service of process, to receive notice, or to perform any act or thing on behalf of CITY except as authorized in writing by CITY.

7. Authority of Signatories

THE ARTS CENTER and THE ARTS CENTER's signatories represent that the signatories hold the positions set forth below their signatures and that the signatories are authorized to execute this Agreement on behalf of THE ARTS CENTER and to bind THE ARTS CENTER hereto.

8. Attorney's Fees

In the event either party shall initiate any suit, action or appeal on any matter related to this Agreement, then the court before whom such suit, action or appeal is taken shall award to the prevailing party such attorney's fees as the Court shall deem reasonable, considering the complexity, effort and result against the party who shall not prevail, and such award and all allowable costs of the event shall be either added to or deducted from the balance due under this Agreement, or be a separate obligation as appropriated.

9. Assignability

This Agreement is for the exclusive benefits of THE ARTS CENTER and CITY. Any attempt to assign, transfer, or pledge by either party without the prior written consent of the remaining party shall void the Agreement.

10. Prevailing Law

The Agreement is to be governed by, and construed in accordance with, the laws of the State of Oregon.

11. Venue

Any disputes about the terms of this Agreement will be brought before the Benton County Circuit Court.

12. Waiver

Waiver of any breach of any provision of this Agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this Agreement. If any portion of this Agreement is held to be invalid under any applicable statute or rule of law, then such portion only shall be deemed invalid.

13. Compliance with federal and state laws

THE ARTS CENTER shall have sole responsibility to comply with all applicable federal and state laws, rules and regulations concerning environmental issues in carrying out activities funded under this Agreement. If any acts or omissions of THE ARTS CENTER should lead to liability or government enforcement action against CITY, THE ARTS CENTER shall be required to defend such action and to indemnify CITY for all costs incurred including without limitation any costs of required response actions and attorney fees. CITY will not assume responsibility for compliance with federal or state environmental requirements related to THE ARTS CENTER performance under this Agreement, but will cooperate to the extend practical and consistent with City Council Policy.

14. Discrimination

The parties agree not to discriminate 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 in the performance of this contract.

15. Extent of Contract

This contract supersedes any prior or contemporaneous oral or written agreements or understandings entered into by the parties. No modification of this Agreement shall be valid unless set forth in writing and signed and dated by both of the parties to this agreement.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

CITY OF CORVALLIS

James A Patterson, City Manager

THE ARTS CENTER

9/26/2012

David Huff, Executive Director

APPROVED AS TO FORM:

City Attorney

Finance Department
500 SW Madison Avenue
Corvallis, OR 97333
541-766-6990
541-754-1729

MEMORANDUM

March 6, 2014

TO: Steve Deghetto, Parks and Recreation Assistant Director

FROM: Jeanna Yeager, Accountant

SUBJECT: The Corvallis Arts Center, Inc. Annual Financial Review, Fiscal Year 2013

This review consists of inquiries and analytical procedures and is limited in its nature. The Statement of Financial Position, Statement of Activities and Change in Net Assets, Statement of Cash Flows, and the related Notes to the Financial Statements are unaudited financial reports that are the representation of the management of Corvallis Arts Center, Inc. (CAC).

The June 30, 2013 financial reports were reviewed by Stover Neyhart & Co., a certified public accounting firm. Stover Neyhart & Co. has not audited the financial statements and does not express an opinion or any form of assurance on the financial statements.

This review is based on CAC's fiscal year, July 1, 2012 through June 30, 2013. CAC records transactions using the accrual basis of accounting.

During the year ended June 30, 2013 CAC reported revenues of $485,999 and expenses of $441,545, resulting in a net gain of $44,454. CAC received $40,470, 8.3% of its total revenues, from the City of Corvallis. CAC has properly accounted for all revenue received from the City.

The Corvallis Arts Center reported total assets of $108,016 and total liabilities of $30,242, resulting in net assets of $77,774. Of this, $8,500 is reported as temporarily restricted.

Based on this review, acceptance of the Corvallis Arts Center's annual report is recommended.

CORVALLIS ARTS CENTER, INC.

REVIEWED FINANCIAL STATEMENTS

JUNE 30, 2013

Corvallis Arts Center, Inc.
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ISLER GROUP LLC
CERTIFIED PUBLIC ACCOUNTANTS
KLAMATH FALLS | CORVALLIS

Isler of Klamath Falls
Lawrence S. Nichols, CPA/PFS, CFP
Natalie E. Fanning, CPA
Kimberly D. Price, CPA
John R. Warner, CPA

Stover Neyhart & Co.
Lawrence W. Stover, Jr. CPA
Irva K. Neyhart, CPA

INDEPENDENT ACCOUNTANTS' REVIEW REPORT

To the Board of Directors
Corvallis Arts Center, Inc.
Corvallis, Oregon

We have reviewed the accompanying statement of financial position of the Corvallis Arts Center, Inc. (a nonprofit organization) as of June 30, 2013, and the related statement of activities and change in net assets, and statement of cash flows for the year then ended. A review includes primarily applying analytical procedures to management's financial data and making inquiries of Organization management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America.

Isler Group, LLC

August 28, 2013
Corvallis, Oregon

626 SOUTH 7th STREET | KLAMATH FALLS, OREGON 97601-6224 | PHONE (541) 882.2575 | 1.800.930.2575 | FAX (541) 882.8089

777 NW 9th STREET #408 | CORVALLIS, OREGON 97330 | PHONE (541) 754.1144 | FAX (541) 757.8787

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Corvallis Arts Center, Inc.
Statement of Financial Position
June 30, 2013

See accompanying notes and independent accountants' review report

Assets	
Current assets	
Cash	$ 65,321
Accounts receivable	14,836
Other receivables	1,883
Inventories	1,616
Total current assets	83,656
Property and equipment	
Equipment	74,764
Leasehold improvements	45,179
Accumulated depreciation	(95,583)
Net property and equipment	24,360
Total assets	$ 108,016
Liabilities	
Accounts payable	$ 5,304
Accrued vacation	3,166
Unearned revenue-camp tuition	21,327
Unearned revenue-gift cards	445
Total liabilities	30,242
Net assets	
Temporarily restricted	8,500
Unrestricted	69,274
Total net assets	77,774
Total liabilities and net assets	$ 108,016

Corvallis Arts Center, Inc.
Statement of Activities and Change in Net Assets
Year ended June 30, 2013

See accompanying notes and independent accountants' review report

	Unrestricted	Temporarily Restricted	Total
Support and revenues			
Program fees			
Education	$ 62,362	$ -	$ 62,362
ArtsCare	1,413	-	1,413
Total program fees	63,775	-	63,775
Artshop/gallery/exhibit			
Gift shop and gallery sales	32,187	-	32,187
Total artshop/gallery/exhibit	32,187	-	32,187
Grants			
Foundation grants	49,671	7,300	56,971
Government grants	36,225	6,000	42,225
City of Corvallis	40,470	-	40,470
Endowment	58,375	-	58,375
Satisfaction of program restrictions	46,667	(46,667)	-
Total grants	231,408	(33,367)	198,041
Memberships and contributions			
Donations/contributions	21,378	49,279	70,657
Membership fees	35,624	-	35,624
Satisfaction of support restrictions	49,279	(49,279)	-
Total memberships and contributions	106,281	-	106,281
Fundraising/special events			
Chocolate Fantasy	38,521	-	38,521
Other events	2,675	-	2,675
Total fundraising/special events	41,196	-	41,196
Other revenues			
Facility rental	2,499	-	2,499
Interest income	40	-	40
Donated building space	6,530	-	6,530
Other revenues	2,083	-	2,083
Total other revenues	11,152	-	11,152
Total support and revenues	$ 485,999	$ (33,367)	$ 452,632

Corvallis Arts Center, Inc.
Statement of Activities and Change in Net Assets (continued)
Year ended June 30, 2013

See accompanying notes and independent accountants' review report

	Unrestricted	Temporarily Restricted	Total
Expenses			
Programs			
Education	$ 147,932	$ -	$ 147,932
ArtsCare	54,156	-	54,156
Artshop	36,361	-	36,361
Exhibits	107,455	-	107,455
Total Programs	345,904	-	345,904
General and administrative	50,827	-	50,827
Fundraising	44,814	-	44,814
Total expenses	441,545	-	441,545
Increase (decrease) in net assets	44,454	(33,367)	11,087
Net assets - beginning of year	24,820	41,867	66,687
Net assets - end of year	$ 69,274	$ 8,500	$ 77,774

Corvallis Arts Center, Inc.
Statement of Cash Flows
Year ended June 30, 2013

See accompanying notes and independent accountants' review report

Cash flows from operating activities	
Increase in net assets	$ 11,087
Adjustments to reconcile changes in assets to net cash provided by operating activities:	
Depreciation and amortization	2,887
Increase in accounts receivable	(6,845)
Increase in other receivables	(419)
Decrease in inventories	478
Increase in accounts payable	916
Decrease in accrued expenses	(3,064)
Decrease in unearned revenues	(1,551)
Net cash provided by operating activities	3,489
Net increase in cash	3,489
Cash, beginning of year	61,832
Cash, end of year	$ 65,321

Corvallis Arts Center, Inc.
Notes to Financial Statements
June 30, 2013

Note 1 - Nature of activities and significant accounting policies

Nature of activities
Corvallis Arts Center, Inc. (the Organization) is a non-profit organization with a mission to nurture artistic expression and to enhance the creative life of the community. This mission is carried out through such programs as exhibitions, performances, extensive on-site arts and culture programming for children, an ArtsCare program serving health care facilities, and the promotion and sale of artists' work through exhibitions and the ArtShop. Sources of income include grants, memberships, sponsorships, class and event fees, and artwork sales commissions.

Basis of accounting
The Organization uses the accrual method of accounting in accordance with accounting principles generally accepted in the United States of America, which recognizes revenues in the period in which the related expenses are incurred.

Financial statement presentation
Under FASB ASC 958-210-45-9, The Organization is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets. As of June 30, 2013 there were no permanently restricted net assets.

Accounts receivable
Management considers accounts receivable to be fully collectible; accordingly no allowance for doubtful accounts has been established. This method does not result in a significant difference from the allowance method.

Inventories
Inventories consist of items purchased and held for resale and are valued at cost. A physical inventory is taken annually. Consigned goods are not included in inventory.

Property and equipment
Property and equipment acquisitions are capitalized at their purchase price and depreciation is computed using the straight-line method over the assets' useful lives.

Contributions
Under FASB ASC 958-605-45-3, *Not for Profit Entities: Revenue Recognition,* contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted net assets depending on the absence or existence and nature of any donor restrictions. Contributions received with donor-imposed restrictions that are met in the same year in which the contributions were made are classified as unrestricted contributions.

Contributed services
The Organization enlists the services of approximately 150 volunteers. Contributed services have not been recognized in the financial statements as they do not meet the criteria for recognition under generally accepted accounting principles

Note 1 - Nature of activities and significant accounting policies (continued)

Advertising costs
Advertising costs are expensed as incurred. Advertising costs for the year ended June 30, 2013 were $7,825.

Income taxes
Corvallis Arts Center, Inc. is a not-for-profit organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code.

Uncertain tax positions
The organization has adopted FASB ASC 740-10, *Accounting for Uncertainty in Income Taxes*. The organization files income tax returns in the U.S. federal jurisdiction and the State of Oregon as needed. The Organization is no longer subject to U.S. federal or state income tax examinations by taxing authorities for years prior to 2009.

The Organization has made no adjustments to net assets related to FASB ASC 740-10 and there have been no material changes in the amount of unrecognized tax benefits or liabilities that would affect the effective tax rate of the Organization. The Organization's policy is to recognize accrued interest and penalties associated with uncertain tax positions, if any, as part of the income tax provision.

Net assets
Unrestricted - Net assets that are not subject to donor-imposed stipulations.

Temporarily restricted - Net assets subject to donor-imposed stipulations that will be met, either by actions of the Organization and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently restricted - Net assets subject to donor-imposed stipulations that must be maintained permanently by the Organization. Generally, the donors of these assets permit the Organization to use all or part of the income earned on any related investments for general or specific purposes.

Use of estimates
The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Date of management's review
Subsequent events have been evaluated through the date of this report, which is the date the financial statements were available to be issued.

Note 2 - Temporarily restricted net assets

The activity in the temporarily restricted net assets funds by program for the year ended June 30, 2013 are as follows:

	Education	ArtsCare	Artshop	Exhibits	Operations	Other	Total
Beginning balance	$ -	$ -	$ 3,000	$ 21,201	$ 15,666	$ 2,000	$ 41,867
Income:							
Foundations	1,000	-	-	6,300	-	-	7,300
Government	6,000	-	-	-	-	-	6,000
Other contributions	49,279	-	-	-	-	-	49,279
	56,279	-	-	6,300	-	-	62,579
Expenses:							
Payroll related	5,581	-	-	6,436	-	-	12,017
Contract labor	42,229	-	-	8,644	2,902	-	53,775
Scholarships	2,567	-	-	-	-	-	2,567
Materials	5,318	-	-	197	-	-	5,515
Website	-	-	-	-	10,619	-	10,619
Maintenance	-	-	-	-	2,108	-	2,108
Display/exhibits	-	-	-	8,000	-	-	8,000
Other	584	-	-	724	37	-	1,345
	56,279	-	-	24,001	15,666	-	95,946
Ending balance	$ -	$ -	$ 3,000	$ 3,500	$ -	$ 2,000	$ 8,500

Note 3 - Economic dependence

The Organization has a three-year agreement with the City of Corvallis under which the City will provide support to the Organization based upon a designated percentage of the City's property tax levies. The agreement expires on June 30, 2015. Total support provided under the contract for the year ended June 30, 2013 was $40,470.

Note 4 - Endowment fund

In February 2001 a separate supporting organization known as The Arts Center Endowment, Inc. (formerly known as ArtCentric Endowment, Inc.) was formed to manage the endowed funds. Net transfers of $136,593 were made from the Corvallis Arts Center, Inc. to The Arts Center Endowment, Inc. at the time of separation. The Arts Center Endowment, Inc. provides fiscal support to the Organization. During the year ended June 30, 2013, the Organization received $58,375 from the Endowment.

Note 5 - Lease agreement

In 2010 the Organization entered into a 5-year operating lease agreement for a copier. Minimum payments due under the lease agreement are as follows:

Amounts due for the year ended June 30:	
2014	633
2015	422
Total	$ 1,055

Note 6 - Donated building space

The Organization operates in a building owned by the City of Corvallis, which the City makes available free of charge. The estimated fair market rental value of the building is reflected as donated building space in the financial statements. The amount so included for the year ended June 30, 2013 was $6,530.

URBAN SERVICES COMMITTEE
MINUTES
April 8, 2014

Present
Councilor Roen Hogg, Chair
Councilor Dan Brown
Councilor Richard Hervey

Visitors
Gary Angelo
Jim Day, *Corvallis Gazette-Times*
Lyle Hutchens, Devco Engineering
Robert Wilson
John Wydronek

Staff
Jim Patterson, City Manager
Nancy Brewer, Finance Director
Ken Gibb, Community Development Director
Jon Sassaman, Police Chief
Mary Steckel, Public Works Director
Kris De Jong, Public Works Administration Division Manager
Jeff McConnell, Public Works Development Review Division Manager
Scott Dybvad, Sustainability Program Specialist
Bruce Moser, Street Maintenance Supervisor
Adam Steele, Franchise Utility Specialist
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Council Policy Review and Recommendation: 10-1.12, "Community Sustainability"			Amend Council Policy 10-1.12, "Community Sustainability," to align with current Policy format and amend Section 1.12.050, Implementation, by deleting the phrase "each Council term"
II. Council Policy Review and Recommendation: 91-7.08, "Sidewalk Policy"		Returned to BPAC for review	
III. Permit to Occupy Right-of-Way (Retreat at Oak Creek)			Authorize the City Manager to approve a Permit to Occupy the Public Right-of-Way with Retreat at Oak Creek, as proposed, with an effective date of June 1, 2014
IV. Collaboration Project – Neighborhood Baseline Traffic Counts			Direct staff to proceed with implementing the neighborhood traffic count program, based upon the Urban Services Committee's review and discussion

Agenda Item	Information Only	Held for Further Review	Recommendations

V. Residential Parking Districts			• Staff to obtain information from Berkley and Davis, California, and Eugene, Oregon, regarding landlord or property owner parking permits
			• Residents in areas requiring resident parking permits to park along streets (identified hot spots) could purchase two guest parking permits; residents in all other areas of RPDs could purchase one guest parking permit; residents must have resident parking permits to purchase guest parking permits; guest parking permits would be sold for $20
			• No changes to proposed employee parking permit provisions
			• Service provider and employee parking permits - $100
			• Resident and guest parking permits - $20
			• Parking permit sales revenue could be used to reimburse the Parking Fund for up-front RPD Program implementation costs
			• The following street sections would not be designated as "hot spots":
			  • Proposed RPD J, the 100-block of NW 14th through NW 16th Streets (between NW Monroe and NW Jackson Avenues)
			  • Proposed RPD D, the 100-block of NW 21st and NW 23rd Streets (between NW Monroe and NW Jackson Avenues) and Jackson between NW Kings Boulevard and NW 23rd Street
			  • Proposed RPD A, NW 30th Street between NW Johnson and NW Jackson Avenues
			• Resident, guest, service provider, and employee parking permits would be valid in "hot spots"
			• Staff to ask Berkeley and Davis, California, and Eugene, Oregon, about their RPD parking citation fine schedules

V. Other Business			

CONTENT OF DISCUSSION

Chair Hogg called the meeting to order at 5:00 pm.

I. Council Policy Review and Recommendation: 10-1.12, "Community Sustainability"

Sustainability Program Specialist Dybvad explained that the Council Policy was due for its biennial review. Staff amended the Policy to the recently approved format. Staff recommended that the Council consider the Policy implementation section, which currently asked that Council "prioritize one or more sustainability-related topic areas for which to develop community policy guidance and implementation direction during each Council term." Staff questioned whether the Policy should cite one area for focus and, if so, whether the area of focus should continue to be energy and transportation or another area; otherwise, should the implementation section be less specific. Staff believed it would be best to update the language to provide guidance for sustainability goal setting through the Council's regular goal-setting process. In this way, the Policy would guide Council decisions.

Councilor Hervey recalled that the Policy was developed to direct use of Energy Efficiency and Conservation Block Grant Program fund allocations. The City wanted to spend the funds on energy and transportation but lacked specific language in the *"2020 Vision Statement"* to support that action. The Policy identified supportive language for spending money on those efforts. He interpreted the Policy as documenting how the City would implement sustainability regarding energy and transportation. Policy sections could be added to address how the objectives would be achieved. His only concern was the implementation section referencing priorities for each Council term. He suggested that the timeframe be relaxed. The Council could expect that a City staff member would work on sustainability projects over time, so establishing sustainability priorities need not be part of the Council's goal-setting process.

Councilor Brown concurred with Councilor Hervey's recollection but added that the community energy strategy was not intended to be a large focus of the Community Sustainability policy. He agreed with Councilor Hervey's suggestion of reducing the Policy focus on the community energy strategy.

Based upon a motion moved and seconded by Councilors Hervey and Brown, respectively, the Committee unanimously recommends that Council amend Council Policy 10-1.12,"Community Sustainability," Section 1.12.050, Implementation, by deleting the phrase "each Council term."

Councilor Hervey noted that the motion would indicate the desire for sustainability efforts to occur but that each Council would not be required to identify a priority goal.

Councilor Brown moved to amend Council Policy 10-1.12,"Community Sustainability," Section 1.12.051 by beginning the sentence "For example, …" Councilor Hervey and Chair Hogg opined that the phrase was not needed, and the motion died for lack of a second.

II. Council Policy Review and Recommendation: 91-7.08, "Sidewalk Policy"

Street Maintenance Supervisor Moser explained that the Council Policy was reviewed every three years. A Municipal Code change approximately three years ago implemented a sidewalk maintenance fee, which provided funding for City-wide sidewalk maintenance. Staff did not recommend substantive changes to the Policy, but some changes were suggested for Policy readability and application.

Councilor Hervey asked that the Bicycle and Pedestrian Advisory Commission (BPAC) review the Policy before the Committee presented the Policy to the Council for approval.

Councilor Hervey noted that the Policy text limited activities to available sidewalk maintenance fee revenue. The language seemed to imply that the City was limited to using only the fee revenue for the work and that, if the Council wanted to spend more money on an activity, the Policy must be amended. The proposed language in Section 7.08.045 would address that concern, and other references to the sidewalk maintenance fee revenue could be deleted.

Councilor Hervey opined that the statements in Section 7.08.020, Goals, were not actually goal statements and should be included in Section 7.08.040, Policy. He suggested that staff propose specific goal statements.

Ms. Steckel confirmed that referring the Policy to the BPAC would not impact any timelines.

III. Permit to Occupy Right-of-Way (Retreat at Oak Creek)

Franchise Utility Specialist Steele said the requested right-of-way permit was similar to other right-of-way permits, except that it did not involve an existing street. Conduits crossing under the right-of-way would be co-located with other utilities and serve private companies, e.g., fire alarms, e-9-1-1 telecommunications, managed data, fixed unencrypted video, video surveillance, access controls, and building security and management systems. All Public Works Department divisions reviewed and approved the plans. Retreat at Oak Creek would compensate the City approximately $2,556 per year, adjusted annually for inflation, for use of the right-of-way.

Mr. Steele clarified for Councilor Hervey that the conduits would be installed prior to road construction.

Lyle Hutchens of Devco Engineering, representing Retreat at Oak Creek, LLC, clarified for Councilor Brown that the Retreat at Oak Creek was being developed on the north side of SW West Hills Road. Some streets, such as SW Deon Drive, existed on the south side of SW West Hills Road, and extensions would be constructed on the north side of the road.

Based upon a motion moved and seconded by Councilors Hervey and Brown, respectively, the Committee unanimously recommends that Council authorize the City Manager to approve a Permit to Occupy the Public Right-of-Way with Retreat at Oak Creek, as proposed, with an effective date of June 1, 2014.

IV. Collaboration Project – Neighborhood Baseline Traffic Counts

Gary Angelo of College Hill Neighborhood Association clarified that he previously requested through Councilor Brown information regarding traffic counts for NW Jackson Avenue (Jackson) conducted since 2004. That request was unrelated to the Oregon State University (OSU)/City Collaboration Project neighborhood baseline traffic counts. His request primarily concerned maximum traffic volumes during OSU's Fall Term on Jackson, NW Van Buren Avenue (Van Buren), and NW Johnson Avenue (Johnson). He sought a different set of parameters than was provided in the neighborhood baseline traffic count report, which was conducted to gauge impacts of the expanded residential parking districts (RPDs). His request would involve collaboration of Urban Services Committee, Corvallis Public Works Department, neighborhoods, and impacted businesses. OSU would not be involved in his request because it previously indicated that it was not interested in creating public street extensions through its campus. When the expanded RPDs were established, he would present the Committee with a proposal, based upon suggestions from a recent OSU civil engineering graduate class related to his traffic count request.

Community Development Director Gibb said his April 1 memorandum to the Committee presented background information. On March 17, the City Council discussed the OSU/City Collaboration Project recommendation regarding baseline traffic counts related to RPD formation and directed staff to proceed with the work, including developing a scope of work, funding strategy, and timeline. The Collaboration Project recommendation related to RPDs, with traffic count measurements during Spring Term 2014 (before the expanded RPDs were implemented) at strategic locations in the Collaboration Project area.

Following the March 17 City Council meeting, staff worked with OSU representatives to agree to jointly fund the traffic count through the Collaboration Project budget. The Collaboration Project Parking and Traffic Work Group (PTWG) met to receive public input regarding locations where traffic counts should be conducted; the Collaboration Project Manager and City staff attended the meeting. He distributed his April 7 memorandum (Attachment A), which was previously sent to Committee members, summarizing the PTWG's meeting, outlining suggested traffic count specifications, and indicating 20 traffic count locations. Most of the traffic count locations were within the proposed RPDs, and four strategic locations outside the proposed RPDs would provide baseline data to measure traffic impacts caused by people seeking parking farther from the RPDs and for consideration of future RPDs. Staff estimated that the traffic count process would cost $5,000, which was within the Collaboration Project budget. If the Council approved staff proceeding with the traffic counts, the work could be conducted by the end of April.

Councilor Hervey noted that Councilor Sorte had hoped for flexibility in the outcome of the traffic count study and asked how insistent the PTWG was about the 20 identified traffic count locations.

Mr. Gibb said staff and the PTWG developed traffic count parameters, and the PTWG recommended the 20 locations, including locations just outside the proposed RPDs. It might be difficult to fund traffic counts of 30 or 40 locations, but it was possible to make

slight adjustments in the number of traffic count locations. Staff sought Council direction so it could begin the work as soon as possible.

Councilor Brown said he and Councilor Sorte were interested in baseline traffic counts in relation to the pending Campus Crest development, but the proposed traffic count data would not meet that desire. Councilor Brown said he would want the traffic count conducted in the future. He expected that Van Buren would be heavily impacted by the Campus Crest development; and he would like baseline data, but not from a traffic count conducted during OSU's Spring Term.

Mr. Gibb clarified that the PTWG wanted the traffic counts conducted in relation to the proposed RPDs, rather than a development.

Councilor Brown referenced his request for traffic count information in anticipation of the Campus Crest development. The responsive Council Request Follow-up Report indicated that his requested traffic count data was incomplete.

Based upon a motion moved and seconded by Councilors Hervey and Brown, respectively, the Committee unanimously recommends that Council direct staff to proceed with implementing the neighborhood traffic count program, based upon the Urban Services Committee's review and discussion.

V. Residential Parking Districts

Bob Wilson requested clarification of the proposed resident parking permit allocation methodology, noting that many properties platted in the 1800s were relatively small or divided into small lots. Chair Hogg explained that residential properties would be allocated one resident parking permit per 2,500 square feet of lot size, with each property automatically being allocated two resident parking permits.

Gary Angelo referenced his previous comments to the Committee regarding requiring resident parking permits in identified "hot spots" and opined that the strategy would only be successful if "hot spot" area residences were allocated multiple guest parking permits. He noted that Davis, California, did not limit the number of guest parking permits that could be purchased; resident and guest parking permits were sold for the same fee and must be used within 100 feet of the associated residence. Davis had severe consequences for mis-use or abuse of resident parking permits. He would support an initial limit of three guest parking permits per residence in the identified "hot spots." He believed people should have access to residences in the neighborhood. He acknowledged that increasing the number of transferrable guest parking permits allocated per residence could increase incidents of permit abuse. Therefore, he also supported imposing severe consequences. He suggested a "grace period" of one to three months when the expanded RPD Program was implemented; people mis-using the RPD Program provisions could be warned before they were cited.

Mr. Angelo explained for Chair Hogg that the parking conditions were severe in areas proposed as being restricted for resident permit parking only, and few parking spaces were

available. Areas allowing two hours of free parking could provide more flexibility. OSU's pending parking system changes could cause more people to seek parking in neighborhoods surrounding OSU's campus, and adjustments may be needed in the areas currently proposed for two hours of free parking. He believed the restrictions in the areas allowing free parking should not be as severe as in the areas where permits were required.

John Wydronek distributed and reviewed written testimony (Attachment B). He noted that many companies that managed rental properties rented on a month-to-month basis.

Councilor Brown responded that a RPD Program review would be needed this fall. He acknowledged the need to be able to adjust the Program immediately in response to unforeseen impacts and at least one year following implementation.

In response to Councilor Brown's inquiries, Mr. Wydronek said a contractor/owner parking permit would be helpful. Many property repairs could require more than two hours of time or trips to get supplies. Mr. Wydronek's three rental properties were in two proposed RPDs. He would prefer that a contractor/owner parking permit be usable throughout the RPD system.

Mr. Wydronek said he and his wife drove different vehicles to attend to different issues at their rental properties. He would prefer not being required to purchase separate parking permits for each vehicle and, instead, having one permit that could be hung from the rear-view mirror of whichever vehicle was driven to the property. He would not object to paying $20 for each contractor/owner permit, but he would not want to pay $100 per permit. He confirmed for Chair Hogg that he sometimes needed to have two of his vehicles at a property simultaneously.

Public Works Director Steckel distributed additional e-mails (Attachment C), an additional e-mail response to the public outreach postcard (Attachment D), and a memorandum from Council Brown (Attachment E).

Ms. Steckel said the staff report delineated issues for which staff needed the Committee's direction for preparing an ordinance related to the expanded RPD Program.

Service Provider Permits

Staff recommended that resident and service provider permits not be interchangeable for service providers who lived within RPDs, as it could create complexity and require greater parking enforcement effort. The other cities staff surveyed regarding parking districts did not have service provider parking permits. The Committee previously decided to not offer a landlord parking permit. Staff had not received complaints from owners of rental properties in the existing RPDs that allowed two hours of free parking. The guest parking permit probably met the property owners' needs better than in a situation of a residence being allocated ten guest parking permits. Contractors could obtain parking permits to occupy Downtown parking spaces for several days during projects.

Councilor Brown observed that a RPD resident could provide service to their rental property within the same RPD. They would need a service provider permit to park at their rental properties in other RPDs, resulting in them needing two types of parking permits. He supported that premise.

Councilor Brown noted that someone with a lawn mower could be considered a service provider.

Councilor Hervey surmised that two hours of free parking may not be sufficient for rental property owners to attend to issues at their properties. However, he did not want the City to create numerous parking permit categories.

Chair Hogg expressed interest in how other cities with parking districts handled situations of service providers or rental property owners needing to park at properties within districts. He suggested that the Committee consider this issue after staff gathered more information. He and Councilor Hervey asked staff to contact Berkley and Davis, California, and Eugene, Oregon, regarding service providers in parking districts.

Councilor Brown concurred with Councilor Hervey's preference to include property owners in the service provider parking permit category.

Councilor Hervey asked that staff also inquire how other cities identified contractors and service providers.

Ms. Steckel cautioned that requiring a business card as evidence of status to obtain a service provider parking permit could undermine the RPD Program, as individuals could create business cards and claim they were service providers.

Guest Permits

Ms. Steckel said staff would draft ordinance language defining "temporary" and "visitor," which the Committee could review.

Staff had not had opportunity to investigate potential impacts of properties within RPDs being allowed to purchase more than one guest parking permit. Staff would support different guest parking permit fees, based upon whether the host had a resident parking permit. Staff believed limiting the number of guest parking permits per address and requiring hosts to purchase resident parking permits before purchasing guest parking permits would reduce the tendency for RPD Program abuse. Staff recommended charging $30 for guest parking permits without resident parking permits, versus $20 for guest parking permits with resident parking permits.

Councilor Brown expressed a desire for legal definitions of "temporary" and "visitor." He would prefer that properties on blocks that were designated for permit-only parking be allowed only two guest parking permits. He believed a resident should have a resident parking permit before purchasing a guest parking permit.

Councilor Hervey acknowledged the difficulties of guests being unable to park near their destinations. He would like a solution so residents without resident parking permits could obtain guest parking permits. He liked the idea of hanging guest parking permits. He questioned whether the City should offer hanging, transferrable guest parking permits and one-day guest parking permit slips.

Ms. Steckel confirmed that the City currently issued free, daily parking permits; they were inexpensive for the City to produce and administer but were subject to fraud.

Councilor Brown observed that many service providers and contractors used residents' guest parking permits, particularly if they expected to be in a RPD for a short period of time. In those cases, the hanging guest parking permit worked fine.

Councilor Brown, while walking in a neighborhood, observed a guest parking permit marked "housekeeping" without a date or resident address. He did not know how parking enforcement staff responded to such permits.

Police Chief Sassaman said Councilor Brown described an example of guest parking permit abuse. If parking enforcement staff did not observe inappropriate use of a guest parking permit, there would not be enforcement action. Guest parking permits were often photocopied and information entered by permit abusers. Parking enforcement staff was unable to fully investigate situations; staff must be able to quickly determine whether a vehicle was legally or illegally parked and act accordingly. Investigation would take time from enforcement patrols.

Councilor Brown opined that hanging guest parking permits would be easier to monitor because they would contain more information, such as address, barcode, etc.

Councilor Hervey surmised that any resident could purchase guest parking permits.

Ms. Steckel summarized the Committee's agreement that residents must prove residency, whether or not they purchased resident parking permits, in order to purchase guest parking permits. Councilor Brown believed residents must have resident parking permits to purchase guest parking permits; Councilor Hervey disagreed.

Chair Hogg reviewed the Committee's discussion that residents on blocks designated as permit-only parking would be allowed to purchase two guest parking permits. Residents in all other areas of the RPD system would be allowed to purchase one guest parking permit. Councilors Brown and Hervey concurred.

Councilor Brown noted that existing RPD B did not have enough on-street parking spaces for all residential and business properties in the district, so many residents would not be able to purchase resident parking permits; however, they could purchase a guest permit for their personal use. That strategy would abuse the RPD Program and concerned him.

Councilor Hervey noted that requiring a resident to go to City Hall to obtain a guest parking permit might prompt them to only do so legitimately. Paper parking permits were often

fraudulently re-produced. If residents were required to have resident parking permits to obtain guest parking permits, the City would be encouraging RPD residents to have vehicles, which was a requirement to purchase a resident parking permit. This conflicted with the City encouraging people to use non-private-vehicle transportation modes.

Ms. Steckel noted that the recommendation the Council approved April 7 based resident parking permit allocation methodology on property square footage. In a situation of five residents at a property allocated two resident parking permits, some of the residents would be able to purchase guest parking permits without having resident parking permits. The lack of available on-street parking spaces in existing RPD B meant residents could purchase resident parking permits but would not be guaranteed parking spaces.

Ms. Steckel cautioned that it was easier to ease than tighten parking restrictions. She was concerned about all RPD residents purchasing guest parking permits, regardless of whether they purchased resident parking permits, and possibly abusing the permit system. She was also concerned about parking permits being sold far in excess of available on-street parking spaces. Councilor Brown noted that The Union apartment complex had more residents than there were on-street parking spaces in proposed RPD D, where the complex was located.

Chair Hogg, concurred with Ms. Steckel that it was easier to begin with a limited approach and expand the program or make it more flexible in terms of parking permit access. He concurred with the suggestion that guest parking permits should be aligned with resident parking permits. He questioned how the City could deny resident parking permits because the allocation limit had been reached, yet continue selling guest parking permits to people who lived in the neighborhoods.

Councilor Brown noted that more information regarding resident parking permit sales would be available by October 1.

Ms. Steckel expressed concern regarding changing RPD Program rules mid-year because of a fairness issue. She would prefer that rules be amended before a new RPD Program year began.

In response to Ms. Steckel's inquiry, Councilor Brown opined that guest parking permits should be allocated at the rate of one permit per resident parking permit if the residence address had more than one resident parking permit.

Councilor Hervey said he would ask the Council to reverse the position of not allowing guest parking permits to residents who did not have resident parking permits.

Ms. Steckel reviewed the Committee's discussion that residents must have resident parking permits to purchase guest parking permits.

Committee members agreed that guest parking permits should be sold for $20.

Employee Permits

Ms. Steckel explained that, in existing RPD C, employee parking permits were sold to businesses, which determined how and by whom the permits were used. Staff sought a means to improve permit tracking to identify and resolve any instances of permit abuse. The permits would hang from rear-view mirrors and be transferrable among vehicles.

Councilor Brown suggested that the RPD Program allow, rather than allocate, two employee permits per business; he wanted to remove the implication that the City would automatically issue two parking permits to each business.

Committee members agreed with the currently proposed employee parking permit provisions.

Permit Fees

Ms. Steckel acknowledged that the number of the various types of parking permits that would be purchased was unknown, leaving RPD Program revenue unknown. Staff based its RPD Program administration cost estimates on anticipated resident parking permit purchases; with the anticipated permit purchase level, staff estimated that permit fees would need to be $20 to cover Program administration costs. Sales of other types of parking permits would supplement revenue needed to pay RPD Program enforcement costs. Staff did not recommend increasing the resident parking permit fee without more permit sales experience.

Councilor Brown referenced Councilor Traber's suggestion of free resident parking permits, which the Committee seemed to not support. However, the suggestion prompted the idea of other parking permit fees being $50 or $100, with a discount to compensate residents for the burdens of living in a RPD, resulting in resident parking permit fees being $20.

Chair Hogg opined that the permit fee structure should be simple and straight-forward. He agreed with Councilor Brown's suggestion that service provider parking permits be sold for $100.

Councilor Hervey noted that parking citation revenue was unknown and would be impacted by the effectiveness of OSU's new parking and shuttle system.

Ms. Steckel said it might be possible to use the revenue in excess of RPD Program costs to reimburse the Parking Fund for up-front RPD Program costs, such as signage. Committee members concurred.

Councilor Hervey opined that the RPD Program involved a lot of inequity for group homes, rental properties, OSU student living facilities, and housing developments predominantly occupied by OSU students.

Enforcement Expectations

Councilor Brown expressed support for having three parking enforcement officers who patrolled the RPDs four times each day. Chief Sassaman clarified that the officers would be able to pass through the RPDs three times each day.

Councilor Hervey and Chair Hogg said they presumed approving two-hour free parking approved hiring two additional parking enforcement officers.

Permit-Only Blocks

Ms. Steckel distributed maps of proposed RPDs A, D, and J, marked with "hot spots" identified in OSU parking studies in 2010 only (Attachment F) and in 2006, 2007, and/or 2010, combined (Attachment G). According to the studies, the marked block faces had parking utilization of at least 90 percent of capacity. The block faces marked in Attachment G were considered "hot spots" in at least two of the three studied years. Attachments F and G had slight differences, based upon the data. The first blocks north of NW Monroe Avenue (Monroe) between NW 14th Street to NW 23rd Street were identified as "hot spots" and were utilized by patrons of nearby businesses. Staff recommended that the Committee use the three years of data in Attachment G but not restrict the first block north of Monroe to resident parking permits only. Allowing two hours of free parking in those blocks would provide additional parking for nearby businesses.

Chair Hogg noted that new construction on OSU's campus was displacing on-campus parking facilities, which might make the 2010 study data more relevant than the earlier study data.

Councilor Brown said he visited the subject area, and the first blocks north of Monroe and all of Jackson were the only parking options for customers of nearby businesses. He supported removing the "hot spot" designation from the first blocks north of Monroe and all of Jackson. Business customer parking could contribute to the high parking usage. He recommended that in proposed RPDs D and J, only block faces north of Jackson could be designated as "hot spots" to allow parking spaces for customers of businesses along Monroe.

Councilor Brown noted that in proposed RPD A, Attachments F and G indicated that NW 30th Street (30th) was designated as a "hot spot." He considered the designation politically problematic. He would prefer not designating 30th as a "hot spot." He explained for Councilor Hervey that 30th was an invisible dividing line between neighborhoods; residents west of 30th did not want their area designated as a "hot spot." Chair Hogg concurred.

Chair Hogg recalled that residents between Monroe and Jackson testified that their neighborhood parking conditions were difficult and they would prefer restrictions requiring resident parking permits. He concurred with not designating the blocks immediately north of Monroe as "hot spots" in proposed RPD D. In proposed RPD J, he would like to maintain the "hot spots" identified in the parking studies.

Ms. Steckel clarified that parking was allowed on only one side of some of the north-south streets in proposed RPD J because of the streets' widths.

Councilor Brown said the north side of Monroe was primarily commercial development. If the blocks immediately north of Monroe were not designated as "hot spots," two hours of free parking would be allowed; but residents still would be allowed to park in the area all day with their RPD permits. If two hours of free parking was allowed, businesses' customers could move in and out of the area. Removing the "hot spot" designation would not deny residents the potential ability to park.

Chair Hogg expressed concern that OSU students parked in the subject areas to attend classes, making it nearly impossible for residents to find parking spaces. Councilor Brown responded that the area was already designated for two hours of free parking.

Councilor Hervey observed the struggle to reduce "hot spot" designations to provide parking for businesses' customers and balancing the parking needs of businesses and residents in areas designated as "hot spots." He summarized that Chair Hogg would like to retain the "hot spot" designations to accommodate the residents, but Councilor Brown would like to provide more parking options for businesses.

Councilor Brown confirmed but noted that not everyone would like the "hot spot" designation. He would prefer being conservative and not impose parking restrictions on people who did not request them. He noted that no residents of the area requested permit-only parking restrictions.

Ms. Steckel suggested that no "hot spots" be designated and that neighbors be allowed to petition for "hot spot" designations.

Councilor Hervey would prefer that "hot spots" be designated by the City, rather than be requested by residents. He supported Councilor Brown's suggestion regarding no "hot spots" being designated on Jackson or southward in proposed RPD J; Chair Hogg concurred. Councilor Brown added that Jackson south to Monroe in proposed RPD D really needed to allow two hours of free parking because of nearby businesses. He could support not designating NW 14th through NW 16th Streets south of Jackson as "hot spots" but designating Jackson as a "hot spot" because of a greater mix of development in the area.

Ms. Steckel summarized that, per the Committee's agreements, the following street sections would not be designated as "hot spots":

- In proposed RPD J, the 100-block of NW 14th through NW 16th Streets (between Monroe and Jackson)
- In proposed RPD D, the 100-block of NW 21st and NW 23rd Streets (between Monroe and Jackson) and Jackson between NW Kings Boulevard and NW 23rd Street
- In proposed RPD A, 30th between Johnson and Jackson

Councilor Brown suggested that Johnson between NW 29th Street and 30th be designated as a "hot spot." Councilor Hervey and Chair Hogg concurred.

Committee members agreed that resident, guest, service provider, and employee parking permits would be valid in "hot spots."

Ms. Steckel clarified for Councilor Hervey that the City did not provide assistance in terms of property ownership information when existing RPD C was formed. Finance Director Brewer added that property ownership information was available from Benton County's Web site and the Assessor's database. In the RPD-formation process, a lack of response from a property owner was considered a vote against RPD formation. Councilor Hervey said he was interested in exploring how the City would treat non-responses from property owners.

Ms. Brewer noted that some rental properties were owned by limited-liability corporations, which could be more difficult to contact than individual owners.

Chair Hogg suggested that, for the first year of the expanded RPD Program, the Committee or City Council be allowed to adjust RPD boundaries before initiating a petition process for RPD formation.

Ms. Steckel commented that a patchwork of parking restrictions would be more time intensive and costly to patrol for parking enforcement. She could support, during the first year of the expanded RPD Program, allowing neighborhood residents to present RPD-formation requests to the Committee; a formal RPD-formation process could be developed later. She said the ordinance the Council would consider to formalize the expanded RPD Program would not include language regarding increasing or decreasing identified "hot spots"; those provisions would be developed later.

Fine Amounts

Ms. Steckel referenced comments that parking citation fines were often reduced at Municipal Court, so the risk of parking citations was not taken seriously. Suggestions were made that citation fines be higher to deter violations. Significant fines specified in the Municipal Code would only be successful if they were imposed throughout the adjudication process. The City Council tended toward a policy of leniency with offenders.

Councilor Hervey said the City Council, in hiring the Municipal Judge, expressed the Council's expectations regarding Court decisions. The Council endorsed the image of flexibility in adjudicating citations and gave the Municipal Judge discretion in determining fines. The Council wanted a goal of compliance with laws, rather than a reputation of punishment.

Councilor Brown acknowledged that people made mistakes, and a $50 parking ticket fine could be a significant expense. Incorrect use of parking permits could be deliberate abuse of the RPD Program. He would support deliberate abuse fines at a level that would deter

such behavior. In some RPDs, deliberate RPD guest and employee parking permit abuse would ruin the RPD Program.

Ms. Steckel concurred but cautioned that the City did not have sufficient parking enforcement staff to ensure that all instances of parking permit abuse would be caught.

Councilor Brown supported strict fine enforcement for first offenses.

Chair Hogg suggested a tiered fine schedule for first, second, and third offenses.

Chief Sassaman said fine amounts would be decided by the Municipal Judge. Tiered fine schedules were available for many instances but could add complexity to Court staff's work. Laws giving judges fine ranges seemed effective. The City did not want to spend excessive time enforcing parking regulations and achieve a negative return in that enforcement costs could exceed citation fines. He thought it would be appropriate for the Council to discuss citation fines with the Municipal Judge.

Councilor Hervey said the City Council could instruct the Municipal Judge to be stricter in imposing citation fines. He could support $50 for parking citation fines. Councilor Brown suggested a $150 parking citation fine.

Ms. Steckel suggested that staff ask Berkeley and Davis, California, and Eugene, Oregon, about their RPD parking citation fine schedules for the Committee's review.

Ms. Steckel referenced previous testimony to the Committee regarding a process for appealing RPD formation. This issue may be less important, following the Committee's decisions regarding two-hour, free-parking allowances.

Ms. Steckel reviewed her understanding of the Committee's recommendation regarding parking regulations for NW/SW Sixth Street:

- The Committee removed from the RPD system the blocks encompassing Central Park and Corvallis-Benton County Public Library. The existing parking regulations bordering the blocks would remain in effect. Parking meters were on all four sides of the Library block. The west side of SW Sixth Street along Central Park did not have parking restrictions. SW Sixth Street from SW Madison Avenue to SW Western Boulevard would be in proposed RPD F. NW Sixth Street from Jackson to NW Polk Avenue would be in proposed RPD J or E, with those RPDs dividing at NW Harrison Boulevard.

Councilor Brown said he would support almost any solution; however, commercial businesses were located along the west side of SW Sixth Street between SW Jefferson Avenue and Van Buren, so those block faces may not need to be in a RPD.

Councilor Hervey concurred with Chair Hogg's recollection that the City Council, during its April 7 meeting, adopted the Committee's recommendation regarding parking regulations along NW/SW Sixth Street without changes.

Ms. Steckel clarified that the east side of NW/SW Sixth Street would not be included in a RPD.

Councilor Brown expressed support for the Council's April 7 decision. He noted that the Downtown Commission had several recommendations regarding the RPD Program. The Committee did not consider including the east side of NW/SW Sixth Street in a RPD.

Ms. Steckel said staff would review the Committee's recommendation from its March 18 meeting regarding NW/SW Sixth Street.

Councilor Hervey suggested that the Committee, at a future meeting, specify how the RPD Program would be reviewed.

VI. Other Business

A. The next regular Urban Services Committee meeting is scheduled for April 22, 2014, at 5:00 pm, in the Madison Avenue Meeting Room.

Chair Hogg adjourned the meeting at 7:13 pm.

Respectfully submitted,

Roen Hogg, Chair

MEMORANDUM

TO: Urban Services Committee

FROM: Ken Gibb, Community Development Director

DATE: April 7, 2014

SUBJECT: Proposed Residential Parking District Traffic Volume Count Locations

As described in the April 1, 2014 memo to the Urban Services Committee, the Council approved recommendation to proceed with baseline traffic volume counts included receiving input on traffic count locations from residents of neighborhoods that would be affected by new parking districts currently under consideration. Given its familiarity with residents' perspectives on neighborhood traffic issues, a meeting of the Collaboration Corvallis Parking and Traffic Work Group was held for this purpose on April 3, 2014. Consistent with the corresponding recommendation from the work group, representatives of the various neighborhood associations effected by the proposed parking districts were invited to attend the work group meeting. A notice of the meeting was also distributed to an "interested parties" list complied for the Collaboration Corvallis project. At least one representative from each of the neighborhood associations either attended the meeting or provided written comment regarding desired locations for the traffic counts along with other neighborhood/community members.

In order to gather data that is best suited for assessing whether the proposed parking districts have an impact on traffic volumes within the subject neighborhoods, project staff recommend counts be conducted using the following specifications:

- Counts should be conducted on at least two week days, and include either a Monday or a Wednesday, and a Tuesday or a Thursday. This format will provide data on days of the week during which the schedule of classes at Oregon State University differs.
- Counts should be conducted over a continuous 12-hour period that encompasses the majority of OSU classes held on each respective day.
- Equipment for collecting traffic volume data should be placed on local streets at mid-block locations, not intersections.
- Streets selected for counts should not typically receive background traffic that is unrelated to local businesses, local residents and their guests, or non-residents attempting to find on-street parking.
- The locations selected for counts should be distributed equitably among the seven parking districts under consideration.

Funds available for completing this traffic volume assessment will accommodate approximately 20 count locations based on the specifications described above.

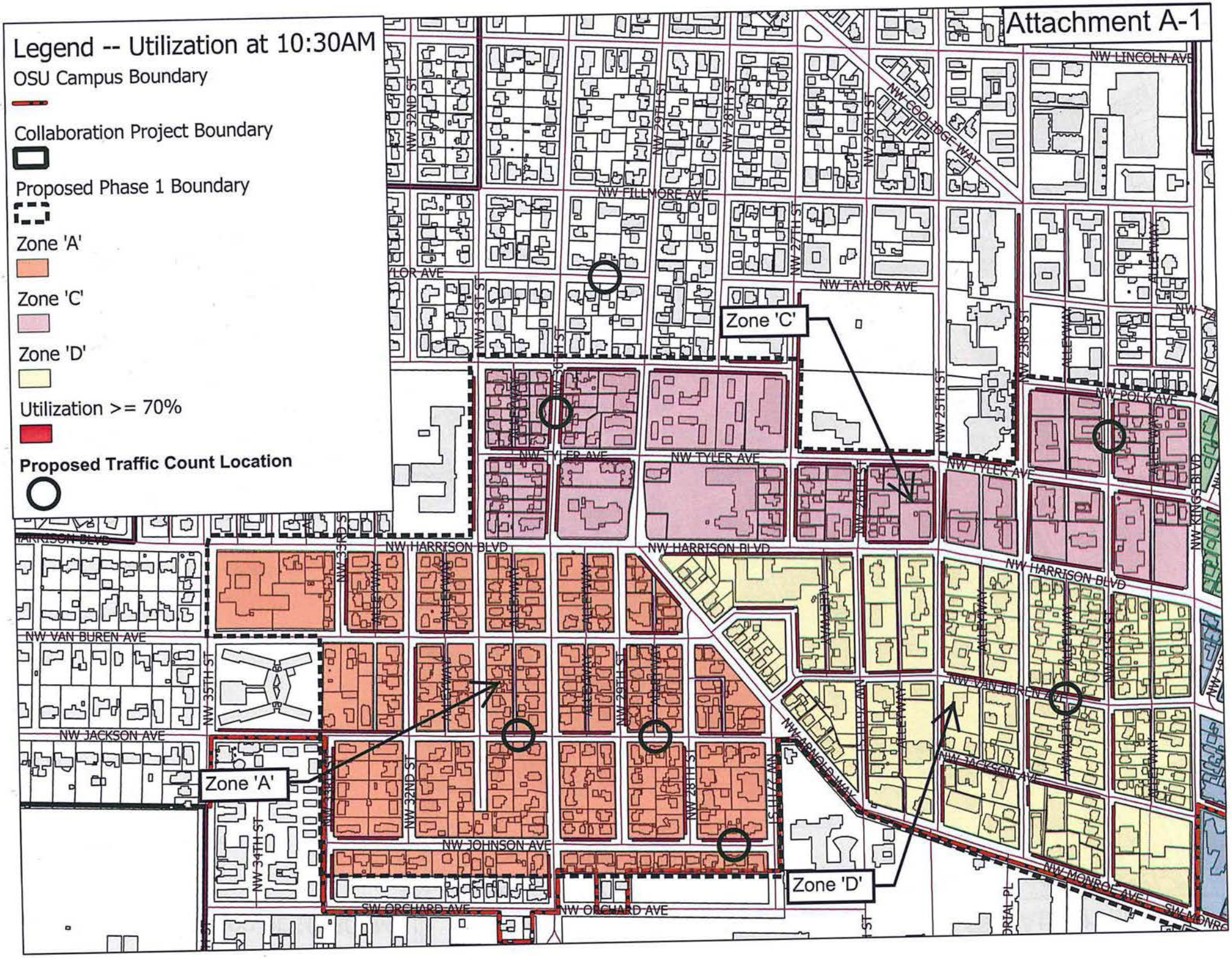
At the meeting, the work group members and neighborhood residents in attendance reviewed a series of maps showing the proposed parking districts. The maps also showed the block faces within each district

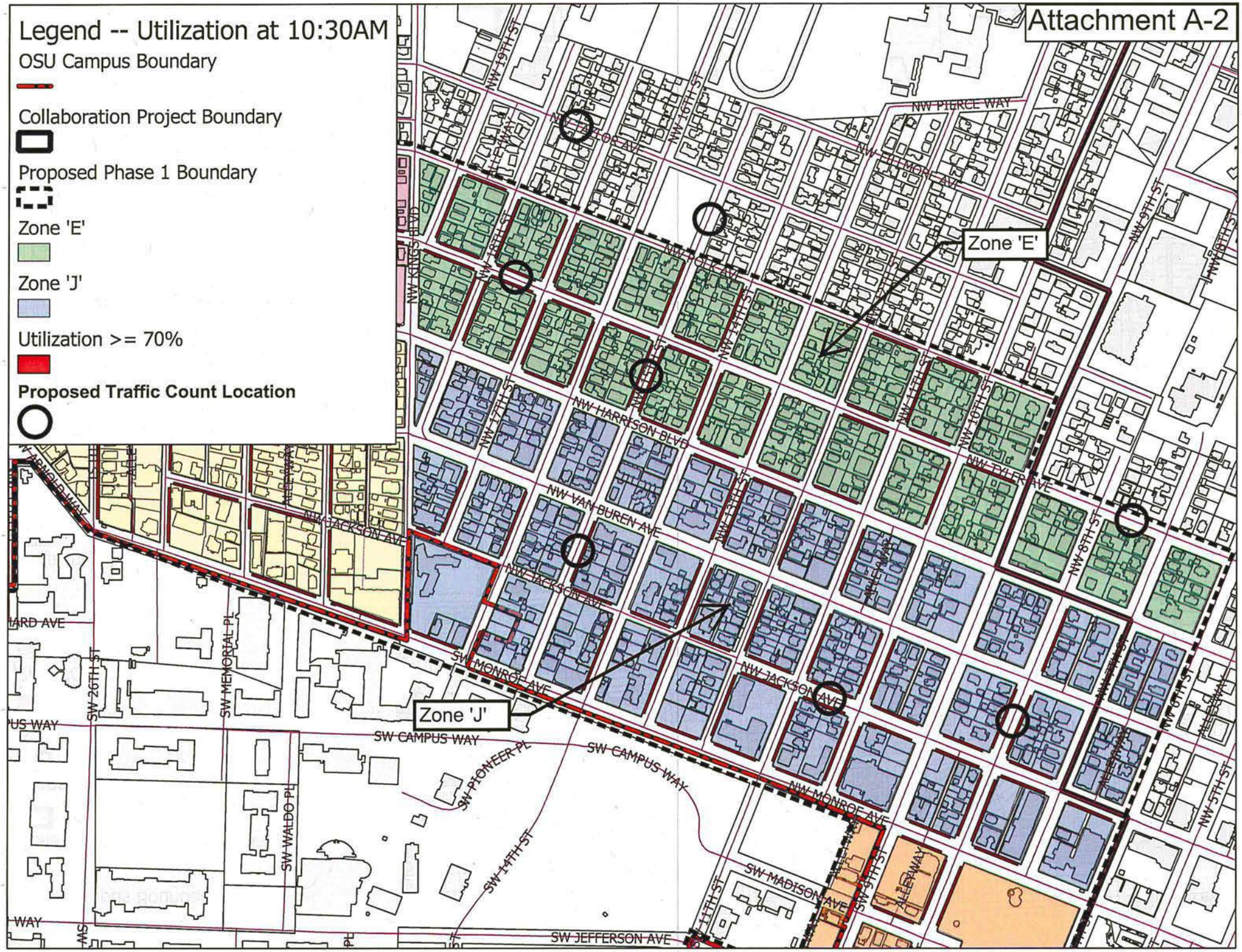
that experienced utilization of on-street parking capacity at 70 percent or greater during observation intervals that occurred at 7:00AM, 10:30AM, 2:30PM, and 5:00PM on either April 24 or April 25, 2012. Within each zone, the greatest increase in blocks experiencing utilization of 70 percent or greater occurred between 7:00AM and 10:30AM, which indicates these areas experience a corresponding increase in traffic volume specifically related to on-street parking utilization during that period of time. As a result, the maps showing utilization at 10:30AM were used in conjunction with the specifications noted above to determine the appropriate traffic count locations, which are shown on the maps provided as Attachment 'A'. The noted locations are consistent with input from neighborhood residents who attended the meeting or provided written comments, including neighborhood representatives who are volunteer members of the work group.

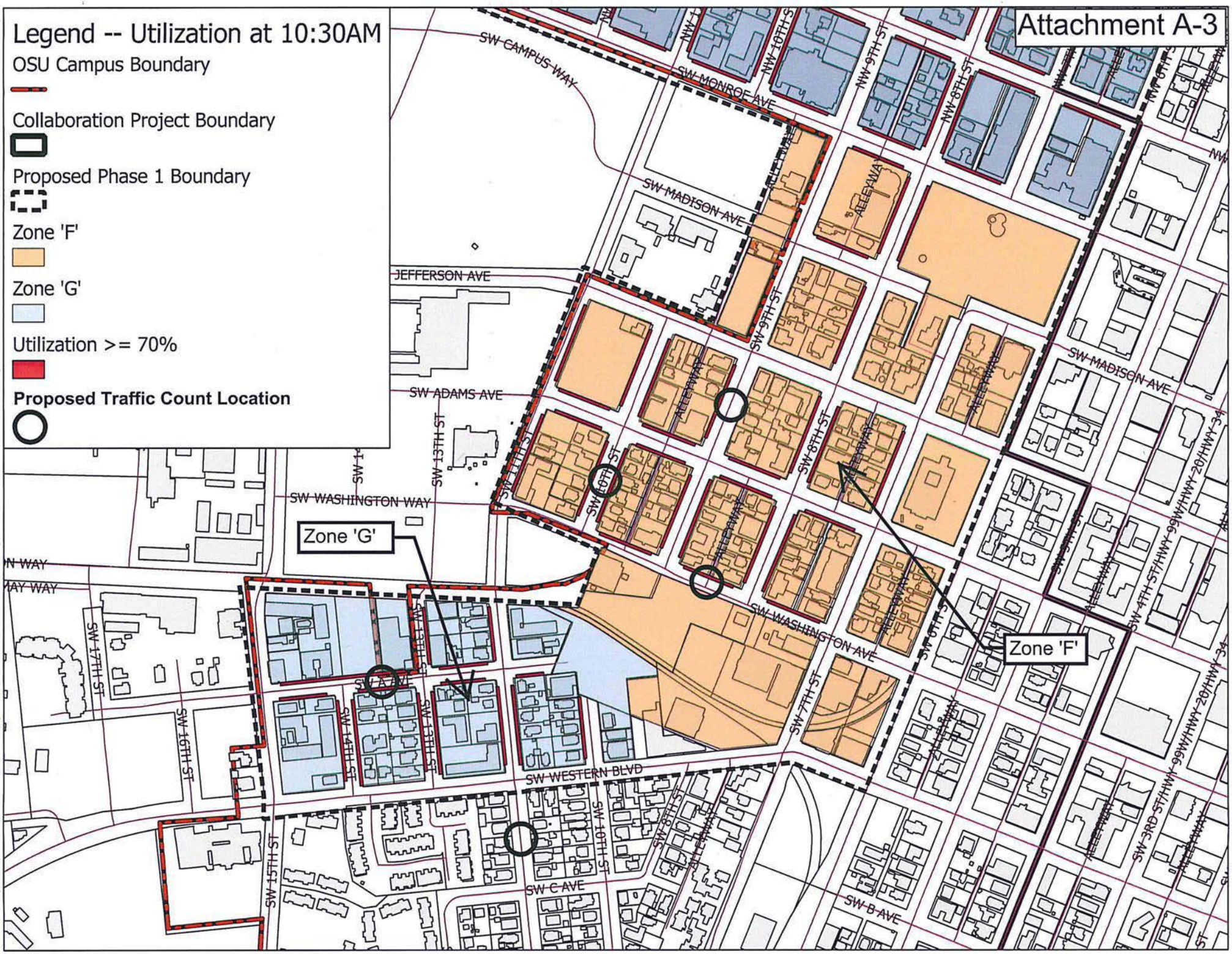
A total of 20 count locations were identified. In response to comments provided at the meeting, four traffic count locations are proposed immediately outside of the parking districts under consideration. Collecting traffic volume data at these locations is anticipated to help determine whether the new districts, if implemented, have an adverse impact on neighborhood traffic volumes in areas outside of the districts.

Based on discussions at the meeting, there was general concurrence regarding the format of the traffic counts recommended by staff. The total cost for completing the traffic counts will be consistent with previously identified estimate of no more than $5,000.

Attachment A-1




Attachment A-2
Legend -- Utilization at 10:30AM
OSU Campus Boundary
Collaboration Project Boundary
Proposed Phase 1 Boundary
Zone 'E'
Zone 'J'
Utilization >= 70%
Proposed Traffic Count Location
Zone 'E'
Zone 'J'
NW PIERCE WAY
NW 19TH ST
NW 16TH ST
NW 14TH ST
NW 10TH ST
NW 9TH ST
NW 8TH ST
NW 6TH ST
NW 5TH ST
NW KINGS BLVD
NW HARRISON BLVD
NW VAN BUREN AVE
NW JACKSON AVE
NW TYLER AVE
NW MONROE AVE
SW MONROE AVE
SW CAMPUS WAY
SW PIONEER PL
SW 14TH ST
SW MADISON AVE
SW JEFFERSON AVE
SW 26TH ST
SW MEMORIAL PL
SW WALDO PL
ALLEYWAY


Attachment A-3
Legend -- Utilization at 10:30AM
OSU Campus Boundary
Collaboration Project Boundary
Proposed Phase 1 Boundary
Zone 'F'
Zone 'G'
Utilization >= 70%
Proposed Traffic Count Location
Zone 'G'
Zone 'F'
SW CAMPUS WAY
SW MONROE AVE
SW MADISON AVE
JEFFERSON AVE
SW ADAMS AVE
SW WASHINGTON WAY
SW WASHINGTON AVE
SW WESTERN BLVD
SW C AVE
SW B AVE
SW 9TH ST
SW 8TH ST
SW 7TH ST
SW 13TH ST
SW 14TH ST
SW 15TH ST
SW 16TH ST
SW 17TH ST
SW 10TH ST
NW 10TH ST
NW 9TH ST
NW 8TH ST
ALLEYWAY
SW 4TH ST/HWY 99W/HWY 20/HWY 34
SW 3RD ST/HWY 99W/HWY 20/HWY 34

DATE: April 8, 2014

TO: Urban Services Committee

FROM: John Wydronek

RE: Feedback on proposed parking districts

As the USC moves forward with final definition of the new RPD's it would be nice if the committee and staff would take into consideration how some real life scenarios will be handled within the parking code. I've included a few examples for consideration.

Parking District Scenarios

1) You own a 3 bedroom single family home that is used as a rental and your rental agreements run month to month. On September 1st your previous tenants purchased the 2 available parking permits for this property and then gave notice they were moving out on December 1st. It is now December 15th and you've rented the house to new tenants that need parking permits as available off street parking will only accommodate 1 car and each of the 3 tenants has a car. They go to the City to request a parking permit and are told all available permits for this property have been issued. What do you expect the new tenants to do? How will the proposed parking code address this issue as this is a very common occurrence with larger property managers that prefer month to month rental agreements? Based on our experience from running apartments for the last 27 years you can expect on average a 50% student turnover each year. This means the scenario will play out hundreds of times throughout the summer.
2) You own a rental property and are called about a drippy faucet that needs to be repaired. You schedule an appointment with the tenant to make the repair. You arrive and park on the street in front of the apartment. You go in the apartment and determine the manufacturer of the faucet and what parts will be needed to fix the leak. You then drive to the plumbing shop to get parts to complete the repair. You drive back to the apartment and park on the street again. YOU ARE NOW IN VIOLATION OF THE PROPOSED PARKING CODE. How to you expect rental property owners to complete repairs on their properties if they are not allowed a permit or to park more than one time per day in a district? What if you own multiple properties within a district that need your attention on the same day?
3) You are a renter in a 20 unit apartment complex where only 6 parking permits are allowed. When you move into the apartment you go directly to the City to purchase a parking permit and guest pass. You are told all permits for this property have been sold. It's Thursday, April 30th. and mom is coming to stay with me so she can attend classes with me on Friday morning (an actual Mom's weekend activity that is scheduled for 2014). She arrives and doesn't know where to park her car as parking in the complex is tenant parking only. Where do you expect her and the rest of the mothers that are in town to park? Will guest permits be allowed for all housing units or will be limited just like resident permits?

4) A similar scenario to example 3 but the tenant does not own a car so they do not qualify to purchase a resident permit even if one is available. Does this mean they are not allowed to have guests stay for longer than 2 hours on a weekday?
5) It is July and we have hired a company to seal coat the parking lot at our 20 unit apartment complex. This will require all tenants to stay out of the parking lot for 7 days to allow for cleaning, dry time, application of 2 coats of sealer and striping. Luckily we only have 10 cars in the lot because it's summer time. Only three of these cars were able to get a parking permit because of the allocation method. Where will tenants park during this 7 day period while the parking lot is being seal coated?

I'd also like to provide feedback on several issues that still need to be addressed before the code is finalized.

Contractor Parking Passes

The current proposal is to charge $100 for contractor passes. The reasoning provided is that they are more valuable as they can be used in multiple districts. I feel the use of these passes is significantly different than a resident or non-resident pass as they will only be used on occasion when the contractor has work to do in the district. This work is at the request of the property owner/resident and is a normal requirement for the upkeep and function of the neighborhood. By charging more for these passes you are using them as a revenue generator as the price will not deter these people to park in the parking districts. I would like to see these passes sold at $20 per pass, or slightly more if the cost to the program (in making and issuing the passes) can be documented. These passes should also be transferable so that businesses with multiple vehicles can use the pass for the vehicle to be used in the parking district.

Resident and Guest Pass Requirements

Currently City staff is recommending that only those who purchase a resident pass will be allowed to purchase a guest pass. My recommendation is that any address, whether or not they have a resident pass, should be entitled to the purchase of a guest pass. There are several reasons for my recommendations.

- Many residents have the ability to meet their parking needs with off street parking and only need a permit for guests.
- For those that choose to purchase a guest pass and not a resident pass, this will reduce the total number of passes sold (a good thing).
- There are residents of the RPDs that do not own a car or have a drivers license (this is the case with 4 of my 33 tenants in the parking districts) so they do not meet the requirements necessary to purchase a resident permit. This is exactly the behavior OSU and the city is encouraging – come to OSU but don't bring a car – yet they aren't allowed to have visitors as a result. Seems like a slap in the face for doing a good thing.
- It is unreasonable to expect some tenants not to be allowed visitors just because someone got the last allocated resident pass before they arrived. It's not equitable.

RPD Program Review

Although it has been discussed, I would like to see, as part of the RPD code, a requirement for a yearly review meeting. This meeting date should be communicated well in advance and through multiple means (post cards to owners and residents of parking districts, GT, City Web Site, Barometer, OSU Website, etc.) with the request for any feedback, good or bad, about the current parking districts. At a minimum, the meetings should be required for 2 years past any significant tweaks or modifications to the RPD rules.

My last comment is that I would like the committee to consider implementing options that they don't feel are the best solution but can be changed easily in the future. For example, is it really that important to pick the perfect solution for number of resident or guest permits if this can be easily tweaked the following September. My suggestion is to start loose and tighten as needed as there's always resistance to changing something that is working. This is the case even if you could be less restrictive. It could even be stated that we don't think this is right but based on feedback or knowing it will be less disruptive (improve Livability), we're willing to try it for a year.

Thank you in advance for your consideration of these comments and recommendations.

Best Regards,

John Wydronek

MAYOR & COUNCIL EMAIL

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Urban Parking Zones

- *To*: "'ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx'" <ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Urban Parking Zones
- *From*: "Hardin, Karin" <hardink@xxxxxxxxxxxxxxx>
- *Date*: Mon, 7 Apr 2014 23:42:49 +0000

Don,

I'm a Chapter Advisor of Alpha Gamma Delta at the corner of 26th and Harrison and I would like to know how a house of 50 members are going to park with two permits. Our house was built in 1925 and we have a small parking strip with 7 spots available. One goes to our cook and the other one to our House Mom. That leaves 5 parking spots. Who is going to provide security for the other 40 young women that are now going to have to park 10 blocks away from where they live? I can assure you that the first attack that happens to a college student that had to walk in the dark and the rain to get back to where they live is going to result in a lawsuit for the city that forced this issue. How would you or any other council person tell a parent that we're sorry that your daughter was attacked because she couldn't park anywhere close to where she lived. Our total membership is 157 women that come to the Chapter house every Monday for formal dinner and chapter. We're not the only house in this situation. You have 10 sororities that live in these parking zones with approximately 1,500 women. We've already had to call the police because three young ladies were followed home from Fred Myers. This was the same person that was caught peeping in our House Mom's room. The police have told us there isn't anything they can do. I hope someone thought about this issue before it becomes law in Corvallis.

Karin Hardin

Senior Faculty Research Asst.

School of Biological and Population Health Sciences

018 Milam Hall

hardink@xxxxxxxxxxxxxxx

541-737-0966

- Prev by Date:**Press Release: Food for Library Fines April 14-19, 2014**
- Next by Date:**Join Us to Dedicate our New Homes!**
- Previous by thread:**Press Release: Food for Library Fines April 14-19, 2014**
- Next by thread:**Join Us to Dedicate our New Homes!**
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Fwd: Assigned-Parking Space Model

- *To*: <mayorandcitycouncil@xxxxxxxxxxxxxxxxxxx>
- *Subject*: Fwd: Assigned-Parking Space Model
- *From*: Jeff Hess <jeffhess100@xxxxxxxxx>
- *Date*: Mon, 7 Apr 2014 12:48:45 -0700

In consideration of neighborhood parking districts I'd like the council to consider alternate models to the status quo. Below is one example (there were a number brought to the Collaboration WG which were not forwarded-on but the reasoning was not documented anywhere so it's unclear what, if any, consideration was given). Contemporary decision analysis tools used in private industry for some time now focus on comparing benefits and costs of options prior to making a decision but the approach below was shot down by city staff based on a "problems-only" analysis whereas even cursory brainstorming by city staff would have likely remedied the primary problem their analysis raised (essentially there are streets where there is no parking allowed and where would homes on that street get to park? A- same place they will with status quo approach, a different street). My feeling is that so much time had already been spent on the status quo idea that by the time this idea came before the urban services committee there was a significant push not to look outside the box resulting in quick dismissal of new ideas with no benefit analysis performed and minimal brainstorming. This is probably even more so the case now as we've continued to invest more and more resources into the status quo approach. At a minimum I'd ask the council to consider a permit allocation scheme based on street frontage for each property (i.e. if you have on street parking in front of your lot you get parking permits for those sites {up to two max}). This would equitably distribute parking permits based on how you've developed your property and place appropriate value on on-street parking from the developers perspective (currently there is no incentive to leave on-street parking in place and most sites rely on adjoining properties not developed to extremes for their on street parking). Additionally, this approach links the number of permits allocated to developments as they occur producing a system that is self-regulated (using the currently proposed method of permit allocation the city will have to step in periodically and lower the number of permits issued in each district as new development continues to occur and consumes on-street parking).

regards,
jeff hess

---------- Forwarded message ----------
From: **Jeff Hess** <jeffhess100@xxxxxxxxx>
Date: Fri, Oct 11, 2013 at 10:10 AM
Subject: Assigned-Parking Space Model
To: ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx, "ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, city.manager@xxxxxxxxxxxxxxxxxxx

Councilor Brown asked for more information about the idea I've been proposing at the last few urban services committee meetings which I've written below. The implementation strategy I've outlined is but one of many ways to do this and shouldn't be held to too much scrutiny as what I'm proposing is to examine what advantages attainable by designing an address-specific parking space system, then (if advantages are compelling), brainstorm ways to achieve it.

Potential advantages of an Assigned Parking Space Enforced on a Complaint Basis model *relative to the current parking district model*:

- **Much easier sale.** Consider this: "in exchange for your permit fee you get a guaranteed parking spot in front of your house" instead of "in exchange for your permit fee you *may* be able to park *within blocks* of your house". Parking in front of your residence is worth significantly more than parking in your district. And, because this approach should prove significantly less expensive (see below) the permit fee should be much lower.

- Assigned parking spaces **ends "space patrolling"** where vehicles cruise within district looking for a site, **returns livability to neighborhoods**.

- **No district boundaries** or interactions - simpler system.

- Complaint enforced should be **significantly less expensive** to enforce as no roaming vehicles are utilized and no permits are printed/issued/maintained.

- Complaints are much more likely to result in a ticket/fine producing **increased efficiency in enforcement** time (reduced FTE).

- The increased likelihood of getting a ticket in a complaint based model should **reduce the number of infractions**.

- Complaint enforced model allows visitors and service vehicles access with **no special permit needs (for properties with on-street spaces).**

- Complaint enforced model allows neighbors to work together in forming **parking communities** (parking for neighborhood events, visitors, etc.).

- **Equitable distribution of on-street parking**; as it provides each property with the number of on -street parking sites they would have access to if all adjacent properties were developed the same way they did.

- **Evolves with city development** resulting in less maintenance of districts and saves city staff time; alternate proposals of permit/kitchen will need to be periodically adjusted as districts see further development, this approach links the number of on-street "permits" to the number of on-street sites.

Motivation: Contemporary studies* show that the greatest way to promote alternate transport use is by making parking difficult/expensive. This is primarily achieved using a destination-based model: If you're driving to a business, the business provides parking space for you and if you're driving to a house the house provides a parking space for you...placing the cost of parking spaces on the traffic originators.

How it might be implemented:

For a typical street; parking sites are painted along the length of the street. Each property with a space in front of it has the right to park in that space (or they can let visitors or service vehicles park in that spot), up to a maximum of two spaces. Left over sites might be assigned to: Community service vehicle use, Community visitor space (with 2 hr limit), assigned to properties with high bedroom/off-street-parking ratios, other uses.

Each property owner is given a UUID (unique identifier) only they know. This UUID is required to initiate a parking enforcement response. Parking enforcement responds to complaint, ticketing (or towing) the offending vehicle identified in the complaint.

* http://www.tlcminnesota.org/pdf/mythoffreeparking_PUBLIC.pdf

Finally, thanks for all the work you're putting into this problem. No solution will be free of faults but continuing to not take action only increases the amount of pain that will ultimately be felt when districts are put in place.

Best,
Jeff Hess

- Prev by Date:**Comments on Urban Services Committee's Residential Parking District Proposal**
- Next by Date:**Green Power Partnership Program Update, Issue #19**
- Previous by thread:**Comments on Urban Services Committee's Residential Parking District Proposal**
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Comments on Urban Services Committee's Residential Parking District Proposal

- *To*: <mayorandcitycouncil@xxxxxxxxxxxxxxxxxxx>
- *Subject*: Comments on Urban Services Committee's Residential Parking District Proposal
- *From*: C Cloyd <cloydjc@xxxxxxxxx>
- *Date*: Mon, 7 Apr 2014 12:10:10 -0700

Mayor Manning and Councilors,

The Central Park Neighborhood Association (CPNA) supports the Urban Services Committee's (USC) proposal to expand Residential Parking Districts (RPD), as summarized in Public Works Director Mary Steckel's March 28, 2014 memorandum. We do, however, have two concerns to bring to the Council's attention.

Residents on both sides of 5th and 6th Streets between Jefferson Avenue and Western Boulevard currently find it difficult to park near their houses because weekday commuter parking largely takes up on-street parking. Some of the houses in this area were built in the early 1900s without off-street parking, making on-street parking a necessity. If this area is not included in Parking Zone "F", it will be practically impossible for residents or visitors to find parking.

CPNA urges City Council to avoid this looming problem by taking these actions:

1. **Move the proposed eastern boundary of USC's Zone "F" to the west side of 5th Street from the south side of Jefferson Avenue to Western Boulevard, which is within a block of the original Collaboration Corvallis study area boundary.**
2. **Reject the Downtown Commission's recommendation to exclude 6th Street from RPD Zone "F". Metered parking in residential areas does not contribute to livability, and would inconvenience Central Park and Library visitors.**

Thank you for considering these actions, and for your contributions to Corvallis.

Courtney Cloyd, President

Central Park Neighborhood Association

- Prev by Date:**Webinar: Social Media & Disaster Recovery**
- Next by Date:**Fwd: Assigned-Parking Space Model**

MAYOR & COUNCIL EMAIL

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6th St Parking

- *To*: <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: 6th St Parking
- *From*: "Michael Pope" <michaelpope@xxxxxxxx>
- *Date*: Mon, 7 Apr 2014 14:50:25 -0700
- *Cc*: <cloydjc@xxxxxxxxx>
- *Reply-to*: <michael@xxxxxxxxxxxxxxxxxxxxxx>

Hi Roen,

I understand that the City Council will be reviewing as part of a larger parking proposal the suggestion that 6th St be excluded from the Parking District and possibly metered. I don't believe this proposal is a very smart move because of the potentially very harmful impacts on people who live along that street. As you know there is little off-street parking for many residences because the houses pre-date the modern auto era so we must park on the street. This street should not be a dumping ground for city employees or businesses because it is a residential area from Jefferson to Western. If they meter the areas adjacent to the park, it will push more parking issues south along 6th. I hope that you and others Councilors reject this amendment to the Parking proposal. I am also chagrined that they (City Staff) did not seek input from the CPNA before proposing such a silly idea. Thanks.

Michael Pope

Executive Director, Greenbelt Land Trust

101 SW Western Blvd., Suite 111

P.O. Box 1721

Corvallis, OR 97339

Office: 541-752-9609

Cell:541 760-5044

Fax: 541 738-2671

Email: Michael@xxxxxxxxxxxxxxxxxxxxxxx

"Our mission is to conserve and protect in perpetuity native habitats, working lands and lands of natural beauty which provide a connection to the natural world for the residents of the mid-Willamette Valley."

- Prev by Date:**Last Chance to sign up for 20:20 Leadership or Landis Negotiations**
- Next by Date: **Press Release: Food for Library Fines April 14-19, 2014**
- Previous by thread:**Last Chance to sign up for 20:20 Leadership or Landis Negotiations**
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Parking District Referendum

- *To*: <mayorandcitycouncil@xxxxxxxxxxxxxxxxxxx>
- *Subject*: Parking District Referendum
- *From*: Paul Cauthorn <paulcauthorn@xxxxxxxxx>
- *Date*: Mon, 31 Mar 2014 14:43:09 -0700
- *Cc*: "Jacob G. Daniels" <j.glenn.daniels@xxxxxxxxx>

Hello Mayor and Council,

A very small faction of this community seem bent on restricting the freedom of others. The parking district scheme does NOT have community wide support.

I checked with the county elections office regarding the number of signatures required to file a referendum. From their calculations, we as the citizens of this community would only need 1,748 signatures to refer this matter to the voters.

I have communicated with students, fraternity and sorority leaders, and members of the ASOSU. They also share my concerns about this council ignoring the will of the people. The students make up a very large chunk of this community and are already feeling like they are being treated as cash registers. This parking scheme would add to that and create additional tension between student and non-student neighbors.

It would be simple to obtain the signatures from the OSU student body and the Greek houses to refer this matter to the entire electorate of Corvallis. How do you suppose new restrictions on parking, new fees, new annoyances, and new bureaucracy would be viewed by those voting >city wide<?

I suggest you follow the advice the city manager gave the committee and stop the process. Just because you have consumed untold hours on this project does not mean that what you have produced is a good idea.

Please do the right thing and reject the parking district scheme.

Sincerely,

Paul Cauthorn
541-513-8151

- **Follow-Ups**:
  - **Re: Parking District Referendum**
    - *From:* mayor

- Prev by Date:**[SuperUpdate] Early Childhood Professional Development Strategic Initiative**
- Next by Date:**Re: Parking District Referendum**
- Previous by thread:**[SuperUpdate] Early Childhood Professional Development Strategic Initiative**
- Next by thread:**Re: Parking District Referendum**
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Parking districts

- *To*: ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Parking districts
- *From*: Bill <billbarker@xxxxxxxxxxx>
- *Date*: Fri, 21 Mar 2014 10:02:25 -0700

> Mr. Hervey.
> The concept of "parking districts" is probably needed, but what I've been reading about the proposed fees for permits (for residents) doesn't seem to reflect/cover the actual problem of too many student (and renters) cars. It also puts an extra burden on those permanent residents who actually own the dwellings they occupy, and already pay fees and property taxes for the privilege of living on their property.
>
> Has the concept of not charging owner/residents of homes within the parking districts been voiced? Such a system would be a lot more acceptable to residents already affected by increased student populations. Basically, why should city landowner/residents be charged for a problem they didn't initiate? Put the burden of fees where the problem lies.
> Yes, it is in our (the city's) best interest to work with OSU as one of the major "drivers" of our economy, but some of the City Council seem to have forgotten that they were voted in to make decisions based on what is best for the residents/property owners, not just to facilitate the growth of OSU.
> Thank you for your time.
> Bill Barker

- Prev by Date:**Some quick reminders**
- Next by Date:**RE: Budget Commission Orientation Session - Thur. Mar.20th**
- Previous by thread:**Parking districts**
- Next by thread:**FW: Parking districts**
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Last Minute Comment on Parking Zones

- *To*: "ward2@council@xxxxxxxxxxxxxxxxxxxx" <ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: Last Minute Comment on Parking Zones
- *From*: Patty <pattyh@xxxxxxxx>
- *Date*: Fri, 21 Mar 2014 07:51:22 -0700

Hello Roen,

My husband Herb Heublein has contacted you in the past and has attended many of the meetings regarding parking while I have been busy working. I realize the issue is now down to the wire, however, I would like to make one last minute comment on parking. The **distance around the campus for the 2-hour limit zone should be the equivalent distance from Reser Stadium to the campus core where OSU is hoping the majority of students, staff, and faculty will park.** I work at OSU and have followed their plan closely. If the 2-hour zone is not wide enough, the commuters will take their chances with getting ticketed and continue to park in our neighbors. We live 3 1/2 blocks from the corner of 14th and Monroe and I certainly hope we are in the resident only zone if you don't make the 2 hour limit zone wide enough.

Thank you for your hard work and consideration.

Sincerely,

Patty Heublein

- **Follow-Ups:**
  - **Re: Last Minute Comment on Parking Zones**
    - *From:* ward2

- Prev by Date:**Downtown Wine Walk**
- Next by Date:**Re: Last Minute Comment on Parking Zones**

MAYOR & COUNCIL EMAIL

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parking and traffic collaboration meeting

- *To*: "mayorandcitycouncil@xxxxxxxxxxxxxxxxxxxx" <mayorandcitycouncil@xxxxxxxxxxxxxxxxxxxx>
- *Subject*: parking and traffic collaboration meeting
- *From*: Thomas <tomjensen37@xxxxxxxxxxx>
- *Date*: Tue, 1 Apr 2014 11:33:43 -0700

Just when I thought the Urban Services Committee was making progress on the parking district plan, the Parking and Traffic Collaboration Work Group rears it's head and requests a parking traffic volume study to determine the effects of parking districts on traffic volume. This smells like micromanagement or a stalling tactic.

I can't find a meeting for them after August 13, 2013, and I thought the reins had been passed to the USC. Didn't the USC get all the recommendations at once, or will these P/T recommendations be dropped in when the USC is moving a direction or at a pace uncomfortable for the university?

This study should have been conducted a year ago, and most folks could make fairly accurate prediction on traffic and volume simply by looking at a map. Streets adjacent to OSU will have high student traffic, followed by collector streets running to the university, then neighborhood through-streets(those without stop signs) in the Parking District area, then lowest traffic volume on the cross-streets. The numbers increase proximate to the university.

After Parking District implementation, fewer cars will be driving into the districts, but there will be more movement by the remaining cars because of the 2-hour time limit. Through streets to campus parking may see an increase in volume, many commuters not parking in the districts will now park just outside the district, in areas still closer to the classrooms than on-campus parking.

The USC has determined to have resident permits only, resident parking only within the first two blocks of campus, 2-hour free parking(once per day per district), and no sale of permits to commuters. These terms and conditions need to be approved and enacted by our City Council if we are to maintain any sense of livability for the residents surrounding the university. Please don't let the USC's efforts be derailed.

I've heard concern that councilors aren't reading the meeting packets or their emails. To contradict that opinion, after you have read this email, simply push "respond", and "send", and I will be notified that you have read the email and can counter others' concerns. Thanks, tj

To: Biff Traber, City Council

From: Elaine Cull, 400 SW 7th Street, 541-753-9939,

A few problems I see with the OSU parking plan:

- Parking isn't close to where people need to go. People work and attend class on north campus; parking is concentrated on the south. A lot of time and expense will be needed to constantly move people back and forth.
- Parking for full-time workers will be concentrated in one area, creating traffic jams at peak hours. It's like every day will be a game day. For other people, who need to move on and off campus all day to get to appointments, off-campus laboratories, or other jobs, getting to the south lot will waste a lot of time.
- You can't easily access south campus from north Corvallis. Imagine living on the northside, parking on the southside, then going north again to get to work! Councilors for the north side of Corvallis tend to think that all the parking problems belong to those of us on the south side, but wait till their constituents start complaining about how hard it is to get to work.
- There's little or no parking near the highest use areas: MU, library and Craft Center. There's no parking at all in these areas for the general public, who may want to attend the weekly concerts or other events at the MU.
- Parking fees gouge students. Administrators claim to promote alternative transportation, but bus transport is inadequate. Secure, covered bike parking is rare and expensive. In the same newspaper where they talk about OSU raising parking fees, there are stories about "food insecurity" among students! Student fees now run roughly half the amount of tuition! And administrative salaries and expenses keep going up—I wonder who is benefitting from all this?
- It rains here! Administrators talk about the 10-minute campus, but it will be a lot longer when carrying heavy books and projects in pouring rain.
- People will resist inconvenience and expense in creative ways.

The talk among people in the street and in the locker rooms is that the city council lets OSU get away with murder. The OSU parking policy is driven by the philosophy that people need to be punished for the frivolous use of cars. This whole idea needs to be confronted and re-thought out. What would the parking plan look like if it were driven by respect for the people who need to use it?

RESIDENTIAL PARKING DISTRICTS

EMAIL RESPONSE TO PUBLIC OUTREACH POSTCARD
From March 18, 2014 at noon to April 8, 2014 at noon

From: krakauer stewart
Sent: Tuesday, March 18, 2014 5:44 PM
To: Public Works
Subject: Residential Parking

I would like to offer some last minute testimony regarding the proposed residential parking districts. For some very logical reasons, I strongly urge the council to proceed slowly and cautiously with this new program. First, as the size and number of districts increases, the fair implementation and enforcement logistics become burdensome. Second, we have no idea how the new OSU multi-tiered system is going to impact the existing problems. I agree that for OSU's system to work, the City of Corvallis needs to implement restrictions in the neighborhoods closest to the campus core. The restrictions, however, should be designed to encourage on-campus parking without financially penalizing or making it more complicated for neighborhood residents and their guests to find parking. Up to this point, the proposals I have heard concerning number of permits and fees make the solution sound much worse than the current problem.

Sincerely,

Tim Stewart

ATTACHMENT E

To: Urban Services Committee
From: Dan Brown, Ward 4

April 8, 2014

Subject: Comments on Proposed Baseline Traffic Volume Counts

(1) In March, I made a Council request for information pursuant to an e-mail from a constituent, the president of the College Hill Neighborhood Association. The topic concerned traffic counts for NW Jackson Avenue between 35th Street and Arnold Way which were promised in the *OSU Campus Master Plan 2004-2015* and required by Section 3.36.70.a.4.d in the *Corvallis Land Development Code*.

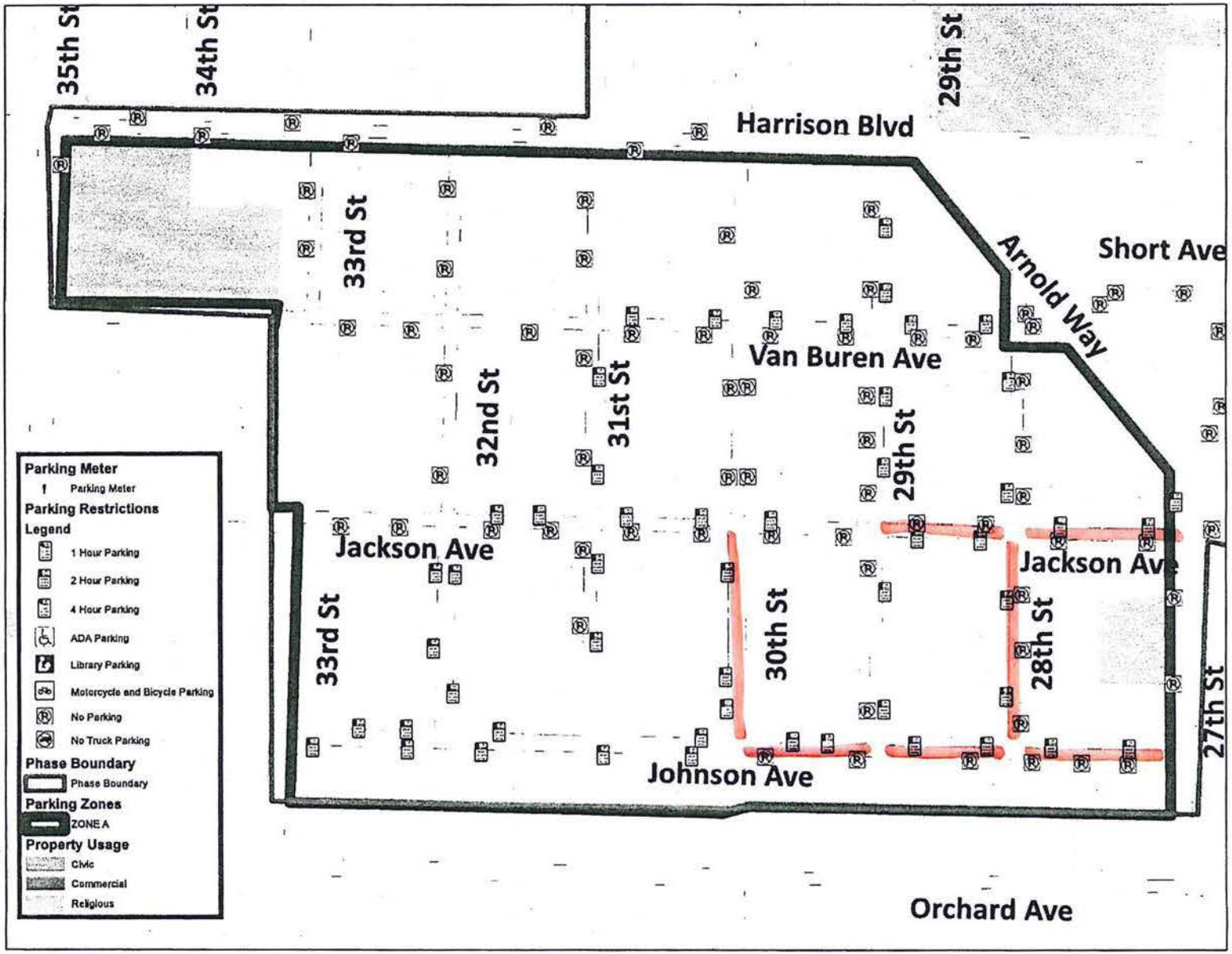
I received a follow-up report from City staff in the packet for the April 7 Council meeting which concludes that ***"these specific counts have not been completed."*** That's too bad because those counts would have been useful now as baseline data.

(2) It is also unfortunate that we missed the opportunity for a Fall measurement, the term which experience the highest traffic volumes. Spring measurements are not comparable to Fall measurements because automobile traffic to and from OSU falls off in the Spring due to: (1) decreased enrollment, and (2) fair weather. As a result, Spring-term measurements will not validly represent the traffic impact for the rest of the year. For accurate maximum traffic volume counts, these will need to be conducted in the Fall

(3) Because there is no perimeter street on the north side of the OSU, **NW Jackson Avenue** - a local street - is frequently used by cut-through traffic as drivers skirt the campus. My constituent believes that this problem has gotten worse. I expect the problem will become even greater when Campus Crest is completed. Traffic coming in from the west is already heavy on Harrison, and there are failing intersections along that route which impede traffic. To avoid traffic congestion, many drivers will likely use the combination of 35th and Jackson to commute.

(4) My constituent also asked for counts on **NW Van Buren Avenue** and **NW Johnson Avenue**, both of which are local streets. Following the reasoning in the paragraph above, I would expect that cut-through automobile traffic from Campus Crest will increase on those streets as well, particularly on Van Buren.

(5) My constituent also notes that drivers ignore the stop signs at the intersection of 28th and Jackson, and that this creates a dangerous situation for bicyclists and children. In the follow-up report from City staff, a report is included. It documents that during a 4.5 hour period on October 28, 2013, **17** (≈4 per hour) vehicles did not stop at all and that **68** (≈15 per hour) vehicles made rolling stops.

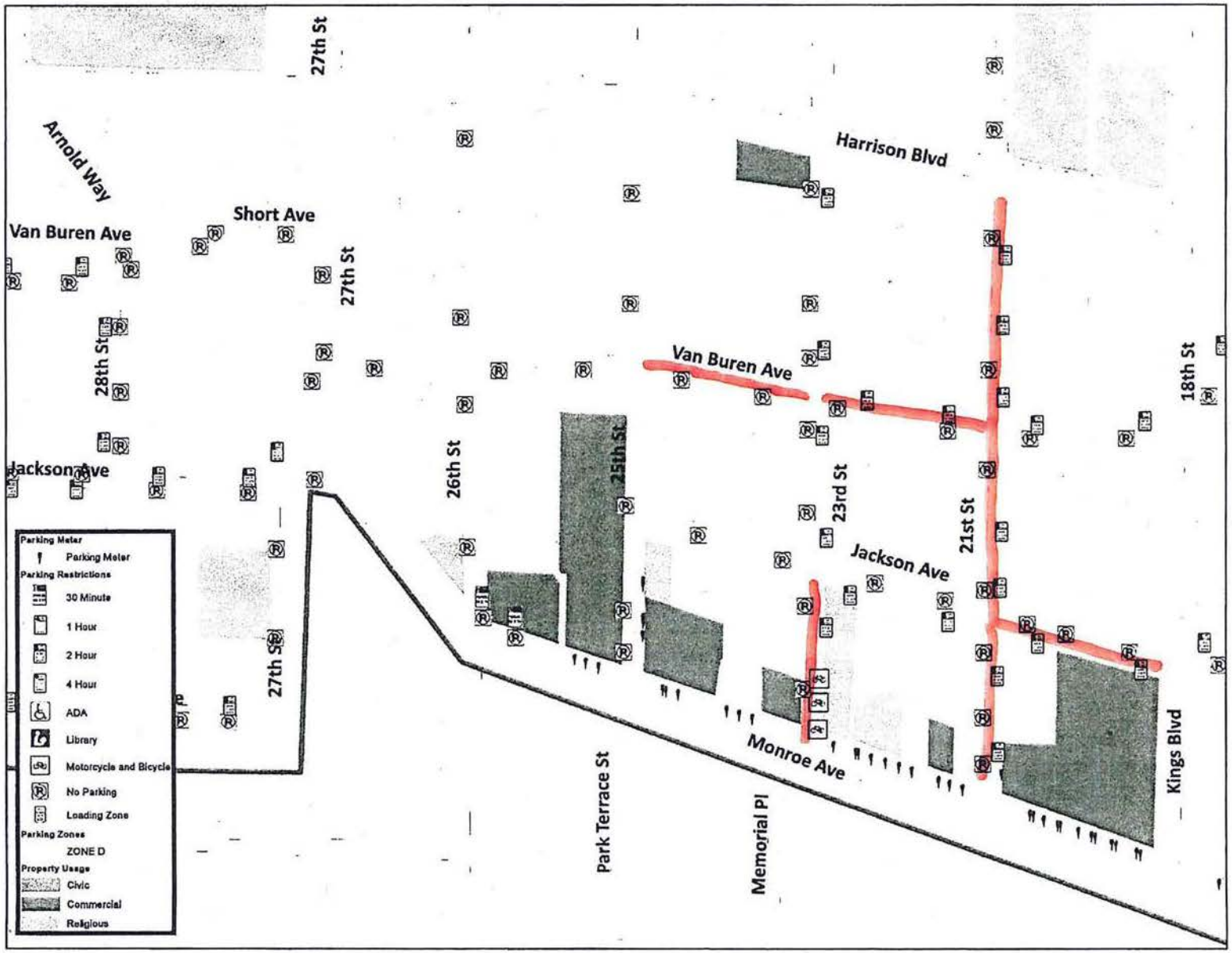


Proposed Parking Districts - ZONE A Restrictions

NORTH

2010 only

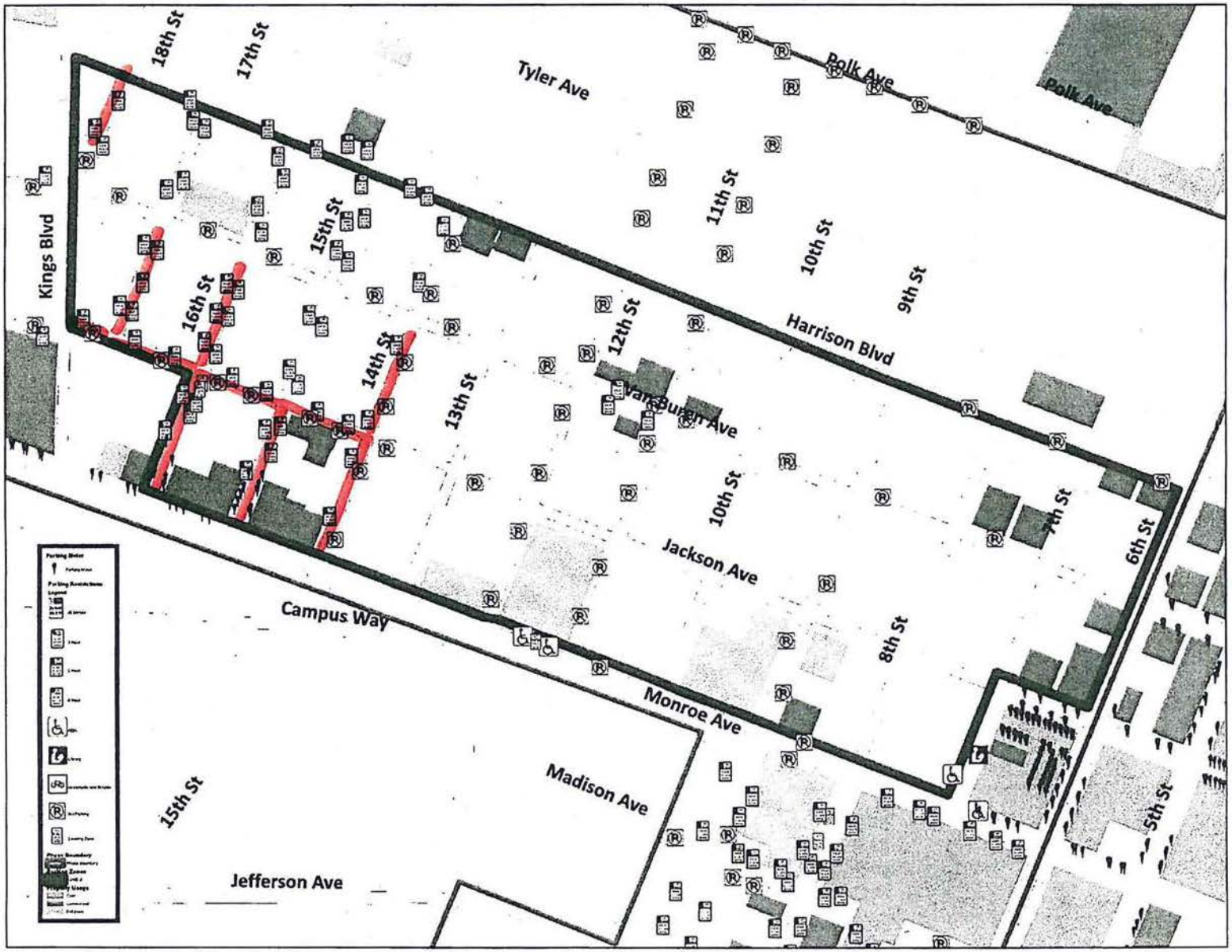
ATTACHMENT F



Proposed Parking Districts - ZONE D Restrictions

NORTH

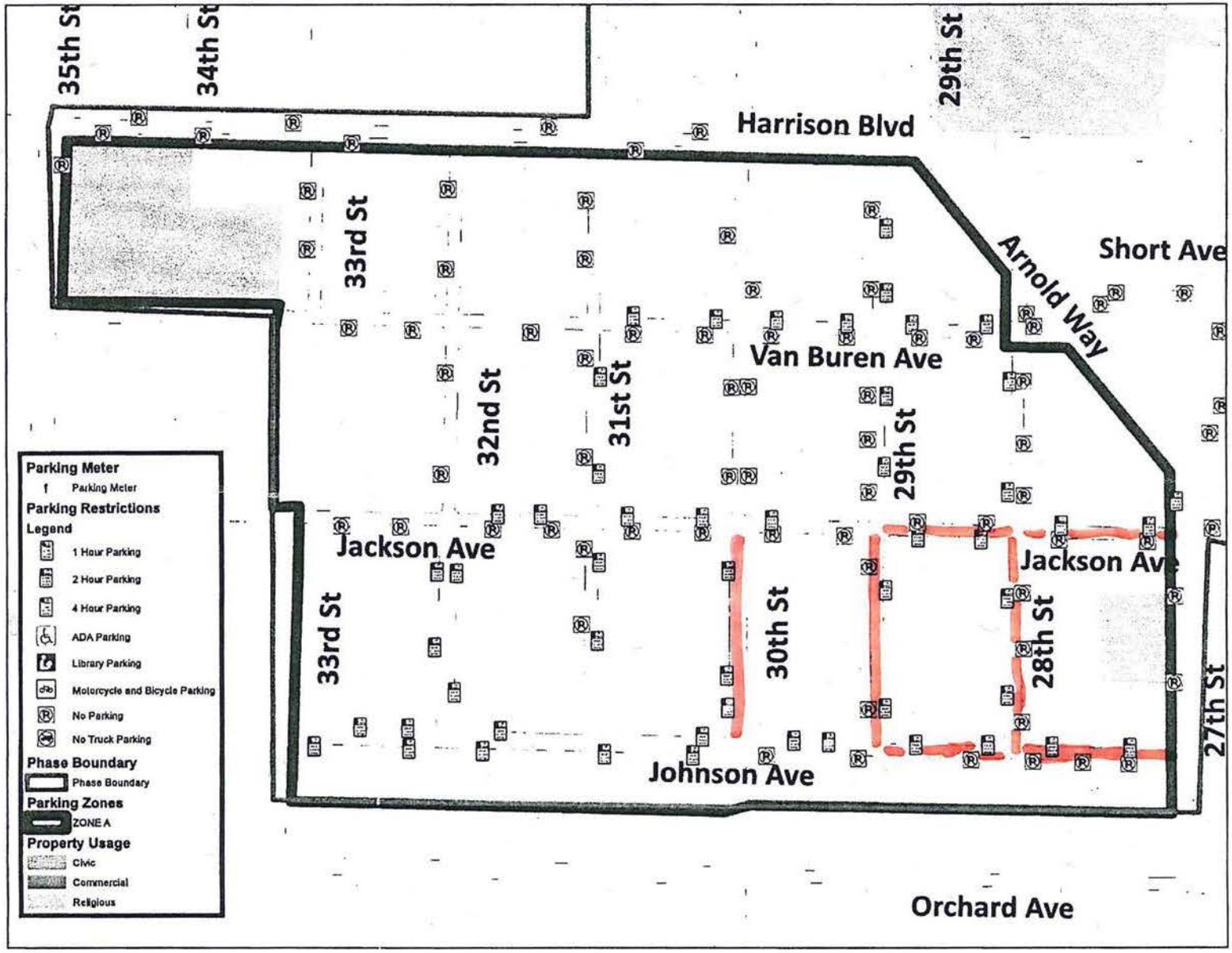
2010 only



Proposed Parking Districts - ZONE J Restrictions

NORTH

2010 only

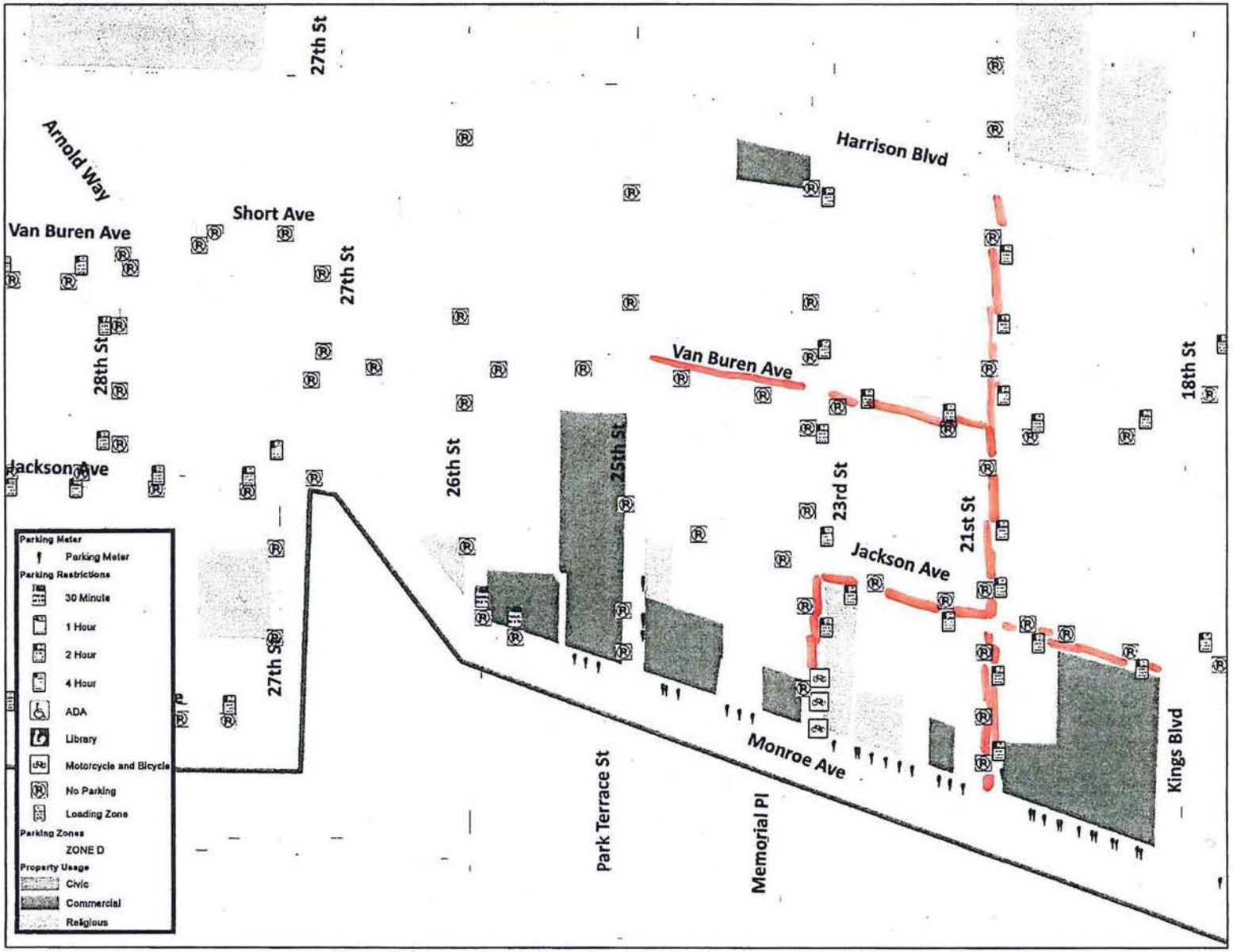


Proposed Parking Districts - ZONE A Restrictions

NORTH

2006, 2007 +/or 2010

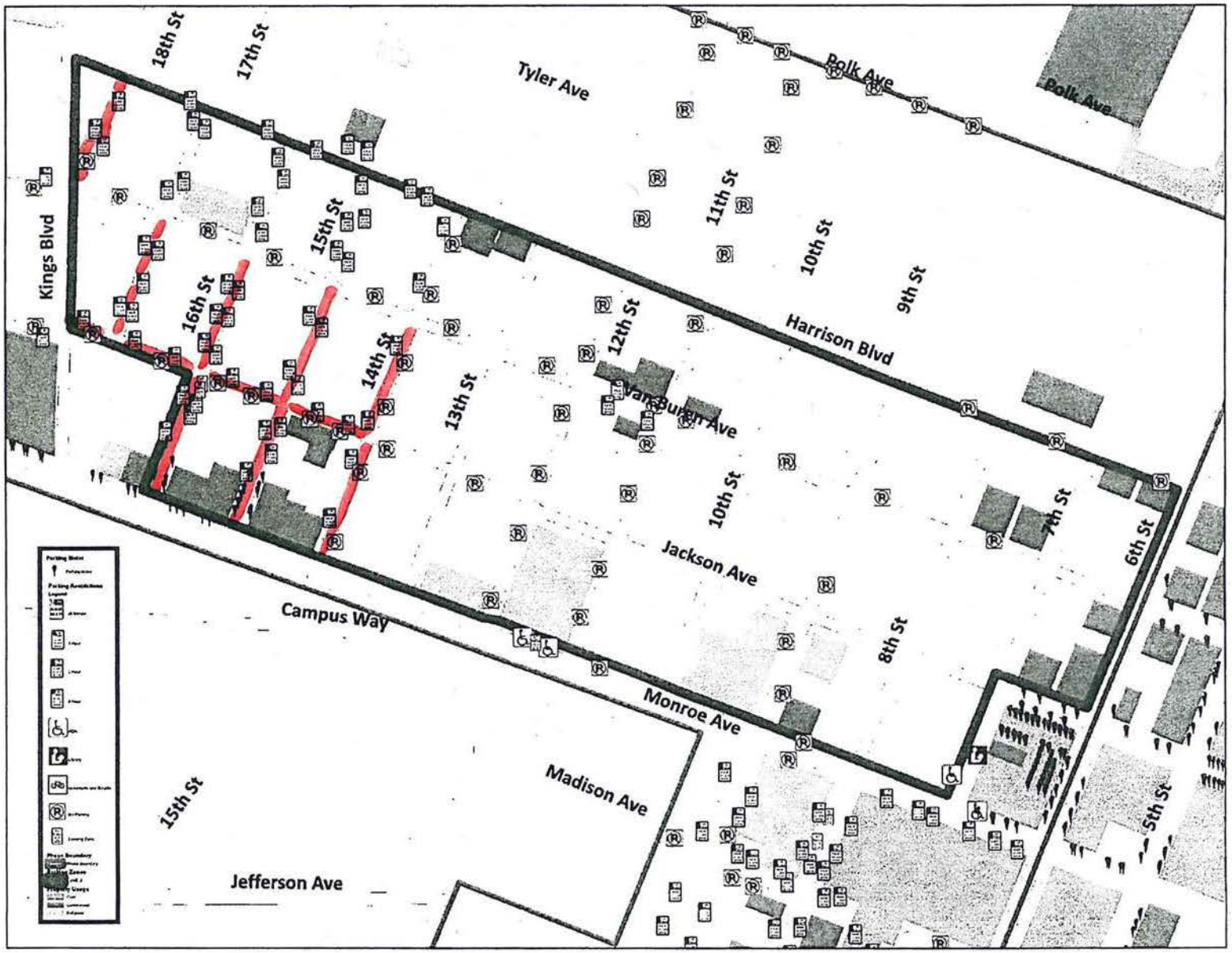
ATTACHMENT G



Proposed Parking Districts - ZONE D Restrictions

NORTH

2006, 2007 +/or 2010



Proposed Parking Districts - ZONE J Restrictions

NORTH

2006, 2007 +/or 2010

MEMORANDUM

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

DATE: March 20, 2014

SUBJECT: Council Policy 2010-1.12 Community Sustainability

ISSUE
The Council Policy on Community Sustainability is reviewed every two years by the Public Works Department and is updated as appropriate by City Council.

BACKGROUND
The Corvallis City Council adopted Council Policy 2010-1.12 Community Sustainability in 2010 to support a balance of environmental, economic, and social equity values in the community.

DISCUSSION
Staff completed a review of the current policy and have one minor change to the language in the Review and Update section in order to be consistent with other Council Policies. However, Council may want to review the Implementation section. This section asks Council to "prioritize one or more sustainability-related topic areas for which to develop community policy guidance and implementation direction each Council term."

Questions for Council to consider:

- Should the policy continue to call out an area of focus?
- If yes, should the area of focus continue to be on Energy and Transportation or should another area of focus be identified?
- If no, should the Implementation section be updated to include less specific language?

If changes are recommended, staff will update the policy in alignment with Council direction.

RECOMMENDATIONS

Staff recommends that the Urban Services Committee accept the proposed revision to the Review and Update section and provide any desired revisions to the Implementation section for staff to include in the updated Council Policy 2010-1.12 Community Sustainability for the full City Council to review.

Reviewed and concur:

James A. Patterson, City Manager

Attachment: Revised Council Policy 2010-1.12 Community Sustainability

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 1 - GENERAL

CP 2010-1.12 Community Sustainability

Adopted **April 19, 2010**
Revised April 16, 2012
Revised **March 7, 2014**

1.12.010 Purpose

To achieve a more sustainable community. This Policy supports development of community practices, plans, and programs that promote a balance of environmental, economic, and social equity values (known as the "triple bottom line").

1.12.020 Goals

It is anticipated that the Corvallis community desires to achieve the following overall sustainability objectives:

1.12.021 Encourage and develop connections between environmental quality, economic vitality, and social equity.

1.12.022 Inspire and promote public action to address the needs of all citizens while furthering sustainability goals.

1.12.023 Equitably distribute the costs of improving sustainability.

1.12.024 Use resources efficiently and reduce demand for natural resources (such as energy, land, and water) as a first alternative to expanding supply.

1.12.025 Prevent additional pollution through planned, proactive measures, rather than only corrective action, and focus on solutions, rather than symptoms.

1.12.026 Act locally to reduce adverse global impacts of rapid population growth and consumption, such as ozone depletion and climate change.

1.12.027 Be a model of sustainable activities for other communities.

1.12.030 Definitions

Three relevant definitions from the Corvallis Comprehensive Plan appear here.

1.12.031 Sustainable – ability to be maintained or continued indefinitely.

1.12.032 Goal – a statement of intention expressing community values intended to provide a guide for action by the community.

1.12.033 Policy – a decision-making guideline for actions to be taken in achieving goals and the community's vision.

The following definition is from Council Policy 04-1.08 Organizational Sustainability.

1.12.034 Sustainability – using natural, financial and human resources in a responsible manner that meets existing needs without compromising the ability of future generations to meet their own needs.

1.12.040 Policy

The community has demonstrated its concern for a sustainable community through the *Corvallis 2020 Vision Statement.* In pursuit of that, this Policy envisions that the community will:

1. Participate actively in public involvement processes to ensure a community dialogue on sustainability;
2. Develop practices to achieve a more-sustainable community through plans and programs that promote a balance of environmental, economic, and social equity values;
3. Use planned, proactive community solutions to sustainability problems; and
4. Consider long-term and cumulative consequences when making sustainability decisions.

1.12.050 Implementation

This Policy anticipates that current and future City Councils will prioritize one or more sustainability-related topic areas for which to develop community policy guidance and implementation direction each Council term.

1.12.051 Energy and Transportation

The *Community Energy Strategy: A 2020 Framework,* approved by the City Council on January 4, 2010, provides guidance to the community and future City Councils on achieving a more secure and resilient Corvallis in the areas of energy and transportation.

1.12.052 Implementation direction for other sustainability-related topic areas may be added to this section of the Community Sustainability Policy in the future.

1.12.060 References

"Compilation of Existing City Energy Sustainability Policies," Energy Strategy *ad hoc* Committee, December 21, 2009.

"Community Energy Strategy: A 2020 Framework," Energy Strategy *ad hoc* Committee.

1.12.070 Review and Update

~~This Policy shall be reviewed every two years by the City Council and updated as appropriate.~~ **The Public Works Director will prepare the Council Policy review every two years for City Council approval.**

*** MEMORANDUM ***

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

DATE: March 21, 2014

SUBJECT: Review of Council Policy CP 91-7.08 Sidewalk Policy

Issue
The Council Policy on sidewalks is reviewed every three years by the Public Works Director and revised as appropriate by City Council.

Background
This policy was adopted by City Council in September, 1961. The policy establishes the guidelines for sidewalk repair and for the Sidewalk Safety Program.

On December 20, 2010, the City Council passed ordinance 2010-30 creating Corvallis Municipal Code Chapter 3.07, "Sidewalk Maintenance Fee." The funds generated by this fee are to be used by the City to pay for sidewalk repairs in the public right of way "in accordance with a sidewalk maintenance program as described in City Council Policy 91-7.08."

Discussion
As outlined in Corvallis Municipal Code Chapter 3.07, the City is responsible to make the necessary repairs to sidewalks that are determined to be unsafe per established guidelines. As a result, changes were implemented to the annual Sidewalk Safety Program outlined in Council Policy 91-7.08 to shift the responsibility for funding these repairs from the adjacent property owner to the City.

The sections of the policy related to the construction of new sidewalks remain unchanged.

Many of the changes to this policy are the result of conforming to the new Council Policy format, including new sections: Goal, Background and Definitions. Staff is proposing a few edits to improve the readability and application of the policy.

Requested Action
Staff requests the Urban Services Committee recommend that the City Council revise Council Policy 91-7.08 Sidewalk Policy, to incorporate these changes.

Review and concur:

James A. Patterson, City Manager

Attachment

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 7 – COMMUNITY IMPROVEMENTS

CP 91-7.08 Sidewalk Policy

Adopted	**September 18, 1961**
Revised	**September 8, 1970 (91-7.08.020)**
Adopted	May 21, 1973 (91-7.08.030)
Combined and Affirmed	October 7, 1991
Revised	June 20, 1994
Reviewed	November 6, 1995
Revised	November 3, 1997
Revised	November 15, 1999
Affirmed	October 16, 2000
Revised	December 17, 2001
Revised	November 4, 2002
Revised	November 17, 2003
Revised	December 20, 2004
Revised	December 19, 2005
Revised	February 7, 2011
Revised	**March 21, 2014**

7.08.010 Purpose

To establish a policy regarding sidewalk construction and repair in the public right of way.

7.08.020 **Goals** ~~Policy – Sidewalk Construction~~

~~7.08.021 Sidewalk construction shall be as per Corvallis Municipal Code (CMC) Chapter 2.15, Sidewalk Improvements, as amended.~~

~~7.08.022 The criteria used to base an order to construct a missing sidewalk in an area that generally has sidewalks will be as follows:~~

~~Undeveloped Lot – Where the plat was recorded after November 1997 and has been recorded three years or longer, or when the missing sidewalk creates a threat to public safety and health as determined by the Public Works Director, and there is no sidewalk on the opposite side of the~~

~~street unless there is no reasonably safe means for a person to cross the street.~~

~~Developed Lot – The City has received a complaint, and review by City staff determines that the missing sidewalk presents a threat to public safety and health; and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means to cross the street.~~

7.08.021 **This policy is intended to guide the administration of funds collected through the authority of Corvallis Municipal Code Chapter 3.07, "Sidewalk Maintenance Fee".**

7.08.022 **The City will use the funds collected from this fee to make necessary repairs to sidewalks within the public right-of-way.**

7.08.023 **The City will use this policy to determine when construction of new sidewalks is required.**

7.08.024 **Sidewalks promote alternative modes of transportation and provide a vital component for community livability and individual health.**

7.08.030 ~~Policy - Sidewalk Repair~~ **Definitions**

7.08.031 **Sidewalks – pedestrian facilities that are typically parallel to streets and near or adjacent to street curbs that are constructed of concrete to City standards.**

7.08.032 **Sidewalk Hazards - defined criteria maintained by the Public Works Department that are used to determine if a sidewalk panel is a potential tripping hazard and is in need of repair or replacement.**

7.08.033 **Sidewalk Safety Program - an annual program to identify and prioritize sidewalk hazards that are eligible for repair using funds collected from the Sidewalk Maintenance Fee.**

7.08.034 **Wheelchair access ramps – Lowered curb and sidewalks at street intersections that improve accessibility for individuals using wheelchairs or who have accessibility issues.**

7.08.0340 ~~Annual Program – Sidewalk Safety Program~~**Policy**

7.08.0341 The owners of land adjoining any street in the City are responsible for the condition and maintenance of sidewalks in front of, along, or abutting their property as established by C**orvallis** M**unicipal** **Code (CMC)** Chapters 2.15 and 5.04.050 (2) (c).

~~7.08.032~~ It is the responsibility of the City to construct and repair sidewalk wheelchair access ramps at intersections, repair and maintain sidewalks at public alley approaches, and repair and maintain sidewalks in front of, along, or abutting City-owned property.

7.08.03342 The City will maintain an ongoing annual program to identify hazardous sidewalk conditions and will determine the priority within which repairs for these hazardous sidewalk conditions may be completed or the priority within which mitigation for these hazardous sidewalk conditions may be made, taking into account the resources available for the **Sidewalk Safety Program**~~Annual Program~~, Section 7.08.040**5**.

7.08.03443 The City will provide ~~year 'round~~ inspections of sidewalk hazards identified by citizen complaints in all areas of the City. The City may include repairs for these hazards, as needed, in the contract for repairs performed in the **Sidewalk Safety Program**~~Annual Program~~, Section 7.08.040**5**.

7.08.03544 The City will attempt to accommodate trees and planting strips by considering sidewalk re-location options, including easements on private property.

7.08.0415 ~~Annual Program~~**Sidewalk Safety Program** - Annually, the City will identify **hazardous sidewalk areas to repair** and **replace** ~~a district~~ within City Limits. **The City's Sidewalk Maintenance Fee provides a source of funding to do this work, and the City will repair defects each year up to the amount of funding available.** ~~containing public sidewalks to be inspected based on the Sidewalk Safety Districts map maintained by Public Works. The City will provide notification to all residents and owners of property within that year's district describing the program.~~

7.08.0426 Sidewalk hazards will be identified and marked, following guidelines prepared by the City Public Works Department. The City will take responsibility for repairs of structural deficiencies identified in accordance with these guidelines. The City will prioritize repairs on the basis of highest risk to public health and safety. The City may elect to mitigate sidewalk hazards until repairs can be made. Sidewalk repairs will be performed within the available funds generated by the Sidewalk Maintenance Fee established per CMC Chapter 3.07. **Sidewalk construction shall be as per CMC Chapter 2.15, Sidewalk Improvements, as amended.** Structural deficiencies identified but not repaired **due to lack of funding** will be included and prioritized with the repairs identified in the following year.

7.08.0437 In conjunction with the annual sidewalk inspection, City staff will identify locations in need of wheelchair access ramps, sub-standard wheelchair access ramps, and sidewalk repairs designated as City responsibility.

7.08.0448 The City will advertise the work for bids according to City purchasing code and State law requirements to construct or retrofit wheelchair access ramps and repair sidewalks.

7.08.02249 **The City has the authority to order an abutting property owner to construct a missing segment of sidewalk. The criteria used to base an order to construct a missing sidewalk in an area that generally has sidewalks will be as follows:**

Undeveloped Lot – Where the plat was recorded after November 1997 and has been recorded three years or longer, or when the missing sidewalk creates a threat to public safety and health as determined by the Public Works Director, and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means for a person to cross the street.

Developed Lot – The City has received a complaint, and review by City staff determines that the missing sidewalk presents a threat to public safety and health; and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means to cross the street.

7.08.050 Enforcement

7.08.051 Property owners who fail to construct new sidewalks within the time frames established in this document and by Corvallis Municipal Code will be subject to fines as established in CMC Chapter 2.15, as amended.

7.08.060 Review and Update

The Public Works Director will prepare the Council Policy review every three years for City Council approval. ~~This Community Improvement Policy shall be reviewed by the Public Works Director triennially in October and updated as appropriate.~~

MEMORANDUM

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

DATE: March 14, 2014

SUBJECT: Permit to Occupy the Public Right-of-Way

ISSUE

Retreat at Oak Creek, LLC (ROC) is requesting an Occupancy Permit (Attachment A) to install a conduit in the public right-of-way (ROW).

DISCUSSION

ROC has submitted an application to install multiple conduits crossing the ROW for the provision of services to the new buildings to be located in the Retreat at Oak Creek development. Services include a fire alarm, E-911 telecom, managed data, fixed unencrypted video, video surveillance, access controls, building security, and building management systems.

The proposed conduits are planned to be buried along side other utilities to minimize their footprint in the ROW. The planned ROW crossings equate to a total of 536 linear feet (268' of 2" & 268' of 6") of conduit occupying the ROW.

Staff from Public Work's Engineering, Streets, Utilities, and Administrative Divisions have reviewed the application and construction plans and approve of the design. Conflicts with City utilities to be installed with the new development have been minimized or eliminated.

The City would annually be compensated $3.77/LF of 2" conduit and $5.77/LF of 6" in the ROW equating to about $2,556 per year in revenue to the General Fund. The annual per foot rate would increase yearly based on the Consumer Price Index.

RECOMMENDATION

Urban Services recommends the City Council authorize the City Manager to approve a Permit to Occupy the Public Right-of-Way with Retreat at Oak Creek, as proposed, with an effective date of June 1, 2014.

Review and Concur:

James A. Patterson, City Manager

James K. Brewer, City Attorney

Attachments:

A - Permit to Occupy the Right of Way

Permit to Occupy Public Right-of-Way

This permit is granted by the City of Corvallis, an Oregon municipal corporation, hereinafter referred to as "City", to Retreat at Oak Creek, LLC, hereinafter referred to as "Permittee".

Section 1 Authority

1. The Permittee shall be subject to applicable Municipal Codes and Ordinances of the City including but not limited to those guidelines detailed in Corvallis Municipal Code chapter 3.02, relating to utilities, unless otherwise noted herein. Code chapter 3.02 is attached as Addendum "A".

2. Unless otherwise specified in this permit, any action authorized or required to be taken by the City may be taken by the Council or by an official or agent designated by the Council.

Section 2 Rights Granted

Subject to the provisions and restrictions of this permit and the Municipal Codes and Ordinances of the City, the City grants to Permittee the non-exclusive privilege to use the public right-of-way for:

Conduits in the right-of-way crossing SW Deon Dr., SW Waterleaf Ave., SW Chickadee St., SW Sagebrush Dr., and SW Bunchberry Ave. as described on Exhibit "A" attached hereto for the provision of non-franchised services. Total length of the conduits: two-hundred sixty-eight feet (268) of 2-inch diameter; and two-hundred sixty-eight feet (268) of 6-inch diameter.

This permit is granted subject to the City Manager's authority to prescribe which public right-of-ways will be used and the location within the public right-of-way. Permittee's use shall comply with the standard specifications of the City, and all other applicable Federal, State, and local laws and regulations. No work affecting the public right-of-way shall be performed by the Permittee without the express written consent of the City. Permittee shall register the private utility with the Oregon Utility Notification Center and shall keep the registration current for as long as the utility occupies the public right-of-way.

Section 3 Compensation

In consideration of the privileges and permit granted, Permittee shall pay to the City a one-time initial fee of $100. In addition, Permittee shall pay to the City annually, $3.77 per lineal foot of 2-inch conduit (268 lineal feet) and $5.77 per lineal foot of 6-inch conduit (268 lineal feet) placed within the public right-of-way. The total amount of the annual fee specified herein shall increase each year by a percentage equal to the change in the Consumer Price Index for urban wage earners and clerical workers for the Portland, Oregon metropolitan region for the prior year, published semi-annually, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor. Permittee shall make annual payments to the City on or before the last day of January for the calendar year immediately preceding. Within thirty (30) days of the termination of this permit, Permittee shall pay a pro-rata fee for the period from the end of the prior calendar year to the date of termination. With each annual fee payment,

Permittee shall furnish a sworn statement setting forth the amount and calculation of the payment. The payment of the permit fee shall not be credited toward the payment of property taxes or payments in lieu thereof, nor any sales or income tax adopted by the City, nor credited toward any permit fees exclusive of this agreement.

In the event the payment due under the provisions of this permit, that shall not be paid, or is underpaid, within thirty (30) days of due date, Permittee shall pay in addition to the payment, or sum due, interest at a rate equal to 8% per annum calculated from the date the payment was originally due until the date the City receives the payment.

Section 4 **Term of Permit**

This permit shall continue and be in force for a period of fifteen (15) years from and after the date this permit becomes effective, provided, however, that either the City or Permittee may, upon at least thirty (30) days written notice to the other prior to the expiration of each three (3) year period from the effective date, open this agreement to negotiate provisions therein including the per lineal foot rate. Otherwise, this agreement remains in effect.

Section 5 **Hold Harmless Clause**

Subject to the limitations and conditions of the Oregon Tort Claims Act, and the Oregon Constitution, Article XI, Section 7, Permittee shall indemnify, protect, and hold the City of Corvallis and its officers, agents, and employees harmless against claims for injury or damage and loss, liability, cost, or expense growing out of, or resulting directly or indirectly from use by the Permittee of the public right-of-way.

Section 6 **Notices**

Whenever this permit calls for the providing of written notices to the parties, it shall be sufficient for notice to be sent by regular mail or delivered personally to the following locations:

For the Permittee: Retreat at Oak Creek, LLC
J. Wesley Rogers
455 Epps Bridge Parkway, Building 100, Suite 201
Athens, GA 30606
Ph. 706-543-1910
jon@gaplanning.com

For the City: City of Corvallis
Public Works Department
Attention: Franchise Utility Specialist
PO Box 1083
Corvallis, OR 97339-1083

Section 7 **Effective Date**

This permit shall take effect June 1, 2014.

The signatures below indicate the full acceptance of all of the terms and conditions provided herein.

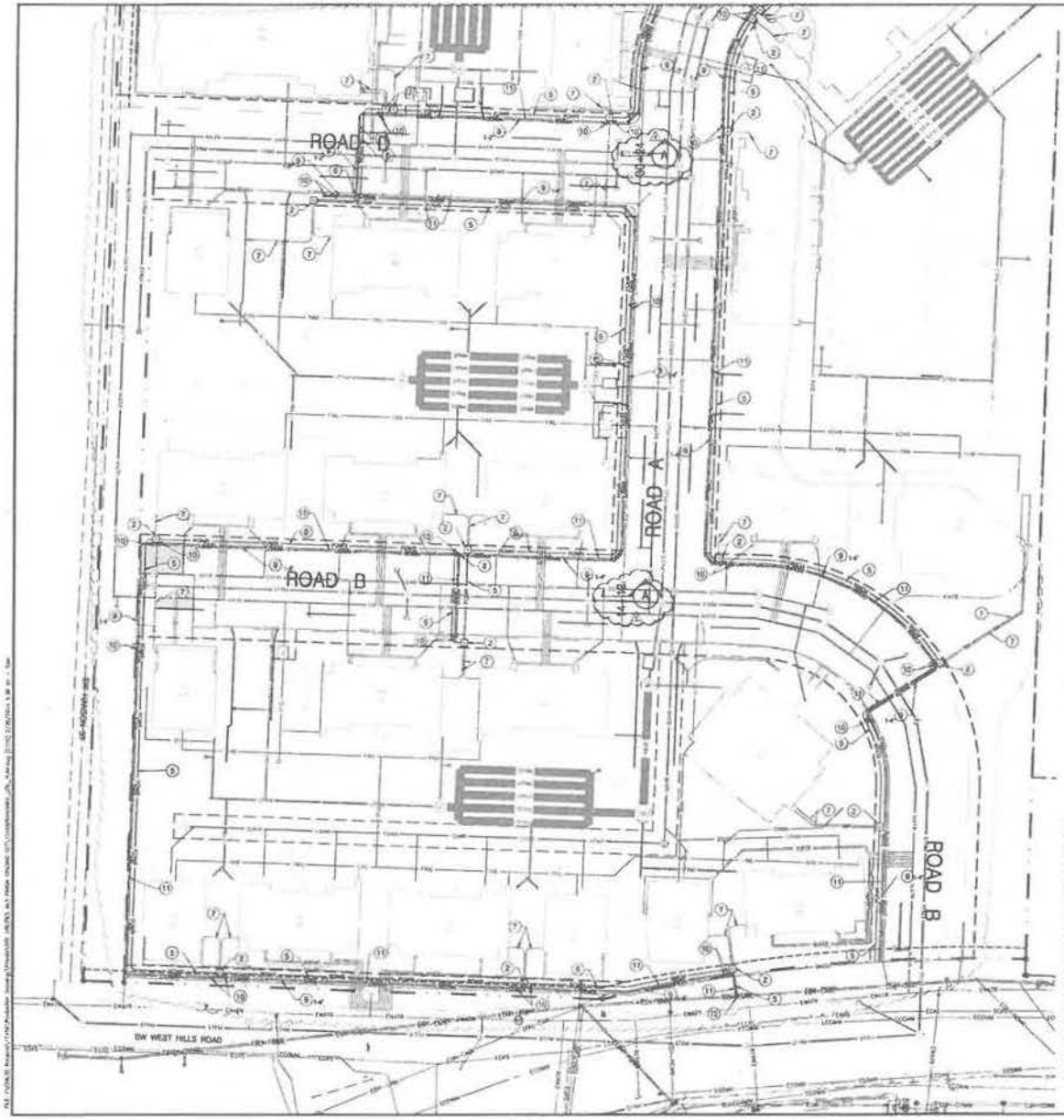
J. Wesley Rogers Manager of Member Retreat at Oak Creek, LLC	Date
James A. Patterson, City Manager City of Corvallis	Date

Approved As To Form:

James K. Brewer, City Attorney

Proposed Street Name	Proposed Crossing at Station (PIP13-01554)	Proposed Crossing Facilities	Conduit Length in Right of Way	Proposed Facilities Located in Common Utility Trench with -
SW Deon Drive	Road B STA 14 + 12	1 – 6″ Conduit 1 – 2″ Conduit	50′	Street Lights
SW Waterleaf Avenue	Road D STA 30 + 24	1 – 6″ Conduit 1 – 2″ Conduit	50′	Street Lights
SW Chickadee Street	Road A STA 4 + 05	1 – 6″ Conduit 1 – 2″ Conduit	50′	Power, CATV Telephone, Gas
SW Sagebrush Drive	Collector Street STA 57 + 72	1 – 6″ Conduit 1 – 2″ Conduit	68′	Power, CATV Telephone, Gas
SW Bunchberry Avenue	Road "C" STA 20 + 33	1 – 6″ Conduit 1 – 2″ Conduit	50′	Street Lights

Exhibit A



GENERAL POWER UTILITIES NOTES:

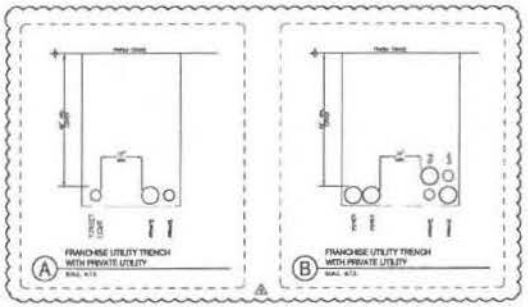
1. ALL PRIMARY CONDUITS AND TRANSFORMER VAULTS MUST BE WITHIN THE UE.
2. ALL VAULTS MUST SIT ON A 6" DEEP 3/4"-0 GRAVEL BASE COMPACTED TO 95%. THE 3-PHASE VAULT LID OVERHANG MUST HAVE THE SAME BASE TO SIT ON.
3. PVC SWEEPS MAY BE USED WHERE CONDUIT RUN IS LESS THAN 150' AND TOTAL OF BENDS DOES NOT EXCEED 3°10' DEGREES. FIBERGLASS SWEEPS ARE REQUIRED.
4. LOCATIONS FOR CABLE AND COMMUNICATIONS ARE PRELIMINARY BASED ON PACIFIC POWER ROUTING DIAGRAM. ACTUAL LOCATION MAY VARY BASED UPON ACTUAL FRANCHISE UTILITY DESIGN.
5. FOR TYPICAL FRANCHISE UTILITY HORIZONTAL SEPARATION, SEE DETAIL 1/C422.

FRANCHISE UTILITIES CONSTRUCTION NOTES:

1. INSTALL 3-PHASE TRANSFORMER VAULT T-75-TRANS-P-COMP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 1/C421.
2. INSTALL 1-PHASE TRANSFORMER VAULT 444-TRANS-SECI-PEDMT PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 4/C421.
3. INSTALL 1-PHASE PULL VAULT 444-MH-PEDMT PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 2/C421.
4. INSTALL 1-6" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 48" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6155, FOR TRENCH INSPECTION.
5. INSTALL 1-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6155, FOR TRENCH INSPECTION.
6. INSTALL 3-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6155, FOR TRENCH INSPECTION.
7. INSTALL 2-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6155, FOR TRENCH INSPECTION.
8. INSTALL COMMUNICATION VAULT (WANG HILLS) PER CENTURY LINK SPECIFICATIONS AND REQUIREMENTS. COMMUNICATION VAULT SHALL BE UTILITY VAULT 24H-1A AS SHOWN AS DETAIL 3/C421.
9. INSTALL DESIGNATED QUANTITY AND SIZE SCHEDULE 40, ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. CONTACT CENTURY LINK'S WALLS DESIGN 541-464-7762, FOR TRENCH INSPECTION.
10. SWEEP END OF CONDUIT UP FOR PEDESTAL INSTALLATION.
11. INSTALL 1-2" SCHEDULE 40, ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. CONTACT COMCAST CONSTRUCTION COORDINATOR, MIKE ALLEN, 541-230-0216, TO VERIFY CONDUIT REQUIREMENTS AND LOCATION.
12. STUB END OF CONDUIT AT UTILITY POLE PER DETAIL 2/C422.
13. GAS LINE TO BE INSTALLED BY NW NATURAL. GAS LINE SHALL BE INSTALLED 32" BELOW FINISH GRADE UNLESS OTHERWISE DIRECTED BY NW NATURAL. CONTACT NW NATURAL CONSTRUCTION ESTIMATOR, DARREL STEVENS, 541-674-3774 TO VERIFY REQUIREMENTS AND LOCATION. LOCATION TO BE DETERMINED.

SCALE: 1" = 30'

SCALE IN FEET



DRAWING STATUS:	DATE:	No.	REVISION:	DATE:
PRELIMINARY		1		
SUBMITTED	05/29/14	2	1ST REVIEW	10/06/14
BID SET		3	PRIVATE UTILITIES	10/27/14
PERMIT SET		4		
CONST SET		5		

devco
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OREGON
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CORVALLIS, OR 97339
www.devcoproperties.com

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PROJECT:
RETREAT AT OAK CREEK - SITE UTILITIES AND FINISH GRADING

PROJECT LOCATION:
CORVALLIS, OREGON

CLIENT:
WILLIAMS AND ASSOCIATES

SHEET TITLE:
FRANCHISE UTILITIES PLAN - SOUTH

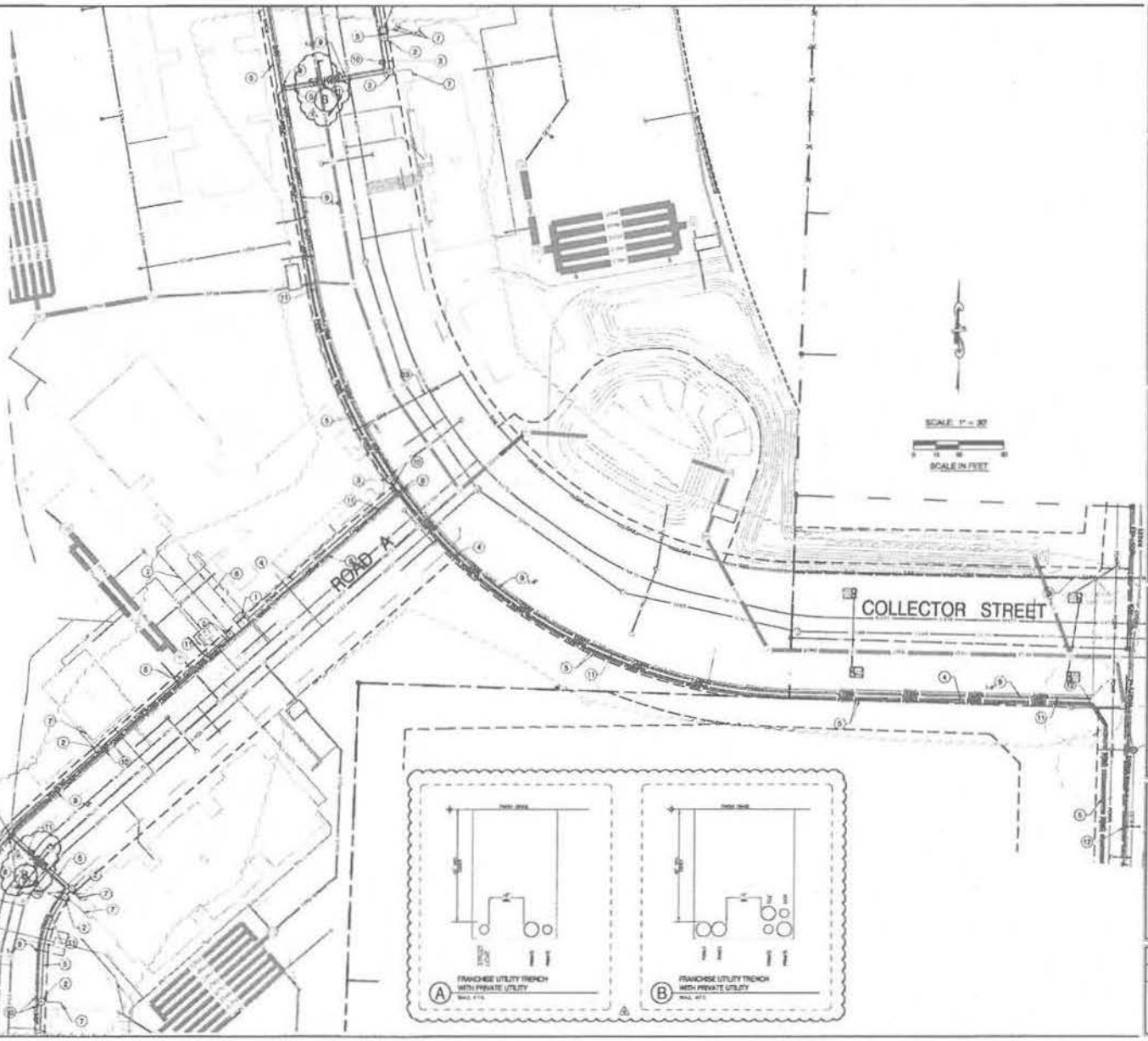
JOB NO. 12-436
DRAWN BY: DEVCO
DRAWING
C220

GENERAL POWER UTILITIES NOTES:

1. ALL PRIMARY CONDUITS AND TRANSFORMER VAULTS MUST BE WITHIN THE U.E.
2. ALL VAULTS MUST SIT ON A 6" DEEP 3/4"-0 GRAVEL BASE COMPACTED TO 90%. THE 3-PHASE VAULT LID OVERHANG MUST HAVE THE SAME BASE TO SIT ON.
3. PVC SWEEPS MAY BE USED WHERE CONDUIT RUN IS LESS THAN 150' AND TOTAL OF BENDS DOES NOT EXCEED 270°. OTHERWISE, FIBERGLASS SWEEPS ARE REQUIRED.
4. LOCATIONS FOR CABLE AND COMMUNICATIONS ARE PRELIMINARY BASED ON PACIFIC POWER ROUTING DIAGRAM. ACTUAL LOCATION MAY VARY BASED UPON ACTUAL FRANCHISE UTILITY DESIGN.
5. FOR TYPICAL FRANCHISE UTILITY HORIZONTAL SEPARATION, SEE DETAIL 1/C432.

FRANCHISE UTILITIES CONSTRUCTION NOTES:

1. INSTALL 3-PHASE TRANSFORMER VAULT 575-TRANS-PCOMP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 1/C431.
2. INSTALL 1-PHASE TRANSFORMER VAULT 444-TRANS-SECT-PCOMP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 1/C431.
3. INSTALL 1-PHASE PULL VAULT 444-MH-PCOMP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 2/C431.
4. INSTALL 1-6" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 48" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KIRSTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION.
5. INSTALL 1-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KIRSTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION.
6. INSTALL 3-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KIRSTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION.
7. INSTALL 3-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KIRSTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION.
8. INSTALL COMMUNICATION VAULT (HAND HOLE) PER CENTURY LINK SPECIFICATIONS AND REQUIREMENTS. COMMUNICATION VAULT SHALL BE UTILITY VAULT 364-16 AS SHOWN AS DETAIL 3/C421.
9. INSTALL DESIGNATED QUANTITY AND SIZE SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. CONTACT CENTURY LINK'S MELISSA OLSON, 541-484-7783, FOR TRENCH INSPECTION.
10. SWEEP ENDS OF CONDUIT UP FOR FUTURE INSTALLATION.
11. INSTALL 1-2" SCHEDULE 40, ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. CONTACT COMCAST CONSTRUCTION COORDINATOR, MIKE ALLEN, 541-230-0218, TO VERIFY COMMUNICATIONS REQUIREMENTS AND LOCATION.
12. STUB END OF CONDUIT AT UTILITY POLE PER DETAIL 2/C432.
13. GAS LINE TO BE INSTALLED BY NW NATURAL. GAS LINE SHALL BE INSTALLED 3/4" BELOW FINISH GRADE UNLESS OTHERWISE DIRECTED BY NW NATURAL. CONTACT NW NATURAL CONSTRUCTION ESTIMATOR, DARREL STEVENS, 541-974-3774 TO VERIFY REQUIREMENTS AND LOCATION. LOCATION TO BE DETERMINED.



DRAWING STATUS	DATE	No.	REVISION	DATE
PRELIMINARY		1		
SUBMITTED	09/20/13	2	CITY REVIEW (1)	06/14/14
PERMIT SET		3	PERMIT SET	12/17/14
CONST. SET		4		
		5		
		6		

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WWW.DEVCOENGINEERING.COM

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PROJECT:
RETREAT AT OAK CREEK - SITE UTILITIES AND FINISH GRADING

PROJECT LOCATION:
CORVALLIS, OREGON

CLIENT:
WILLIAMS AND ASSOCIATES

SHEET TITLE:
FRANCHISE UTILITIES PLAN - CENTER

JOB NO. 12-158

DRAWN BY: DEVCO

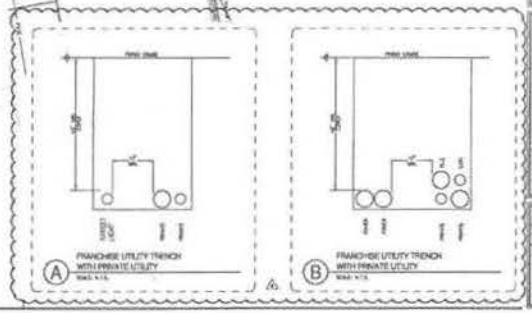
DRAWING:
C221

GENERAL POWER UTILITIES NOTES:

1. ALL PRIMARY CONDUITS AND TRANSFORMER VAULTS MUST BE WITHIN THE UE.
2. ALL VAULTS MUST SIT ON A 5" (CUP 3/4"-0 GRAVEL BASE COMPACTED TO 95%. THE 3-PHASE VAULT UD (INTERNAL MUST HAVE THE SAME BASE TO SIT ON.
3. PVC SWEEPS MAY BE USED WHERE CONDUIT RUN IS LESS THAN 150' AND TOTAL OF BENDS DOES NOT EXCEED 270° OTHERWISE, FIBERGLASS SWEEPS ARE REQUIRED.
4. LOCATIONS FOR CABLE AND COMMUNICATIONS ARE PRELIMINARY BASED ON PACIFIC POWER ROUTING DIAGRAM ACTUAL LOCATION MAY VARY BASED UPON ACTUAL FRANCHISE UTILITY DESIGN.
5. FOR TYPICAL FRANCHISE UTILITY HORIZONTAL SEPARATION, SEE DETAIL 1/C422

FRANCHISE UTILITIES CONSTRUCTION NOTES:

1. INSTALL 3-PHASE TRANSFORMER VAULT 575-3WAYS-PCORP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 1/C421
2. INSTALL 1-PHASE TRANSFORMER VAULT 444-TRANS-1EET-PCORP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 4/C421.
3. INSTALL 1-PHASE PULL VAULT 444-VAU-PCORP PER PACIFIC POWER AND LIGHT'S SPECIFICATION AND REQUIREMENT. TRANSFORMER'S CONCRETE VAULT BASE AND VAULT TOP ARE SHOWN AS DETAIL 2/C421.
4. INSTALL 1-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 48" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION
5. INSTALL 1-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION
6. INSTALL 3-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION
7. INSTALL 2-4" SCHEDULE 40 ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. 36" FIBERGLASS SWEEPS REQUIRED ON ANY RUNS LONGER THAN 150'. CONTACT PACIFIC POWER & LIGHT'S KRISTI WHEELER, 541-967-6195, FOR TRENCH INSPECTION
8. INSTALL COMMUNICATION VAULT (WIND HOLE) FOR CENTURY LINK SPECIFICATIONS AND REQUIREMENTS. COMMUNICATION VAULT SHALL BE UTILITY VAULT 384-1A AS SHOWN AS DETAIL 3/C421
9. INSTALL DESIGNATED QUANTITY AND SIZE SCHEDULE 40, ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. CONTACT CENTURY LINK'S WILLIS GILSON, 541-484-1783, FOR TRENCH INSPECTION.
10. SWEEP ENDS OF CONDUIT UP FOR PEDESTAL INSTALLATION.
11. INSTALL 1-2" SCHEDULE 40, ELECTRICALLY RATED PVC CONDUIT, 48" MINIMUM BELOW FINISH GRADE. CONTACT CONCEPT CONSTRUCTION COORDINATOR, MIKE ALLEN, 541-230-0218, TO VERIFY CONDUIT REQUIREMENTS AND LOCATION.
12. STUB END OF CONDUIT AT UTILITY POLE PER DETAIL 2/C422
13. GAS LINE TO BE INSTALLED BY NW NATURAL. GAS LINE SHALL BE INSTALLED 12" BELOW FINISH GRADE UNLESS OTHERWISE DIRECTED BY NW NATURAL. CONTACT NW NATURAL CONSTRUCTION ESTIMATOR, DARRIL STEVENS, 541-974-2774 TO VERIFY REQUIREMENTS AND LOCATION. LOCATION TO BE DETERMINED.



DRAWING STATUS		DATE:
PRELIMINARY		
SUBMITTED	05/20/13	
NO SET		
PLANT SET		
CONST. SET		

No.	REVISION:	DATE:
1		
2	OPT. REVIEW (01/28/14)	02/28/14
3	PRIVATE UTILITY	03/28/14
4		
5		
6		

Devco Engineering
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www.devcoengineering.com

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PROJECT: RETREAT AT OAK CREEK - SITE UTILITIES AND FINISH GRADING

PROJECT LOCATION: CORVALLIS, OREGON

CLIENT: WILLIAMS AND ASSOCIATES

PROJECT TITLE: FRANCHISE UTILITIES PLAN - NORTH

JOB NO. 13-458

DRAWN BY: DDCS

DRAWING: C222

Addendum A

Chapter 3.02

Utility Regulations

Sections:

3.02.010	Definitions.
3.02.020	Use of bridges and public places.
3.02.030	Existing facilities.
3.02.040	Public works and improvements not affected by franchise.
3.02.050	Safety standards and work specifications.
3.02.060	Control of construction.
3.02.070	Street excavations and restorations.
3.02.080	Location and relocation of facilities.
3.02.090	Rearrangement of facilities to permit moving of buildings and other objects.
3.02.100	Joint use.
3.02.110	Pruning of trees in easements.
3.02.120	Use of facilities by City.
3.02.130	Supplying maps upon request.
3.02.140	Indemnification; defense of suits against the City.
3.02.150	Termination of utility's use.
3.02.160	Removal of facilities.
3.02.170	Permit and inspection fees.
3.02.180	Penalty.

Section 3.02.010 Definitions.

1) Bridge - A structure erected within the City to facilitate the crossing of a river, stream, ditch, ravine, or other place, but does not include a culvert.

2) Facilities - As used herein, all privately-owned facilities located on, over, or under any street, bridge, or public place within the city.

3) Municipal purposes - All municipal purposes except telephone communications service to the public; includes, but is not limited to, the use of structures and installations for:

a) Municipal fire, police, and water department wires and equipment;

b) Municipal interdepartmental telephone, telegraph, and traffic signal systems;

c) Municipal fire alarm and police and traffic signals, signs, and equipment.

4) Person - Any individual, sole proprietorship, partnership, association, cooperative, corporation or any other form of entity or organization.

5) Public place - Any City-owned park, place, or grounds within the City that is open to the public but does not include a street or bridge.

6) Public rights-of-way - Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, park strips, public utility easements on private property, and all other public ways or areas, including subsurface and air space over these areas excluding public places.

7) Street - As used herein, a street, alley, avenue, road, boulevard, thoroughfare, or public highway within the City, but does not include a bridge.

8) Utility - As used herein, every public utility operating for a period of 30 days within the City without a franchise from the City and actually using the streets, bridges, and public places of the City. (Ord. 2003-17 § 1, 05/19/2003; Ord. 87-08 § 1, 1987; Ord. 82-77 § 100.01, 1982; Ord. 70-98 § 1, 1970)

Section 3.02.020 Use of bridges and public places.

No utility may use or occupy any bridge or public place unless it has first obtained the permission of

the City for that use or occupation and unless the utility complies with any special conditions the City desires to impose on such use or occupation.
(Ord. 70-98 § 2, 1970)

Section 3.02.030 Existing facilities.

All facilities maintained by a utility within the City on September 8, 1970, shall be deemed to be permitted and consented to by the City, and the location of those facilities is approved, all subject to the rights of the City as provided herein.
(Ord. 70-98 § 3, 1970)

Section 3.02.040 Public works and improvements not affected by franchise.

The City reserves the right to:

1) Construct, install, maintain, and operate any public improvement, work, or facility.

2) Do any work that the City may find desirable on, over, or under any street, bridge, or public place.

3) Vacate, alter, or close any street, bridge, or public place.

(Ord. 70-98 § 4, 1970)

Section 3.02.050 Safety standards and work specifications.

1) All facilities of a utility shall at all times be maintained in a safe, substantial, and workerlike manner.

2) The location, construction, extension, installation, maintenance, removal, and relocation of the facilities of the utility shall conform to:

a) The requirements of State and Federal statutes, and regulations adopted pursuant thereto, in force at the time of such work;

b) Such reasonable specifications, in force at the time of such work, as the City may from time to time adopt to supplement State and Federal statutes and regulations and which are consistent therewith.

c) All applicable performance tests and technical standards as referenced in 47 CFR, Part 76.601 and 76.605 as amended at 65 FR 53616, Sept. 5, 2000 and at a minimum, meet or exceed the cumulative leakage index test requirements as referenced in 47 CFR, Part 76.611 as amended at 58 FR 44952, Aug. 25, 1993 if such utility provides cable television services.

3) For the purpose of carrying out Subsections 1) and 2) of this Section, the City may provide such specifications relating thereto as may be necessary or convenient for public safety or the orderly development of the City. The City may amend and add to such specifications from time to time.
(Ord. 2003-13 § 1, 04/21/2003; Ord. 70-98 § 5, 1970)

Section 3.02.060 Control of construction.

1) The City reserves the right to reasonably determine the location of any construction, extension, or relocation of any of the service facilities of the utility, and the utility shall not continue with any construction, extension, or relocation of any of its service facilities upon notification by resolution of Council that the City disapproves of the location.

2) If required by Council, the utility shall file maps with the City showing the location of any construction, extension or relocation of any of the service facilities of the utility and shall obtain approval from the City of the location and plans prior to commencement of the work. The City may require the utility to obtain the City's consent before commencing the construction, extension, or relocation of any of its service facilities.
(Ord. 70-98 § 6, 1970)

Section 3.02.070 Street excavations and restorations.

1) Subject to the provisions herein, the utility may make necessary excavations for the purpose of installing, maintaining, and operating its facilities. Except in emergencies, prior to making an excavation in the traveled portion of any street, bridge, or public place, and when required by the City, in any untraveled portion of any street, bridge, or any public place, the utility shall obtain from the City approval of the excavation and of its location.

2) Except as provided in subsection 3) of this Section, when any excavation is made by the utility, the utility shall promptly restore the affected portion of the street, bridge, or public place to the same condition in which it was prior to the excavation. The restoration shall be done in strict compliance with City specifications, requirements, and regulations in effect at the time of such restoration. If the utility fails to restore promptly the affected portion of a street, bridge, or public place to the same condition in which it was prior to the excavation, the City may make the restoration, and the cost of making the restoration, including the cost of inspection, supervision, and administration, shall be paid by the utility.

3) The City may require that any excavation made by the utility on any street, bridge or public place be filled and the surface replaced by the City, and that the reasonable cost thereof, including the cost of inspection, supervision, and administration, shall be paid the utility.
(Ord. 70-98 § 7, 1970)

Section 3.02.080 Location and relocation of facilities.

1) All facilities of the utility shall be placed so that they do not interfere unreasonably with the use by the City and the public of the streets, bridges, and public places and in accordance with any specifications adopted by the City governing the location of facilities.

2) Council may by resolution require the utility to move or relocate any of its facilities whenever:

a) The movement or relocation is for the public convenience or necessity.

b) Council finds the movement or relocation necessary for the construction, installation, or maintenance of any public work or improvement, including works and improvements by State and other public agencies. Public work of improvement as used herein shall not include utility facilities to be owned, constructed, installed, or maintained by any public body or agency for retail distribution.

3) The utility shall bear the expense of any movement or relocation of its facilities required pursuant to this Section. If the utility fails to comply with any requirement of Council made pursuant to this Section, within a reasonable time designated by Council, the City may remove or relocate the facilities at the expense of the utility.
(Ord. 70-98 § 8, 1970)

Section 3.02.090 Rearrangement of facilities to permit moving of buildings and other objects.

1) Upon fifteen days' notice in writing from any person desiring to move a building or other object, the utility shall temporarily raise, lower, or remove its facilities upon any street, bridge, or public place within the City when necessary to permit the person to move the building or other object across or along the street, bridge, or public place. The raising, lowering, or removal of the facilities of the utility shall be in accordance with the Code and all applicable ordinances and regulations of the City.

2) The notice required by Subsection 1) above shall bear the approval of such official as Council shall designate, shall detail the route of movement of the building or other object and shall provide that the actual expense incurred by the utility in making the temporary rearrangement of its facilities, including the cost of the utility of any interruption of service to its customers caused thereby, will be borne by the person giving the notice.

3) The utility, before making the temporary rearrangement of its facilities, may require the person

desiring the temporary rearrangement to deposit cash or adequate security, at the option of the person, to secure payment of the costs of rearrangement as estimated by the utility. If the amount of the deposit based on the estimated cost of rearrangement is disrupted, it shall be determined by such officials as Council shall designate.
(Ord. 70-98 § 9, 1970)

Section 3.02.100 Joint use.

1) If, in the judgement of Council, it is impractical or undesirable to permit erection of aerial supports or construction of underground conduit systems by any other utility which has the authority at the time to construct or maintain aerial supports to conduit systems on, over, or under the streets, bridges, or public places, Council may require the utility to afford to such other utility the right to use such facilities of the utility, in common with the utility, as Council finds reasonably available and practicable.

2) If, in the judgement of Council, it is impracticable or undesirable to permit erection of aerial supports or construction of underground conduit systems by the utility where another utility has authority at the time to construct or maintain aerial supports or conduit systems on, over, or under the streets, bridges, or public places, Council may require the utility to use such facilities of the other utility, in common with the other utility, as Council finds practicable and consistent with the legal rights of the other utility.

3) The utility and the other utility shall use such facilities in common under such terms and conditions as they may agree upon, including terms and conditions relating to the sharing of costs incident to the common use. If the utility and the other utility fail to agree upon terms and conditions within a reasonable time, the facilities shall be used in common under such terms and conditions as Council determines to be just and reasonable. In fixing such terms and conditions, Council may require each use to install and maintain standards, devices, and equipment reasonably necessary to protect the equipment of the other users from damage and the public from injury arising from such joint use.

4) In the event a pole owner vacates or abandons a pole, the owner shall provide written notification at least ten business days prior to vacation or abandonment of pole to the City and other utilities sharing the pole through a joint-use agreement. Affected utilities shall be provided a grace period of thirty (30) business days following the date of actual pole vacation or abandonment in which to remove their facilities. Failure to remove facilities within the thirty-day grace period may subject the owner of such facilities to penalties as prescribed under this chapter and the City may remove or relocate the facilities at the owner's expense.

5) Joint use shall not be required hereunder if it will result in any substantial detriment to the service to be rendered by the owner or other users, or if it can be had only under conditions that violate the safety requirements of State or Federal law, or regulations adopted pursuant thereto, or applicable safety codes which the utilities are required by law to follow.
(Ord. 2003-13 § 2, 04/21/2003; Ord. 70-98 § 10, 1970)

Section 3.02.110 Pruning of trees in easements.

1) A utility may, at its own expense, prune trees within easements, public rights-of-way, or public places in the manner and to the extent necessary to provide adequate clearance and safety for its facilities, provided such tree pruning be supervised or performed by a certified arborist. Tree pruning shall be governed by principles of modern arboriculture pursuant to the standards of ANSI A300 (1995), International Society of Arboriculture Tree Pruning Standards (1995), and Pruning Trees near Electric Utility Lines (Shigo-1990) or as amended and carried on in strict conformity with any regulations heretofore or hereafter established by the City. All pruning shall be allowed only after the utility obtains a written permit from the City

2) Utilities shall provide a written notice to the property owner and resident at least ten (10) business

days prior to any pruning to be done on the property. The City recognizes that a ten (10) day notice may not be possible in emergency situations; however, the City does encourage utilities to provide as much advance notice to property owners and residents as is reasonably possible under such emergency circumstances.

3) Council may require that any tree pruning necessary to provide adequate clearance and safety for the facilities of the utility be performed by the City, with qualified line-clearance tree pruners, supervised by a certified arborist, and that the cost thereof, including the cost of inspection, supervision, and administration shall be paid by the utility.
(Ord. 98-38 § 1, 10/19/1998; Ord. 70-98 § 11, 1970)
(98-38, Amended, 10/19/1998)

Section 3.02.120 Use of facilities by City.

1) The City shall have the free right and privilege to install or affix and maintain wires and equipment for municipal purposes upon the structures and installations, including underground conduits, of the utility.

2) The City shall install, affix, maintain, and operate its wires and equipment at its own expense in accordance with the requirements of State and Federal law, and regulations adopted pursuant thereto, and in accordance with good engineering practice and safety standards. The wires and equipment of the City shall be subject to interference by the utility only when necessary for the maintenance, operation, or repair of the facilities of the utility.

3) The City shall install, affix, maintain, and operate its wires and equipment in such a manner as not to impose any undue additional expense upon the utility, or unduly interfere with the safe and convenient use and maintenance by the utility of its structures and installations.
(Ord. 70-98 § 12, 1970)

Section 3.02.130 Supplying maps upon request.

The utility shall maintain on file, at an office in Oregon, maps and operational data pertaining to its operations in the City. The City may inspect the maps and data at any time during business hours. If requested so to do, the utility shall furnish to the City, without charge and within a reasonable time, maps showing the location of the service facilities of the utility in specified areas of the City.
(Ord. 70-98 § 14, 1970)

Section 3.02.140 Indemnification; defense of suits against the City.

1) A utility shall indemnify, protect, and save the City, its officers, employees, and agents harmless against any claim for injury or damage and all loss, liability, cost or expense, including curt costs and attorney's fees, growing out of or resulting, directly or indirectly, from the occupation or use of the streets, bridges and public places by the utility under this Chapter, regardless of any actual or claimed concurring, contributing, or joint negligence of the City or its officers, employees or agents. However, if the claim, loss, liability, cost, or expense is the result of the sole negligence of the City, the utility not being guilty of concurring, contributing, or joint negligence, this subsection shall not require the utility to indemnify, protect, and save the City or its officers, employees, and agents harmless.

2) If any action is brought against the City for any claim or loss growing out of or resulting, directly or indirectly, from the occupation and use of the streets, bridges, and public places by the utility, the City may notify the utility and require it to appear and defend the action alone or with the City. If the utility is required to appear and defend the action and fails so to do, the City may permit judgment to be entered by default or confess judgment against the City without trial, and the utility shall fully indemnify the City or satisfy the judgment promptly. The liability of the City and the amount of the damages shall not be

questioned by the utility when called upon to indemnify the City or satisfy the judgment.

3) Subsection 1) above does not apply where the utility has been required to surrender control over an excavation in a street, bridge, or public place, and the City has assumed the responsibility of restoring the excavation and has taken over control thereof, unless the utility is guilty of concurring, contributing, or joint negligence.

(Ord. 70-98 § 15, 1970)

Section 3.02.150 Termination of utility's use.

Upon the willful failure of a utility, after 30 days' notice and demand in writing to perform promptly and completely each and every term, condition, or obligation imposed upon the utility hereunder, Council may, at its option and in its sole discretion, by ordinance or resolution, terminate the utility's use of part or all of the streets, bridges, and public places of the City.

(Ord. 70-98 § 16, 1970)

Section 3.02.160 Removal of facilities.

Within 90 days of an order, by ordinance or resolution, that a utility shall remove part or all of its facilities, or such further time as may be allowed by Council, a utility shall remove from the specified streets, bridges, and pubic places all of its property and equipment and forthwith shall replace and restore the streets, bridges, and public places to their former condition. If a utility removes its property and equipment but fails to replace and restore the streets, bridges, and public places to their former condition, the City may do so at the expense of the utility. If a utility fails to remove all of its property and equipment within the required time:

1) The City may remove the property and equipment and replace and restore the streets, bridges, and public places to their former condition, all a the expense of the utility; or

2) Council may elect by ordinance to take title to or interest in the property and equipment or portions thereof and title thereto shall thenceforth be vested in the City and thereafter the utility shall not remove the property or equipment or exercise domain over it, except that the portion, if any, of the property and equipment to which the City has not elected to take title may be removed by the City, and the streets, bridges, and public places replaced and restored to their former condition, all at the expense of the utility. The costs of any suit, action, or proceeding instituted or required by action of the utility to test the title of the City to such property shall be borne by the utility if the City is the prevailing party in the suit, action, or proceeding and such costs shall include court costs, statutory attorney fee allowances, and all the actual costs incurred by the City including a reasonable allowance for attorney's fees in addition to the statutory allowance.

(Ord. 70-98 § 17, 1970)

Section 3.02.170 Permit and inspection fees.

1) No work affecting the public rights-of-way shall take place without first obtaining a permit from the City.

2) All work performed under permit obtained as required by this chapter shall be done in conformity with:

a) The provisions of this chapter;

b) Existing franchise agreements or occupancy permits if applicable;

c) The City of Corvallis Standard Construction Specifications;

d) The terms and conditions of the permit as determined by the City.

3) The City Council shall by resolution adopt a permit fee schedule for work performed in the public rights-of-way.

4) Nothing herein shall be construed to limit the right of the City to require any person or utility to pay charges imposed by the City in connection with the issuing of a permit, making of an inspection, or performing any other service for or in connection with work affecting the public rights-of-way, whether pursuant to this chapter or any other ordinance or resolution now in effect or hereafter adopted by the City.
(Ord. 2003-17 § 2, 05/19/2003; Ord. 70-98 § 18, 1970)

Section 3.02.180 Penalty.

Wilful violation of any provision of this chapter by a utility shall be punished, upon conviction, by a fine not to exceed $500.00.
(Ord. 70-98 § 19, 1970)

MEMORANDUM

TO: Urban Services Committee

FROM: Ken Gibb, Community Development Director

DATE: April 1, 2014

SUBJECT: Traffic Volume Counts in Proposed Residential Parking Districts

Discussion:

At the March 17, 2014 meeting the City Council voted to approve the Collaboration recommendation highlighted below on a preliminary basis with the understanding that City staff work with OSU to develop a scope and funding strategy and report back to a designated Council Standing Committee prior to implementing this project. The Mayor assigned this task to the Urban Services Committee.

> **The Parking and Traffic Work Group recommends to the Collaboration Corvallis Steering Committee that Oregon State University and the City of Corvallis undertake an assessment of traffic volumes for neighborhood streets within the Project Area, with the intent of improving neighborhood livability. The assessment should measure, in Spring 2014, Average Daily Traffic to establish a baseline for determining impacts of new and expanded residential neighborhood parking districts and changes to the on-campus parking permit system as they relate to traffic volumes in the subject neighborhoods. Neighborhood associations and other neighborhoods within the Project Area should be surveyed to determine potential locations for Average Daily Traffic counts.**
>
> **The work group further recommends that periodic follow-up assessments of neighborhood traffic volumes should be conducted to measure the effectiveness of parking and transportation strategies implemented in response to the Collaboration Corvallis Scope of Work.**

Given its familiarity with residents' perspectives on neighborhood traffic issues, a meeting of the Parking and Traffic work group has been scheduled for this purpose at 5:30pm on Thursday April 3, 2014, at the Madison Avenue Meeting Room.

Representatives of the various neighborhood associations effected by the proposed parking districts have been invited to attend the work group meeting. A notice of the meeting was also distributed to an "interested parties" list complied for the Collaboration Corvallis project.

Following the Parking and Traffic Work Group meeting, a project scope will be finalized. Because this meeting occurs after the USC packet is issued, the information will be presented to the Committee at its April 8, 2014, meeting. If possible, this information will be provided electronically to USC members prior to the meeting.

Based on Collaboration staff's estimate of a scope, it is projected that project cost will be in the range of $5k. Funds are available in the Collaboration Project budget and therefore the cost will be shared equally between the City and OSU. The traffic counts are expected to occur within four to six weeks following City approval. Timely action is necessary in order to accomplish the counts well in advance of the end of OSU's spring quarter.

Requested Action:

Staff requests that Urban Services Committee make a recommendation to the City Council to proceed with implementing the neighborhood traffic count program based on the Committee review and discussion.

Review and Concur:

Jim Patterson, City Manager

Mary Steckel, Public Works Director

MEMORANDUM

March 28, 2014

TO: Urban Services Committee

FROM: Mary Steckel, Public Works Director

SUBJECT: Collaboration Recommendation to Expand Residential Parking Districts—Final Direction on Service Provider Permits, Guest Permits, Employee Permits, Enforcement Expectations, Permit-only Blocks and Fine Amounts

ISSUE

Decisions on how to proceed with the remaining Residential Parking District (RPD) program elements need to be made before ordinance language can be developed.

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.

At the February 4, 2014 meeting, USC heard testimony from the public regarding the RPD program as currently designed.

At the March 4, 2014 meeting, staff presented a hybrid RPD program design that retains most of the elements of the proposal as discussed to date with the inclusion of 2-hour on-street parking in the proposed districts. Public testimony was heard for the remainder of the meeting time.

At the March 18, 2014 meeting, USC modified their previous RPD program proposal to allow 2 hours of free parking on all blocks in the Phase I area, except those that have documented parking in excess of 90% capacity, which will be restricted to permit-only parking. They also made minor adjustments to the boundaries of proposed Districts C, E, J, and F, and determined that expansion or creation of districts in the future will go through the petition process. The revised RPD program design was sent to the full Council for consideration with a recommendation to approve.

DISCUSSION

USC asked staff to provide a list of items that need to be addressed in order to finalize the RPD program design. The following captures what staff has as outstanding items, grouping questions by category and including the previous USC discussion on the topic, if any.

Service Provider Permits

a) What is the definition of service provider?
b) How many permits should each service provider be able to purchase?
c) Should a permit be transferable between the service provider's vehicles?
d) Is the permit valid in one or more RPDs?
e) When can the service provider permit be used?

In the February 4, 2014 staff report, staff shared the Work Group's recommendation that service providers be able to purchase one non-transferable annual parking permit for $100 that would allow the vehicle to park in any of the RPDs. Staff agrees with this design for the service provider permit; however USC has not yet discussed this topic in any detail. Staff also seeks direction on what documentation should be provided to the City by someone wishing to purchase one of these permits (like proof of residence for a resident permit) and when the service provider permit could be used. In other words, would it be valid for a service provider who lived in an RPD to use this permit instead of a resident permit to park at their residence?

Guest Permits

a) Will residents in the permit-only areas be able to purchase more than one permit?
b) Does a resident need a resident permit before s/he can purchase a guest permit?
c) What is the definition of 'temporary' and 'visitor'?

USC discussed the guest permits program element on several occasions. Most of the parameters have been decided, however a question arose at the last USC meeting in the context of residents living on blocks designated as permit only. A suggestion was made that these addresses would be eligible for more than one transferable guest permit because there would not be 2-hour free parking available on the block. Staff seeks direction on this question.

At a previous USC meeting, staff recommended that a guest permit only be available to those who purchase a resident permit. USC was concerned that this would force some residents to purchase a resident permit that they didn't really need, which would take up capacity in the 75% threshold. However, as determined at the last meeting, the 75% parking threshold is not an issue in a 2-hour-free parking RPD design. An opposing concern raised was the risk of abuse from people using the transferable guest permit 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 without 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

a) Is the employee permit design, as previously proposed by staff, acceptable?

A proposal for an employee permit program was made in the February 4, 2014 staff report. Most of the elements of this proposal were acceptable to USC, though a few were not specifically addressed. The outstanding elements are the minimum allocation of permits and employer documentation. Staff's recommendation is to allocate two permits to each business, civic, and religious (BCR) property in the expanded RPDs. Properties desiring more than two permits would have to demonstrate they have more than 800 square feet of office space (Additional permits beyond the first two would be allocated on the "one for every 400 square foot of office space" methodology.). The employer would be able to purchase permits only after documenting that the BCR property is located in one of the RPDs and providing all the vehicle license numbers of employee vehicles that might use a 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 for updating the vehicle license information with the City when employees turned over. Any violation of the regulations would result in a fine and the property no longer being eligible for employee parking permits.

Permit Fees

a) What is the charge for a resident permit?
b) What is the charge for a guest permit? Is the fee amount different if there is no corresponding resident permit?
c) What is the charge for an employee permit and a service provider permit?
d) Should citation revenue be taken into consideration in setting fees?

Fees for the various parking permits have been discussed on numerous occasions. Staff's recommendation is to charge $20 for a resident permit, $20 for a guest permit with a corresponding resident permit, $30 for a guest permit without a corresponding resident permit, and $100 for employee and service provider permits. In order to cover the upfront costs of this RPD expansion, staff suggests that fee revenue in excess of program administration costs for the year be transferred to the Parking Fund's fund balance until the upfront costs are recouped. Once that occurs, revenues in excess of expenditures can be set aside to provide capacity to support future program planning and analysis, such as parking utilization studies and staff support for RPD expansion/creation requests, and/or to cover the expenditures for enforcement.

Enforcement Expectations

a) What is the enforcement expectation in the 2-hour free parking scenario?

USC determined parking enforcement expectations for the permit-only RPD design, resulting in the direction to staff to hire one additional enforcement officer. With the change to the 2-hour free parking design, staff is seeking direction on the preferred level of enforcement cycles through each district during a day. As indicated in August 2013, feedback from the public in the current RPDs indicates that the level of enforcement being provided today is not adequate to change behavior. In the August 20, 2013 staff report, staff indicated that a target of four enforcement trips through a district per day (i.e., every two hours) would provide the expected level of service and would require three additional officers. As USC approved one additional officer previously, staff is now seeking direction on whether to hire two more officers.

Permit-only Blocks

a) Which permits are valid on a permit-only block?
b) How are the 'hot spot' blocks determined for this expansion effort?
c) How will 'hot spot' blocks be determined in the future?

At the last meeting, USC determined that certain blocks would be designated as permit only if it had been documented in recent studies that parking exceeded 90% of capacity. In that case, only vehicles with a valid parking permit would be allowed to park on the street. However, it has not been decided which permits would be valid on these blocks. The assumption is that vehicles with resident or guest permits would be allowed, but what about vehicles with employee and service provider permits?

The method discussed by USC to determine which blocks met the 'hot spot' definition was to use the historical OSU parking study data for current RPDs A and B. Staff used the three most recent years of data (2006, 2007, and 2010) to identify blocks that had parking of 90% or more in at least two of the three years. The resulting 'hot spot' blocks present a potential problem for the first block north of campus from Kings to 26th. Most of the side streets along this stretch meet the criteria and would be designated as permit only. Currently the first block of these side streets are often used for patron parking for businesses on Monroe Avenue. If designated as permit only, patron parking would no longer be allowed. Staff suggests the 100 block of 21st to 26th Streets be excluded from consideration for the 'hot spot' designation.

Once the RPD expansion is implemented, parking behaviors may change and more blocks may reach the 90% capacity threshold. A method is needed to determine how a block would move from 2-hour free to permit only. Staff suggests this be accomplished through resident request using a modified petition process where 50% of the property owners on the block must support the change and a study is conducted to document whether parking exceeds 90% of capacity.

Fine Amounts

a) What is the fine for violating the RPD parking regulations?
b) What is the fine amount for using guest or employee permit incorrectly?
c) What is the judicial authority to reduce fines?

There has been much public input and discussion about the level of fines and the perception that the citations are not successful in modifying errant behavior, or in reducing repeat offenders. Staff also stated concern about the abuse of the current guest permits and the potential for abuse of the new employee permits. USC has expressed a desire to raise fines to eliminate abuse and to ensure on-going compliance with the regulations, but nothing specific has been decided. Staff anticipates these topics will be discussed at the meeting.

At one time, USC contemplated whether it was necessary to have a process for residents to appeal decisions made by Council about an RPD in a neighborhood. With the 2-hour free

parking scenario, this item may not be as important as it once was, but staff includes it here to be sure it is acknowledged and addressed if needed.

NEXT STEPS

Staff will take the decisions made by USC on the items included in this staff report, along with direction provided by the City Council on April 7th, and begin to draft ordinance language for final review by USC and Council. Once the ordinance language is adopted, staff will send another postcard to the affected properties alerting them to the final RPD program design and reminding them of the implementation date.

REQUESTED ACTION

That the USC provide direction on the questions posed.

Reviewed:

James A. Patterson, City Manager

ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
April 9, 2014

Present
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Staff
Jim Patterson, City Manager
Ken Gibb, Community Development Director
Mary Steckel, Public Works Director
Kent Weiss, Housing Division Manager
Kris De Jong, Administrative Division Manager
Chris Westfall, Code Enforcement Supervisor
Carrie Mullens, City Manager's Office

Visitors
John Wydronek
Shelley Ries
Shelly Murphy (League of Women Voters)
Brian Serbu
Barbara Hartz
Will Bowerman
Renee Pearson
Bill Cohnstaedt
Richard Berger (Willamette Realtors)
Jerry Duerksen
Margot Pearson
Deborah Weaver
Stan Elliott

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Neighborhood/Property Maintenance Code Program		Yes	
II.	Utility Rate Structure Review		Yes	
III.	Other Business	Yes		

Chair Traber called the meeting to order at 3:30 pm.

CONTENT OF DISCUSSION

I. Neighborhood/Property Maintenance Code Program

Mr. Weiss and Mr. Gibb reviewed a PowerPoint presentation (Attachment A). Highlights included:

Consideration to Date
- Concept recommended by the OSU/City Collaboration Project Neighborhood Livability Work Group in 2013
- Concepts refined with input from the Property Maintenance Code Advisory Group (PMCAG)
- Administrative Services Committee (ASC) discussions began February 2014

ASC Discussion Items to Date
- Program development background
- Identification of existing code gaps (including photo illustration)
- PMC standards and provisions
- Program operating protocols

- Reorganization leading to Housing and Neighborhood Services (HNS) Division
- Overview of program revenue and expenditure budgets

PMC Modifications Proposed to Date
- 10 changes/clarifications to PMC standards
- 3 additional standards/sections
- 4 deleted standards/sections

Transition From Current to Future Code Enforcement/Compliance Approach - Resources
- Move existing code enforcement resources from Development Services Division to new HNS Division
- Add levy-generated .5 FTE for PMC compliance work to new Division
- Increase rental housing fee to support additional .5 FTE for PMC compliance
- Provide additional part-time on-call resources to new Division for PMC compliance and outreach/education
- Code compliance staffing increases from 1 to 2 FTE

Transition From Current to Future Code Enforcement/Compliance Approach – Outstanding Cases
- Original code enforcement program projected 3 FTE for anticipated case load
- Program funding provided 2 FTE
- Budget constraints reduced funding to 1 FTE (plus limited casual staff) with full knowledge that case load could not be fully addressed
- Outstanding cases related to violations of Building and Land Development Codes will remain in Development Services Division (significant percentage)
- New Division will focus on complaint-based PMC and other livability-related codes along with education and outreach

Summary of Staff Comments
- PMC to be complaint-based program; no routine inspections; staff will not look for potential violations
- Staff will continue to exercise reasonable professional judgment
- Two levels of redress/review:
  1) Appeal through City's Board of Appeals
  2) Annual program review and evaluation

Next Steps
- Develop program outline recommendation for Council consideration
- Review content of PMC with changes recommended to date
- Include protocols related to implementation
- Outline outreach and education
- Provide reorganization information for new Division
- Consider reinstatement of Neighborhood Empowerment Program
- Identify program budget and funding strategy

Visitors' Propositions

Richard Berger, Willamette Association of Realtors, reviewed his written testimony (Attachment B). He opined that there are more than the two options of developing a PMC or doing nothing. Ideas have been presented that could have a big impact on the issues without the expense or massive impact on all properties. Examples include, implementing an aggressive enforcement system for repeat offenders, enhancing the graffiti ordinance, and/or developing a broken windows code. Work to improve the quality of life and rental situation has occurred since this issue was initiated one year ago. He said his written testimony includes a Collaboration Corvallis Steering Committee memorandum identifying completed actions and ongoing efforts toward implementation of recommendations. He opined that it makes sense to wait until those recommendations are implemented before deciding whether a PMC is needed.

John Wydronek supported Mr. Berger's testimony. He does not believe the PMC is the appropriate solution. The City should address gaps in the existing Rental Housing Code (RHC) and find ways to make it more effective. Staff has not yet responded as to whether existing code can be amended to address gaps. He considers "gaps" as the difference between received complaints and existing code, not necessarily all of the issues presented for the PMC. He suggested additional staff be hired to complete outstanding cases.

Mr. Wydronek referred to his handout (Attachment C) that includes the last three annual reviews of the RHC program. He noted that there have been many recommendations that the City continue a complaint-based system and require tenants to work with landlords to resolve issues. The first highlighted paragraph on page two on his handout indicates that most issues are resolved following tenant/landlord discussions. The 2010-2011 report refers to only two opened violations. This seems inconsistent with other data. The same report includes a request by staff and recommendation by the Human Services Committee to modify existing RHC. Staff chose not to make those modifications and some of the gaps being discussed are the same issues that staff decided not to implement. He said the changes may not have been made in anticipation of the PMC program; however, some of the gaps could have been addressed.

In response to Chair Traber's inquiry, Mr. Wydronek confirmed that he supports increasing the RHC fee to hire additional staff to deal with outstanding cases. He reiterated that amending existing code should be considered to address gaps. He noted that none of the annual reports he distributed request more staff. He added that he feels like the RHC fees he pays is money wasted since the program is not funded to a level of being effective. The goal of the RHC program is to address issues, not provide statistics about the number of calls received.

Bill Cohnstaedt expressed concern about the amount of discretion in the proposed code. As it relates to graffiti, the Code Enforcement Officer can use their discretion to force a property owner to remove what the officer considers graffiti, and require the property owner to restore the original surface. There are thousands of court cases that governments have lost related to this issue and he suspects the City does not want to pursue this, especially on private property. Without standards it is difficult for businesses (property managers) to make investments based on discretionary decisions made by

City staff. Mr. Cohnstaedt questioned the gaps in existing codes and said he believes outreach and education should be the first next step. He noted that the Police Department recently presented a tactical action plan (TAP) to address a community concern. The TAP identified the issue and described the planned solution. He requested staff do the same with issues presented to committees.

Chair Traber explained that the Police Department does not review their TAPs with Councilors. Councilors deal with policy, not day-to-day management.

Mr. Cohnstaedt responded that the process to develop a TAP could be utilized to analyze why the Corvallis Municipal Code (CMC) needs to be modified.

Chair Traber referred to materials from Mr. Cohnstaedt included in the meeting packet and related to State laws being sufficient to deal with many of the issues being discussed. He inquired about the number of tenant complaint cases that have been reviewed by the State, either from Corvallis or other areas.

Mr. Cohnstaedt said his point was that CMC issues do not get to the State level due to the appeals process. All local administrative remedies must be exhausted before issues proceed to the State court system. In Corvallis, issues are resolved prior to reaching the City's appeals level so cases never make it to the State. He is not aware of the City's Board of Appeals ever meeting. The State hears hundreds of landlord/tenant cases each year.

Shelly Murphy read written testimony from the League of Women Voters (LWV) (Attachment D) in support of creating a PMC.

Jerry Duerksen noted that he submitted letters (included in meeting materials) and sent an email to Committee members (Attachment E). He said he served on the PMCAG and spent many hours discussing the PMC with staff. He commended staff for their excellent presentation of the PMC. He opined that the codes should remain separate and not be combined.

Brian Serbu said he is a realtor and student at OSU where he is active in many organizations and groups. Mr. Serbu expressed concern that students are not aware of the proposed PMC and encouraged staff to push information their way. He acknowledged that students are not typically involved in their city; however, since this issue is related to landlords and tenants, they need to be involved in the process. He added that clarity and action is essential for a democratic process.

Margot Pearson stated agreement with the LWV testimony. She described an issue that occurred in northwest Corvallis several years ago involving an owner-occupied derelict property. The issue impacted the livability and health of the neighborhood, but there was no avenue available for action. This issue is broader than landlord/tenant neighborhoods and the PMC is needed to deal with complaints about neighborhood livability.

Barbara Hartz testified that initial discussions were related to rental properties. The natural evolution in this community is for it to expand and include all properties in

Corvallis. She agreed that there should be rules in place to deal with health and safety issues as described by Ms. Pearson. She opined that the term "neighborhood empowerment program" indicates that the City wants to maintain an image for the neighborhood. She inquired about the property rights of a person who wants to plant a certain type of flower or shrub on their own property and the neighborhood does not like it. She expressed concern about the amount of time staff and volunteers have dedicated to this project during a period of budget constraints. This project seems to be recreating the wheel instead of redefining and more effectively implementing existing code.

Deborah Weaver said this project has been progressing through the City's government process for almost two years. During that time there has never been an effort to expose to the public the project's impact on every property in Corvallis. Code discussions revert to rental housing issues instead of all property issues. The public needs to know that this proposed program will impact every lot in Corvallis. She agreed with Mr. Berger's testimony about having other options and said massive regulations dealing with community aesthetics are not needed. ASC needs to consider what the impact of implementing this code will be to housing and businesses in the community. She noted that she asked two questions at the February 5 meeting that have not yet been answered:

1) Regarding the proposed $500,000 for this program, has an analysis been prepared related to the number of new code enforcement cases the PMC will create?
2) Regarding the proposed rental housing fee increase from $12 to $30/unit/year, has an analysis been prepared related to the impact on housing in Corvallis if the PMC is adopted in any form?

Chair Traber responded that during the March 5 meeting many picture examples were presented identifying issues where a PMC could be applied. Half of those examples were attributed to owner-occupied houses. The discussions have included that the PMC would apply to exteriors of owner-occupied properties and provide a tool to deal with the examples previously described.

Ms. Weaver opined that many of the issues identified in the pictures can be addressed with existing code. She said her point is that the discussions are occurring in committee or behind doors for different groups, but the information has not been disseminated to the public. Chair Traber noted that ASC meetings are open to the public.

Chair Traber said meeting materials included statistics related to the growing backlog of cases that have not been addressed. Some of the proposed funding will be used to address outstanding cases. The $500,000 is not all new funding. He anticipates additional financial discussions with staff.

Ms. Weaver reiterated her first question that requested an analysis of the number of new code enforcement cases the PMC will create.

Chair Traber said the statistical information indicates that about 40% of habitability complaints could not be addressed through the RHC. If the PMC is implemented, those cases would be included.

In response to Councilor Hirsch's request for clarification, Ms. Weaver said she requested an analysis about the impact on rental housing costs in Corvallis if the PMC is implemented, including the proposed increase to the rental housing fee.

Will Bowerman stated agreement that existing code can be updated to address gaps without creating a new code. He inquired as to the difference between graffiti and a mural. He understands there are issues in the community; however, ASC needs to seriously consider whether another layer of code needs to be added.

Stan Elliott inquired about whether a politically offensive sign placed on private property would be considered graffiti in the proposed PMC. He noted that an artist in Portland painted the pillars of a bridge that was being demolished and the City of Portland is now required to protect that artwork.

Renee Pearson encouraged staff to ask realtors to help deal with habitability issues. She suggested developing a hotline.

Chair Traber said there are two issues (not unrelated) that need to be addressed:
1. What is the code?
2. Restructuring and refinement of the education and enforcement programs.

He said there are a number of decisions that need to be made related to the last five bullets noted by staff as recommended next steps. There is a growing backlog of cases in code enforcement and rental housing. There is a need to reorganize, restructure, enhance the program, and improve the code.

Mr. Gibb said, although there is no order of importance, from a staff perspective, it makes sense to work through the first bulleted item before addressing the others. The remaining items are related and will fall into place as the first item is addressed.

Chair Traber agreed that operating protocols need language changes. The other items need to occur even if there is no change to existing codes. These include enhancing the education program, changing the organizational structure to place all code enforcement staff together, and proposing a budget. Rather than beginning the long discussion about gaps and an integrated code, it may be best to deal with these other issues first.

Mr. Gibb agreed that some items can be completed without additional code language. The fundamental question related to the first bullet is whether there are gaps that the community agrees are important to address. Staff has identified the gaps that can help shape the rest of the program.

Mr. Weiss added that each step beyond the first bullet was designed as an outcome of the original PMC proposal. Those items mirror back to what the PMC addresses. Without knowing what the PMC includes, there is no way to know the number of staff needed, whether protocols need to be changed, or how they will be applied.

Councilor Brauner agreed that there is an advantage to putting related codes together into a single code. Rather than starting from the model code and removing sections that are not needed, it may be easier to understand if the RHC and safe building code were

combined together into one code. The combined code could then be enhanced to address identified gaps.

Councilor Brauner said he would support moving the reorganization forward without additional funding. Outreach and education will help identify gaps as the code develops over the next year or two. Increased enforcement and collection of data will be a benefit to code development. During code development, if it is obvious there are a large number of new items that need to be addressed, the decision can be made whether to hire more staff. This approach is more logical as a talking point to the community and does not delay all of the steps until a new code is adopted.

Councilor Hirsch said dedicating resources to implement the education and outreach piece should occur immediately. He agrees with Councilor Brauner's suggested approach.

Councilor Brauner clarified that his approach does not undo anything that has already been accomplished. His suggestion builds a package instead of removing pieces.

Chair Traber said staff is falling behind in responding to complaints. Reorganization and increased funding may need to be implemented for enforcement activity. Some of the $200,000 generated by increasing rental housing fees is proposed to be used for responding to outstanding cases. This benefit should not be delayed by development of the PMC.

Councilor Hirsch opined that the increase in rental housing fees is reasonable. He inquired about staff's perspective on the limits of modifying existing code and why Council would need to implement the entire proposal to eventually arrive at the same conclusion.

Mr. Gibb referred to the March 4 memorandum that includes rationale from staff about the proposed approach. Staff has never indicated that the existing code cannot be modified.

In response to Councilor Brauner's inquiries, Mr. Gibb said there is currently one FTE dedicated to code enforcement. The levy approved one additional .5 FTE. The proposed PMC budget includes two FTE plus other funding support for education, outreach, and additional program aspects. Mr. Weiss clarified that .5 FTE equates to approximately $40,000. The current $12/unit/year rental housing fee generates $160,000.

Councilor Brauner said the rental housing fee could be increased to $18/unit/year to fund two FTE to begin addressing outstanding cases and reorganize the departments as necessary. As the outstanding cases are being addressed, staff will identify gaps and collect better data about issues that are not being met by existing codes. At the same time, ASC can review existing codes and determine what needs to be added based on identified gaps. He suggested that enforcement be increased now based on existing codes and that the education program be initiated. This will allow the City to have better enforcement of existing codes and provide a better analysis of gaps to add to the combined codes resulting in a PMC.

Mr. Patterson said these types of public conversations are helpful, but sometimes why a process was initially started gets lost. This community has bit off significant issues as a result of years in which, as a way of prioritizing the City's budget, significant reductions in funding City services have occurred, including code enforcement. City staff does not enjoy reporting to the community that there is a backlog of property maintenance issues. He explained that, on a weekly basis he hears two or three similar property maintenance issues from neighborhoods across the community. Some in the community recognizes a significant problem of property maintenance impacting health and safety community while the other half does not believe there is a problem. As City staff tries to respond to this issue, the public has repeatedly suggested that this issue be taken in smaller bites. This is what Councilor Brauner is proposing.

Mr. Patterson noted that he previously advised elected officials not to feel bad about erring on the side of the public when issues are extremely complex. He added that Mr. Gibb is very experienced and makes professional recommendations based on the most global perspectives. The City wants to attack the issues and deal with as many as possible at the same time. Maybe that is not the right direction in this case.

Councilor Hirsch agreed that it is important to start the process now. He read from Mr. Gibb's March 4 memorandum:

> *Staff believes that adopting a local property maintenance code is preferable to augmenting existing code because:*
>
> - *It provides for a comprehensive approach that ties in with other building-related codes.*
> - *Without a PMC, multiple sections of the Municipal Code and other City codes would need to be amended to address various gaps. Consolidating these standards in one place avoids a piecemeal approach, and supports a coordinated City response to these issues.*
> - *It provides ease of access to the public by having standards in one place versus having to search through multiple sections of the municipal code to find applicable standards.*
>
> *The use of a model code does not preclude making alterations to fit local needs. From the outset of the PMC discussion, it has been emphasized that changes to the model code would likely need to be made, and conflicts and overlaps with existing codes would be addressed in this process.*

Councilor Hirsch said the memorandum addresses the PMC versus existing code amendments question.

Councilor Brauner clarified that his comments were not meant to suggest that staff was going in the wrong direction. He recognizes the goal and is trying to get to the goal by placing disparate codes into one code. The difference is where to start and how to build. He believes that the first action is to take the provisions of existing codes and put them together into one document so there is an understanding of what existing codes cover, start enforcing the code with additional resources, and then identify and fill gaps. Building on existing codes is better than arguing about provisions that should be

removed from a code that was never adopted. The goal is the same and the process will arrive at the same place.

Chair Traber said the International PMC (IPMC) provides a clean, consolidated, and consistent code to work from. City codes have gaps that need to be filled. Testimony has been received from the public that the IPMC is not understandable, the City has codes the public understands, and City code can be modified to fill gaps. ASC is working through the process of whether to begin with the IPMC or existing codes. Staff understands the issues and the gaps, and is educating ASC and the community. Chair Traber suggested the City move forward with additional enforcement to address current backlog due to the amount of time it will take to work through this process. He expressed concern that Councilor Brauner's approach includes steps to modify sections of the CMC with continual modifications as gaps are discovered. He suggested an intermediate approach of reviewing a list of issues currently covered by code compared to a list of gaps. There are several related codes: RHC, building code, unsafe building code, and several others. Piecemealing has drawbacks and one motivation for using the PMC was because it is consistent and whole.

Mr. Gibb confirmed for Mr. Patterson that the outstanding cases are related to all of the different City codes. Mr. Patterson said ASC may want to consider a surge strategy to deal with outstanding cases. If, during the budget process, a conversation occurs about additional revenue as a result of wise choices Council has made related to fiscal matters over the course of the last three years, a surge strategy could be considered to fund additional code enforcement staff for a period of time to make the number of outstanding cases manageable. At the same time, ASC could work through how to put this code together in a way that makes sense. One concern is that while this issue is being considered, the number of outstanding cases continues to grow. If the outstanding cases are being dealt with, ASC could focus energies on making sure the backlog does not happen again.

Mr. Gibb reiterated that this project was initiated by the Collaboration Project and it was their recommendation to use the IPMC as a model to work from. He suggested staff bring this issue back to ASC in May. This will give staff time to reflect on the discussion and provide options for consideration.

Chair Traber said he liked the surge strategy reference and tying it to the budget process. He assumed that the temporary hiring would be paid out of the General Fund or Reserves. He preferred that ASC continue to consider the potential to raise rental housing program fees, raising fees for a limited duration, or a combination of surge funding and raising fees.

Mr. Patterson said surge funding would be short-term and increasing fees would be a long-term strategy. He agreed that increasing fees could also be a temporary, short-term strategy.

Chair Traber added that surge funding would be for a limited time period which would allow time for ASC to consider whether there is a need to increase rental housing program fees. He stated agreement with the philosophy that the City already has a structure to deal with rental problems. Perhaps the City should have considered

whether enough funds have been allocated to the rental housing program to provide full code enforcement.

Chair Traber recessed the meeting from 5:06 until 5:11 pm.

II. Utility Rate Structure Review

Ms. De Jong explained that as part of the utility rate annual review, staff evaluates the on-going viability of the Water, Wastewater, and Stormwater Utility Funds. In November of each year, staff shares a review of trends in revenues and requirements necessary to maintain utility services to the community. Fiscal Years 2006-07 through 2010-11 resulted in annual decreases in water production and associated revenues. The decreases prompted staff to initiate a utility service rate study to evaluate whether a change in the current rate structure might be appropriate. Results of the last utility rate study were implemented in 1998.

Ms. De Jong said the consultant, Raftelis Financial Consultants, Inc. (RFC), conducted the study from August 2012 to June 2013. RFC analyzed customer water consumption characteristics and created comprehensive financial planning models for each of the three utilities. RFC provided a cost of service analysis using industry standards to determine the level of expenditure that should be allocated to each customer class for infrastructure, treatment, distribution, and collection. The cost components for each customer class were compared to consumption history information to develop rates sufficient to generate revenue needed for each utility to cover projected expenditures. The analysis has resulted in several recommendations for rate structure changes that will accurately recover revenue from each component for each utility. If a new structure is adopted, it will be implemented in a revenue neutral manner. Staff recommended discussing each Fund separately and began with information about the **Water** Fund, including customer classes and rate structure components.

In response to Chair Traber's inquiry, Ms. De Jong said the public fire protection service rate is included in the base rate. Staff intends to keep this service rate included in the base rate on the final rate schedule. Staff will present two options for public fire protection service.

Ms. De Jong said RFC recommended aligning the fixed/base rate (not including fire protection service) with industry standards. In a cost recovery model, the base rate would recover expenses related to the minimum infrastructure and treatment required for the City to provide all customers with water service. This method does not assume any level of consumption. The American Water Works Association (AWWA) manual determines an appropriate base rate designed to recover these expenses using industry standard methodology utilized by many utilities across the country. The AWWA design includes meter flow rate equivalencies in recognition that customers with larger meters have the ability to impose a higher instantaneous demand on the water utility system and should pay for that capability. In addition, the ongoing costs to maintain and replace that infrastructure increase in conjunction with infrastructure size. For example, it is more expensive to replace an eight-inch water service line than a three-quarter inch line.

Ms. De Jong referred to the rate comparison table on page four of the staff report. The changes shift the allocation of utility cost from the consumption component to the fixed component in conjunction with aligning cost recovery with the size of the connection. The model shifts the burden away from everyone paying to maintain the full system to a model that requires individuals and businesses to pay for their individual impact on the system.

Ms. De Jong and Ms. Steckel responded to questions posed by the Committee.

Councilor Brauner: The rate table on page four includes charges for services without any forecasted number of accounts. Are these for potential future connections?
Ms. De Jong: Yes.

Chair Traber: In the structure of the base rate, staff refers to a portion of the distribution system capital. Why is this only a portion?
Ms. De Jong: Part of the necessary distribution is tied to water consumption, including reservoir size and pumping stations needed for the volume of water.

Chair Traber: Public fire protection is listed in the third paragraph on page three of the staff report. It is included as part of the expenses related to minimum infrastructure required.
Ms. De Jong: The public fire protection fee will be part of the base rate. The rate is included in the existing rate noted on page four, but is not included in the proposed rate.

Ms. De Jong agreed that some of the proposed increases are fairly dramatic. Those increases will balance out with the decrease in consumption.

Chair Traber: The dramatic multi-family residential and commercial class base increase will balance out with the consumption rate decrease?
Ms. De Jong: Correct, depending on consumption. Approximately 65% of revenue is currently from water consumption. The proposed rate schedule shifts revenues to the fixed/base rate.

Councilor Brauner: Who utilizes ten-inch service lines?
Ms. De Jong: Hewlett-Packard; OSU utilizes four-inch lines.

Ms. De Jong explained that the **Private Fire** rate is for customers who have installed private fire systems (e.g., Home Depot). The City is responsible for installation and maintenance of the required infrastructure for private fire protection customers. The current rate design for private fire protection connections does not reflect the additional costs to maintain adequate pressure and flow. RFC recommended private fire line connections pay a monthly fixed charge to more accurately approximate the cost for instantaneous capacity demands in the case of a fire. Staff agreed with RFC's recommendation.

Chair Traber: These are customers who have water service for their buildings and a separate connection for fire service?
Ms. De Jong: Correct.

Chair Traber: This allows them to have hydrants close to their buildings?
Ms. De Jong: It is required by the Land Development Code (LDC) based on the size of property and buildings. When Home Depot was constructed, the City was required to provide infrastructure to support private fire service to Home Depot, not hydrants. The City's investment to provide infrastructure to serve a private fire line is significant.

Councilor Brauner: There are more than 300 customers with private fire service?
Ms. De Jong: Yes; 342.

Ms. De Jong said the study considered whether Corvallis should transition **Consumption or Volumetric Rate** charges to align customer class peaking factors with industry standards. The variable or consumption rate recovers the cost associated with the volume of water treated and delivered above and beyond providing basic service. A key component is the intensity of water usage during periods of peak demand. RFC determined customer class peaking factors as noted in the second table on page five of the staff report. As an example, a single-family residence may put more of a demand on the system at one time as they get ready for work and school first thing in the morning. Businesses and multi-family residences have a more steady demand.

Chair Traber: Is that why the single-family residential hourly peaking factor is higher than the others?
Ms. De Jong: Yes. The question is who surcharges the system all at once.

Chair Traber: And irrigation starts at about the same time.
Ms. De Jong: Correct. The size of our reservoirs and pumps to keep the appropriate pressure to everyone is increased with peak demands.

Chair Traber: Why does single-family residential have a higher day peak?
Ms. De Jong: The day peak is the average based on maximum day use over a period of time. The table includes the annual usage by customer class proportioned to all of the classes.

Ms. De Jong explained that the existing rate structure uses tiers based on the three elevations in Corvallis. Single and multi-family residential customers have consumption block thresholds that increase by meter size. The current rates incorporate the expenses required to provide water to each of the three elevations. RFC acknowledged the sophistication of the City's current single and multi-family residential rate structure in relation to other utilities. They found no compelling financial, water conservation, or policy justification for modifying the existing structure.

Chair Traber: There is no data to suggest consumption blocks have changed?
Ms. De Jong: RFC reviewed consumption block data and recommended no change. RFC found that the rate structure is more complex than necessary for commercial customers, that 99% of all commercial customers are located in elevation level one and, on average, all consumption falls within the first tier consumption block. Staff agreed with RFC that commercial customers should move to a uniform rate design that charges a single dollar amount per unit for all billed consumption.

Ms. De Jong said irrigation customers follow the same three tiered design as single and multi-family residential customers. The majority of irrigation-only customer consumption is billed at the highest tier rate. This is appropriate given the heavy peak load demands they impose on the water system. Staff agreed with the RFC recommendation that this rate design remain unchanged to emphasize the message of conservation and to appropriately collect revenue for high peak demand from irrigation-only customers. The rates are included in the table on page seven of the staff report.

Chair Traber: Regarding the commercial class being in tier one, would the data change if a business was a heavy water user?
Ms. De Jong: The tiers are related to meter size. A heavy water user would typically have a larger meter size and stay in tier one.

Chair Traber: The recommendation is to restructure so that the base rate includes more of the costs. This implies that the volume rate decreases. Since the recommendation is revenue neutral why do the volume rates increase on the table on page seven?
Ms. De Jong: The shift to a cost recovery model makes the people who are using the system pay the percentage of the system they are using. This results in some customers seeing an increase in their volume rates.

Chair Traber: Single-family residences do not pay their fair share?
Ms. De Jong: That is correct. They are subsidized by commercial and multi-family residential.
Ms. Steckel: Irrigation is not paying its fair share which is why the volume rate increases.

Chair Traber: If 33% is commercial consumption, what percentage is irrigation?
Ms. Steckel: An irrigation-only meter is likely going to be at a commercial or large multi-family complex.

Chair Traber: Irrigation is for apartment complex lawns and not farms?
Ms. Steckel: Correct.
Ms. De Jong: Another example is the sprinkler system at Market of Choice.

Councilor Traber: How does this impact someone in Skyline West who utilizes a well?
Ms. Steckel: They do not pay for water; however, they do pay for wastewater and stormwater. There is a customer group for wastewater only.

Councilor Hirsch: The recommendation is to implement cost recovery. What is the process if it was not revenue neutral? Is there a small opportunity to generate additional revenue?
Ms. De Jong: The consultant was tasked with a revenue neutral study. Council could choose to collect a specific amount in revenue. That amount would be added to the projected revenue needs and disbursed within the customer classes.

Chair Traber: Providing part of the infrastructure is setting aside capital to make sure the infrastructure is preserved. When the water main burst one year ago, there was an observation that the City has aging facilities and may not have the funds reserved to replace the facilities. Is there a policy question that says revenue neutral is a target? If

the base rate includes the cost of the infrastructure repair and replacement, should Council include that amount in the methodology?
Ms. De Jong: Utility rate increases are capped by Council policy. The rates were increased in November for this year. To increase them again would go against Council policy. Additionally, the level of complexity in a rate structure change can be complicated more if rates are changed as well.

Chair Traber: The rate increase discussion will occur in November?
Ms. Steckel: Correct. If the new rate structure is adopted and implemented this summer, some people will pay more for the same amount of water they previously used. It is more understandable to explain that the rates were restructured to more closely align with needs.

Ms. De Jong said the water utility is directly compensated for **Public Fire Protection** costs. The expenses associated with having an adequate fire protection system are allocated to all customer classes on an equivalent meter basis. RFC does not recommend using unique fire flows for each customer class. Two options were presented that calculate fire protection units of service assuming a fire event of specific length and duration that translates into an estimate of maximum capacity needed to fight the fire. Option one changes the existing rate structure to charge all customer groups at each meter size the same amount for public fire service. Option two maintains the existing rate structure by allocating a higher fixed charge for public fire protection to multi-family and commercial customers. Page nine of the staff report includes a comparison of proposed rates.

Chair Traber: Which option does the consultant recommend?
Ms. De Jong: RFC recommends option one; single common fire event.

Chair Traber: This reduces multi-family and commercial rates and increases single-family residential rates. What is the consultant's rationale?
Ms. De Jong: RFC argued that fires are no more common in commercial business than in a single-family residence. Commercial customers are more likely to have fire protection sprinklers and will most likely have a smaller-sized fire. Multi-family residences are required to have fire protection sprinkler systems. New fire codes decrease risks.
Ms. Steckel: Staff does not necessarily agree with the consultant's recommendation. The Fire Department does not agree that a fire in a single-family residence is the same as a fire in a multi-family residence.

Councilor Brauner noted that there are different issues related to a multi-family residential fire, such as multiple floors, requirement for different equipment, etc. Ms. Steckel agreed and said there must be capacity in the system to fight a fire for a longer period of time.

Councilor Brauner said the other recommendations shift rates to single-family residences and in this case the consultant's recommendation would compound that rate even more.

Councilor Brauner: What system does Albany use for their rate structure?
Ms. Steckel: They follow industry standards of meter equivalency for base rates. Albany has many large businesses that use a lot of water. The consumption rates are fixed and everyone pays a certain fee. Some of the larger users pay less once they reach a specific threshold.

Councilor Brauner: The proposed cost recovery places Corvallis closer to Albany base rates?
Ms. Steckel: Even with incorporating the changes recommended, Corvallis remains at the same comparison level.
Ms. De Jong: In Corvallis, single-family rates would be $25.00/month with the new rate structure compared to Albany's $39.87/month.

Councilors Brauner and Hirsch, respectively, moved and seconded to not change the Public Fire Protection Service water rate. The motion passed unanimously.

Councilors Brauner and Hirsch, respectively, moved and seconded to accept the consultant's recommendations on all other water rates. The motion passed unanimously.

Ms. Steckel said staff planned to present each rate structure proposal separately. She suggested ASC make recommendations to Council after the entire rate structure proposal has been presented and voted on by ASC.

In response to Councilor Hirsch's inquiry, Ms. Steckel confirmed that the annual rate increase discussion will occur in November.

Ms. Steckel clarified for Chair Traber that the infrastructure inventory for distribution and collection is almost complete. Inventory at the plants is more complex and will take longer. She recommended that the November utility rate discussion be separate from what may be needed for infrastructure based on the inventories. She expects the asset management figures to be quite high and not something that can be accomplished in a regular rate schedule increase.

Ms. Steckel confirmed that staff can share the distribution/collection inventory information with Council in the fall. The remaining asset management components would need to be part of a separate discussion. Chair Traber encouraged staff to share as much information as they have available. He said the next Council may decide to include infrastructure upgrade as a Council Goal.

Councilor Hirsch described next steps as staff returning with proposals for wastewater and stormwater, followed by November rate increase consideration, and finally a separate discussion about infrastructure. He inquired whether the rate increase could be implemented when the service rate structure is approved instead of waiting until November to implement a rate increase.

Councilor Brauner opined that it would be better to keep the two issues separate. This study results in an adjustment of methodology leading to cost recovery. If the rate increase is included, the public will not believe that it is revenue neutral.

Ms. Steckel said some increases will occur in July due to this adjustment. Based on past experience, it makes a difference when staff can explain that an increase in one category resulted in a decrease in another category because the second category was subsidizing the first category.

III. Other Business

The next Administrative Services Committee meeting is scheduled for 3:30 pm on Wednesday, April 23 in the Madison Avenue Meeting Room.

The meeting adjourned at 5:56 pm.

Respectfully submitted,

Biff Traber, Chair

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Continuing Discussion of the Corvallis Neighborhood Outreach/Education and Property Maintenance Code Program

Corvallis Administrative Services Committee
April 9, 2014

1

Consideration to Date

- Program concept recommended by the Collaboration Corvallis/Neighborhood Livability Work Group in early 2013.
- Working concepts refined with input of the Property Maintenance Code Advisory Group, August to December, 2013.
- ASC consideration underway since February 2014 in preparation for a recommendation to the City Council.

2

Administrative Services Committee Discussion Items to Date

- Program development background
- Identification/photo illustration of current code gaps
- Outline of Property Maintenance Code standards and provisions
- Outline of program operating protocols
- Description of reorganization leading to creation of the Housing and Neighborhood Services Division
- Overview of overall program revenue and expenditure budgets

Property Maintenance Code Modifications Proposed to Date

Modifications proposed to date include:

- Ten changes/clarifications to PMC standards
- Three additional standards/sections
- Four deleted standards/sections

Transition from Current to Future Code Enforcement/Compliance Approach

- Move existing General Fund-supported Code Enforcement resources (CE Supervisor, operating/overhead, casual staff) from Development Services to the reorganized Housing and Neighborhood Services Division and create Property Maintenance Code Compliance Program.
- Allocate levy-generated funding to support .5 FTE for Property Maintenance Code compliance work to the Housing and Neighborhood Services Division.
- Proposed increase in rental housing fee income to support an additional .5 FTE for Property Maintenance Code compliance; casual code compliance staff; expanded outreach and education program within the Division.
- The net impact will be an increase in code compliance staffing from 1 to 2 FTE, which will provide capacity to address the increased areas of responsibility associated with the Property Maintenance Code.

Transition from Current to Future Code Enforcement/Compliance Approach

- In regard to the current number of outstanding cases, it is noted that:
  - Originally, up to 3 FTE for Code Enforcement were projected as necessary to address the anticipated case load on a timely basis.
  - Initial funding for the program provided for 2 FTE. Shortly after program initiation, staffing was reduced to 1 FTE (with some limited casual staffing) due to budget pressures. It was acknowledged at the time that the ongoing case load could not be fully addressed, and that a prioritized response would be necessary.
  - A significant percentage of the outstanding code enforcement cases are related to violations of the Building Code and Land Development Code. These cases will stay under the purview of the Development Services Division; the Division is working through procedural changes in order to allocate resources necessary to manage that portion of the current and future caseload.
  - While recognizing that for some PMC and livability cases there will be a need for coordination and shared responsibilities with the Development Services Division, the reorganized Housing and Neighborhood Services Division will focus on the complaint-based Property Maintenance Code and other livability related codes along with education, outreach and other proactive programs.
- Given this anticipated approach, staff believe that the proposed permanent and casual staffing levels and related recommendations (e.g. a pre-established set of program protocols and progressive penalty system) will allow the Housing and Neighborhood Services Division to respond to code compliance cases on a timely basis.

Summary of Staff Comments

In response to questions that have been raised during the process to review the proposed Property Maintenance Code and related compliance program, three points bear reiteration:

1) As established in the protocols for PMC implementation, the Code compliance program will operate under a complaint-based approach, i.e., City staff will be responding to specific property condition complaints, and will not conduct routine property inspections or be in the field looking for potential violations.
2) There is no practical way to define all of the terms used to establish standards in the PMC or other similar codes. Therefore, staff will need to continue to exercise reasonable professional judgment in administering the PMC compliance program as it does in its application of other City codes.
3) Regarding concerns raised by some who have suggested in visitor comments that staff will not apply the PMC appropriately, there will be two levels of redress and review built into the program's implementation. First, a party who has received notice of a PMC violation may appeal staff's determination through the City's Board of Appeals process. Second, staff have recommended that an annual program review be completed. As a result of that review, the City Council will have an opportunity each year to evaluate the program and make adjustments to Code provisions and/or operating protocols as it deems necessary.

Recommended Next Steps

As previously discussed with ASC, the outcome of the Committee's consideration of the Neighborhood Outreach/Education and Property Maintenance Code Program proposal will be a recommendation to the City Council on a program outline. To move forward with a recommendation in support of the Program as presented or in an otherwise modified form, the Committee might consider breaking it into the elements considered to date. Those elements have included:

- An outline of the content of the Property Maintenance Code, including changes that have been presented and recommended to date;
- Operating protocols related to implementation of the Property Maintenance Code;
- An outline of the outreach and education element of the Program;
- The operating structure of the reorganized Housing and Neighborhood Services Division;
- A recommendation relative to the reinstatement of the Neighborhood Empowerment Program; and
- A Program budget and funding strategy.

Staff will be prepared to provide additional information if requested, or to move forward with preparation of a final program outline for Committee consideration and recommendation to City Council.

ATTACHMENT B

WILLAMETTE
Association of REALTORS®

April 9, 2014

To: Administrative Services Committee

From: Sue Long, 2014 President
Willamette Association of REALTORS®

Richard Berger, Government Affairs
willamettevalleygad@gmail.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 and believe that the proposed property maintenance code is poor public policy and should not be adopted by the Council.

Our Association believes it is important that the Administrative Services Committee consider less complicated and less financially burdensome options before moving anything forward. The options stated below are much simpler, will cost the City less money, and may very likely have a greater impact on achieving a common goal of improving community conditions and livability. Here are some examples:

1) The City could implement a progressive fine system so if someone is a repeat violator of the many existing codes we already have; they get a harsher and harsher punishment. It doesn't make any sense that a first time violator gets the same punishment as someone who has made the same violation again and again and again.

2) The city could make a concerted effort to improve enforcement under the current Code before implementing an entire new set of requirements and entire new staff team.

3) The City could implement a more stringent anti-graffiti law. Many of the pictures of neglect that the Committee was shown at the last meeting were problems of people not painting over graffiti. This is a problem that many cities have addressed through a specific graffiti law.

4) Another problem that was shown over and over again in the staff slide show was broken or boarded up windows. This could also be fixed through a simple rule requiring that windows must be fixed if they get broken.

5) Focus should be put on efforts to amp up outreach and education opportunities regarding neighborhood conditions and livability to Corvallis residents. Examples of this include mailers, advertisements, city staff speaking at neighborhood association meetings, etc...

...continued on page 2...

The items noted above are straightforward options that will not take a whole new department or a 250% fee increase to implement.

Additionally, it is important for the City to take a step back to evaluate the bigger picture: The Property Maintenance Code's overall impact on housing and the cost of living in Corvallis. There is a housing crisis in Corvallis, whether people want to buy or rent there is simply nothing affordable to be found. The implementation of a Property Maintenance Code will exacerbate this problem making the cost of living in Corvallis even more unaffordable.

Our Association believes it is also important for the Council to look back at where this proposal stems from. This proposal came up nearly two years ago when the collaboration was struggling with the surge in the student population and neighbors were having problems with noise and drinking and parties. Since then, through collaboration, the university, the City, volunteers, the police, and a dedicated coalition of property managers have worked so hard and done so much to address that issue. I've attached to our testimony memo from Eric Adams dated March 14 that lists the items that have been implemented through the collaboration process. These include student assistance on rental matters, new conduct policies, new police officers, more money for code enforcement and pages and pages of other items. This is an expansive list.

Lastly, but very importantly, our Association would like to note for the record that the Property Maintenance Code affects more than just rental properties. We know the Administrative Services Committee understands this, however, *all residents and property owners must be informed that this proposal affects every single piece of property in Corvallis.* This means that all properties, not just rentals, would be subject to the provisions of the proposed code that address exterior issues. These provisions are not limited to unsafe building conditions, but also provisions which are purely aesthetic such as chipped paint.

In closing, the Willamette Association believes the Council needs to consider taking a more measured approach by allowing other options that utilize existing codes to get fully implemented and then reviewing their effect, as well as considering impact on housing as a whole, before passing a massive, brand new, very expensive, and very intrusive property maintenance code.

Thank you for your time and consideration.

##########

MEMORANDUM

TO: **Collaboration Corvallis Steering Committee**

FROM: **Eric Adams, Project Manager**

DATE: **March 14, 2014**

SUBJECT: Status of Completed Actions and Ongoing Efforts to Implement Recommendations

Provided below is a summary of completed actions and ongoing efforts by the City of Corvallis and Oregon State University (OSU) to implement each of the 68 work group recommendations accepted by the Steering Committee. Attachments 'A' and 'B' provide additional detail regarding the status of recommendations that are specific to OSU and the City of Corvallis, respectively. An updated version of Attachment 'A' that contains priority assessments will be provided to the Steering Committee at the March 19, 2014, meeting.

These actions are also being tracked on the Recommendation Disposition Matrix that has been previously distributed to the Steering Committee. Given the increasing volume of information it contains, project staff decided the following summary may be easier for the Steering Committee and public to use.

NEIGHBORHOOD LIVABILITY

Completed Actions:

- With assistance from the City of Corvallis, OSU has produced and distributed an "Off-campus Living Guide".
- Improved communication between Corvallis Police Department, OSU Office of Public Safety and Office of Student Conduct and Community Standards.
- City has increased consistent enforcement of "Special Response Notice" law.
- Additional staff have been hired for OSU Office of Student Conduct and Community Standards, Office of Greek Life, and Dean of Students Office.
- City has implemented increased fines for providing alcohol to minors.
- Funding was secured through Public Safety Levy to hire three additional Corvallis Police Department officers.
- City of Corvallis and OSU became members of the International Town & Gown Association, and attended the 2013 annual conference.
- City of Corvallis and OSU staff participated in a training with Dr. Robert Saltz.
- City has modified existing alcohol-related ordinances to mirror intent of a Social Host Ordinance.

- OSU hosted its first off-campus housing fair in March to inform students about off campus housing opportunities and responsibilities. Approximately 1,000 students attended.

Ongoing Efforts:

- City is monitoring effectiveness of Special Response Notice and increased enforcement of other "nuisance behavior" laws; a livability survey will be completed by fall 2014.
- City is proceeding with implementation of an expanded residential Neighborhood/Property Maintenance Code program.
- City will be hiring additional Code Enforcement and Neighborhood Relations staff using funding from the November 2013 Levy.
- Development of "OSU Welcome Week" and other community relations programs.
- City is proceeding with amendments to the Corvallis Municipal Code regarding refuse collection.
- City is finalizing an electronic notification system endorsed by rental property owners that will inform them of police response to their properties.

PARKING AND TRAFFIC

Completed Actions:

- City and OSU have increased marketing for transit and alternate modes of transportation.
- OSU has expanded its bike share program.
- City and OSU have increased service frequency for primary transit routes serving the OSU campus. For Fiscal Year 2013/2014, OSU is funding this effort with a $22,000 investment.
- Additional funding to support the Linn-Benton Loop has been committed by OSU and the City of Corvallis.
- OSU and the City have each implemented GPS-based route status systems for CTS and OSU Shuttle buses.
- OSU has increased funding for transportation safety education in conjunction with support from City staff.
- OSU conducted transportation assessment of intersections in and around campus and for the first time evaluated some for bicycle and pedestrian safety.
- OSU has expanded the on-campus transit shuttle system by adding another shuttle.

Ongoing Efforts:

- City is proceeding with implementation of an expanded residential parking district program, with the goal of initiating the new districts by September 2014.
- By April 14, OSU will announce a restructuring of its on-campus parking permit system, likely to be a zonal system based on parking lot location and demand, and transit system commute options.
- Strategic assessment of OSU's transit shuttle system's role in supporting use of on-campus parking facilities and travel to and within the campus.
- Assessment of campus lighting to enhance bike and pedestrian safety.

- OSU is exploring options to expand its existing Transportation Demand Management programs.
- Assessment of a new campus transit hub is being conducted with the Corvallis Area Metropolitan Planning Organization.
- OSU is evaluating traffic volumes on Jackson Avenue between Arnold Way and 30th Street and developing mitigation strategies.
- Revisions to the OSU Campus Master Plan's transportation and parking plans
- Increased funding for additional on-campus bicycle parking facilities.
- OSU and the City are developing an expanded marketing plan for transit, parking districts, and campus economy lot options for fall 2014. The university is funding this effort with a $16,000 investment.

NEIGHBORHOOD PLANNING

Completed Actions:

- City amended the Land Development Code parking requirements to address four- and five-bedroom dwellings as of December 2012.
- City Council authorized staff to prepare two additional Land Development Code (LDC) amendment packages that will address various residential infill development issues. The Planning Commission will review the first package in March 2014.
- City Council authorized staff to engage the Infill Task Force to assist with preparation of Residential Design Guidelines. A draft document was presented to the Planning Commission at its March 5, 2014 meeting.
- OSU implemented a new requirement for freshmen to live on campus as of fall 2013.

Ongoing Efforts:

- OSU is constructing a new 324-bed residence hall on campus that will open this fall. With the return of Finley Hall to a full-service dormitory, OSU on-campus housing in fall of 2014 will increase to 4,753 beds.
- The university will launch a request for proposals for public-private partnerships related to student housing by September 2014.
- The second package of Land Development Code amendments authorized by the City Council is currently being prepared for review by fall 2014.
- City Council direction regarding potential modifications to the demolition permit process and preparation of a Historic Preservation Plan.
- Update of the OSU Campus Master Plan – adoption by 2016
- City Council has authorized staff to include development of a "Historic Preservation Lite" program as part of a future Planning Commission Work Program.

ATTACHMENT C

MEMORANDUM 4/9/14

September 12, 2011 Received from John Wydronek

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director Ken Gibb

SUBJECT: FY 10-11 Corvallis Rental Housing Code/Program Annual Report

I. ISSUE

This report provides a summary of information that has been collected through the City's Rental Housing Program and related to the Rental Housing Code during its nine years of operation.

II. BACKGROUND

After two years of data collection and one year of program design, the City's Rental Housing Code (RHC) was implemented in July of 2002. The Code originally established standards in four areas (plumbing, heating, structural, and weatherization) that all Corvallis residential rental units must meet. In 2008, City Council added door locks, window latches, and smoke detectors to the Code. Enforcement of these standards is carried out by the Housing Division on a complaint-driven basis. Funding for code enforcement and delivery of the Rental Housing Program is derived from a per unit fee paid annually by rental property owners and managers. The original $8 per unit fee was increased to $10 for FY 09-10, and will increase $1 in FY 11-12 and every two years thereafter.

III. DISCUSSION

The number of Rental Housing Program contacts (phone calls, drop-ins, e-mails) increased each year from program inception through FY 06-07, decreased in FY 07-08, and then increased again in FY 08-09 and FY 09-10. In FY 10-11 the number of calls increased 31.8% from FY 09-10. The following table categorizes contacts by type:

		Contacts by Type of Caller				
		Contacts by Tenancy Type			Contacts by Student Status	
Year	Total Contacts	Tenant	Landlord	Other	Student	Non-student
2002-03	415	274	79	62	100	315
2003-04	434	267	100	67	104	330
2004-05	440	266	108	66	92	348
2005-06	513	286	123	104	93	420
2006-07	546	286	113	147	94	452
2007-08	475	281	86	108	107	368
2008-09	527*	296	115	116	106	415
2009-10	641	363	146	132	123	518
2010-11	845	465	179	201	182	663
Total	4,836	2,784	1,049	1,003	1,001	3,829

** This total includes 6 contacts for which student/non-student status could not be determined.*

As a result of the contacts identified in the foregoing table, a total of 8,038 issues have been raised since the inception of the Rental Housing Program (contacts often generate multiple issues). Each issue is placed into one of three categories: Rental Housing Code related, non-Code related (but involving a habitability issue), and non-habitability issues (deposits, neighborhood livability, lease terms, etc.) The next table categorizes each year's issue by type:

	Issue Type			
	Total	Rental Housing Code	Non-Code	Non-Habitability
2002-03	632	117	97	418
2003-04	697	109	130	458
2004-05	675	108	85	482
2005-06	788	137	97	554
2006-07	901	157	124	620
2007-08	827	153	128	546
2008-09	953	184	132	637
2009-10	1,111	227	126	758
2010-11	1,454	236	150	1,068
Total	8,038	1,428	1,069	5,541

Of the six Rental Housing Code issue types (heating, plumbing, weatherproofing, structural, smoke detectors, and locks/latches), plumbing (42.4%) and weatherproofing (33.5%) issues continue to be the two most frequent complaint types. Garbage/vermin complaints represented 54.7% of the non-Code contacts in FY 10-11, and the category "other" (deposits, notices, etc.) made up 66% of the non-habitability issues.

Although a relatively high number of habitability issues subject to the Rental Housing Code are reported to the City each year, the number of actual enforcement actions remains low. This trend has held because, most frequently, issues are resolved through direct discussions between tenants and their landlords. The Code requires that, prior to the City inspecting an alleged violation and taking enforcement action, tenants initiate a formal written contact and request for repairs of the violations. In most cases tenants will note in their communication that they believe the issue in question represents a violation of the City's Rental Housing Code. Experience has shown that this approach maximizes repairs of Code violations while minimizing the number of cases requiring the City's direct involvement in an enforcement action.

During FY 10-11, two violation cases were opened, both on the same property and related to plumbing. In both cases, the needed repairs were made prior to an inspection. Since the Code's implementation in FY 02-03, it has been enforced a total of 23 times, with eight of those actions occurring in FY 07-08.

IV. POSSIBLE CODE AMENDMENT AREAS FOR FUTURE CONSIDERATION

There are a number of habitability issues not covered by the standards of the Rental Housing Code, as well as other aspects of the Code that generate calls from tenants or that staff feel merit consideration. Issues identified during FY 10-11 through tenant calls or staff observation follow.

Habitability Issues

1. **Weatherproofing.** The Code now addresses water intrusion into living spaces, but not air intrusion. Common complaints from tenants involve exterior doors that have large gaps at the floor, and cracked/broken windows. Adding air intrusion standards to the Code would likely reduce energy bills and increase comfort for tenants.

2. **Structural Integrity.** Building safety in general is currently covered by the Code, but it does not require that floors, walls, ceilings, stairways and railings be maintained in good repair. These types of interior issues are frequently the subject of calls to the City. In addition, exterior building issues not covered by the Code include maintaining decks, porches, and garages in safe repair. Addressing these components also might make the Code more effective.

3. **Appliances.** Appliances are not currently covered by the Code and on a relatively frequent basis, staff receive calls regarding landlords not repairing or replacing failed appliances. Adding language that appliances provided by the landlord at the beginning of the tenancy must be maintained in good working order throughout the tenancy would help tenants get their stoves, ranges, and refrigerators repaired or replaced in a timely manner.

Code Administration Issues

1. **Complaint Process.** As the Code is now written, a tenant is required to place their request for a repair in writing to the landlord and give the landlord ten days (or 48 hours under certain circumstances) to respond to the request. After that time frame expires, the tenant may file a complaint with the City for code enforcement. The City then provides the landlord with a 48 hour notice of inspection (or 24 hour notice under certain circumstances) in writing and by phone if possible. Frequently, when a tenant makes their first contact with the City, they have spoken with their landlord about the needed repair, but have not put their request in writing. By the time they do so, and the landlord does not address the repair, the tenant may have been experiencing repair issues for weeks.

2. **Penalty Fees.** During the last fiscal year the amount of the penalty fee applied to past due rental housing program charges was challenged legally as being too high by two rental property owners. An arbitrator in one such challenge opined that the fee of $100 was "disproportionate" to the per dwelling unit charge of $10. The City's stance is that people who do not pay the fee in a timely manner should be responsible for the associated costs. Housing Division staff were directed by the City Manager to work with the City Attorney's Office to amend the Rental Housing Code ordinance to address this issue. The CAO has proposed changes that would address this issue; refinement of Code language to reflect these changes will be addressed in conjunction with work on the habitability and code administration issues outlined above.

V. ACTIONS/RECOMMENDATIONS

A Human Services Committee recommendation of City Council acceptance of this report is requested. In addition, staff feel that further consideration of the issues summarized in the section above is merited, and recommend that the Housing and Community Development Commission be asked to discuss them and formulate a set of recommendations. If this approach is acceptable to HSC, these recommendations, in the form of proposed Municipal Code amendments as appropriate, will be brought back to the Committee later this calendar year for further consideration and Committee/Council action. Direction to proceed in this manner is also requested.

Review and Concur:

Ellen Volmert
City Manager Pro Tem

Attachments: Corvallis Municipal Code Chapter 9.02 - Rental Housing Code

MEMORANDUM

September 7, 2012

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director

SUBJECT: Corvallis Rental Housing Code/Program Annual Report 2011-12

I. ISSUE

This report provides a summary of information that has been collected through the City's Rental Housing Program and related to the Rental Housing Code during its nine years of operation.

II. BACKGROUND

After two years of data collection and one year of program design, the City's Rental Housing Code (RHC) was implemented in July of 2002. The Code originally established standards in four areas (plumbing, heating, structural, and weatherization) that all Corvallis residential rental units must meet. In 2008, City Council added door locks, window latches, and smoke detectors to the Code. Enforcement of these standards is carried out by the Housing Division on a complaint-driven basis. Funding for code enforcement and delivery of the Rental Housing Program is derived from a per unit fee paid annually by rental property owners and managers. The original $8 per unit fee was increased to $10 for FY 09-10 and to $11 in FY 11-12. In FY 12-13 it is scheduled to increase to $12 and remain at the rate in FY 13-14.

III. DISCUSSION

The number of Rental Housing Program contacts (phone calls, drop-ins, e-mails) increased each year from program inception through FY 06-07, decreased in FY 07-08, and then increased again in FY 08-09 through FY 10-11. In FY 11-12 the number of calls decreased 16.3% from FY 10-11. The following table categorizes contacts by type:

		Contacts by Type of Caller				
		Contacts by Tenancy Type			Contacts by Student Status	
Year	Total Contacts	Tenant	Landlord	Other	Student	Non-student
2002-03	415	274	79	62	100	315
2003-04	434	267	100	67	104	330
2004-05	440	266	108	66	92	348
2005-06	513	286	123	104	93	420
2006-07	546	286	113	147	94	452

2007-08	475	281	86	108	107	368
2008-09	527*	296	115	116	106	415
2009-10	641	363	146	132	123	518
2010-11	845	465	179	201	182	663
2011-12	707	372	177	158	141	566
Total	5,543	3,156	1,226	1,161	1,142	4,395

** This total includes 6 contacts for which student/non-student status could not be determined.*

As a result of the contacts identified in the foregoing table, a total of 9,201 issues have been raised since the inception of the Rental Housing Program (contacts often generate multiple issues). Each issue is placed into one of three categories: Rental Housing Code related, non-Code related (but involving a habitability issue), and non-habitability issues (deposits, neighborhood livability, lease terms, etc.) The next table categorizes each year's issues by type:

	Issue Type			
Year	Total	Rental Housing Code	Non-Code	Non-Habitability
2002-03	632	117	97	418
2003-04	697	109	130	458
2004-05	675	108	85	482
2005-06	788	137	97	554
2006-07	901	157	124	620
2007-08	827	153	128	546
2008-09	953	184	132	637
2009-10	1,111	227	126	758
2010-11	1,454	236	150	1,068
2011-12	1,163	197	114	852
Total	9,201	1,625	1,183	6,393

Of the six Rental Housing Code issue types (heating, plumbing, weatherproofing, structural, smoke detectors, and locks/latches), weatherproofing (44.2%) and plumbing (24.9%) issues continue to be the two most frequent complaint types, with weatherproofing continuing to trend upward, thus becoming the largest issue over plumbing for the first time. Garbage/vermin complaints represented 57.9% of the non-Code contacts in FY 10-11, and the category "other" (deposits, notices, etc.) made up 66.7% of the non-habitability issues, both consistent with previous years data.

Although a relatively high number of habitability issues subject to the Rental Housing Code are reported to the City each year, the number of actual enforcement actions remains low. This trend has held because, most frequently, issues are resolved through direct discussions between

tenants and their landlords. The Code requires that, prior to the City inspecting an alleged violation and taking enforcement action, tenants initiate a formal written contact and request for repairs of the violations. In most cases tenants will note in their communication that they believe the issue in question represents a violation of the City's Rental Housing Code. Experience has shown that this approach maximizes repairs of Code violations while minimizing the number of cases requiring the City's direct involvement in an enforcement action.

During FY 11-12, three violation cases were opened: one for inadequate heat, one for a lack of heat, and one for plumbing leaks, a broken door lock, and no working smoke detectors (none even installed). In all three cases, the needed repairs were made prior to an inspection. Since the Code's implementation in FY 02-03, it has been enforced a total of 26 times, with eight of those actions occurring in FY 07-08.

IV. PREVIOUS YEAR'S ISSUES

Last year's report suggested several issues/areas of amendment to the Rental Housing Code for HSC's consideration. They included structural integrity, weatherproofing, appliances, the complaint process, and penalty fees. HSC requested that staff proceed to make the recommended changes to the penalty fee language, and come back after consulting the City's Housing and Community Development Commission with proposed code language to address the remaining issues.

Staff worked with the City Attorney's Office to address needed changes to the Rental Housing Code Program's penalty fee language, with City Council approving the proposed changes in September 2011. With the creation of the City/OSU Collaboration Project, further code amendments to address the remaining issues have been deferred for future consideration, as it is assumed that the Collaboration process may lead to discussion of more and broader changes that would address these and other issues.

V. ACTIONS/RECOMMENDATIONS

A Human Services Committee recommendation of City Council acceptance of this report is requested.

Review and Concur:

James A. Patterson
City Manager

Attachment: Corvallis Municipal Code Chapter 9.02 - Rental Housing Code

MEMORANDUM

September 6, 2013

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director

SUBJECT: Corvallis Rental Housing Code/Program Annual Report 2012-13

I. ISSUE

This report provides a summary of information that has been collected through the City's Rental Housing Program and related to the Rental Housing Code during its eleven years of operation.

II. BACKGROUND

After two years of data collection and one year of program design, the City's Rental Housing Code (RHC) was implemented in July of 2002. The Code originally established standards in four areas (plumbing, heating, structural, and weatherization) that all Corvallis residential rental units must meet. In 2008, City Council added door locks, window latches, and smoke detectors to the Code. Enforcement of these standards is carried out by the Housing Division on a complaint-driven basis. Funding for Rental Housing Code enforcement and delivery of the Rental Housing Program is derived from a per unit fee paid annually by rental property owners and managers. The original $8 per unit fee was increased to $10 for FY 09-10 and to $11 in FY 11-12. In FY 12-13 it is scheduled to increase to $12.

III. DISCUSSION

The number of Rental Housing Program contacts (phone calls, drop-ins, e-mails) increased each year from program inception through FY 06-07, decreased in FY 07-08, and then increased again in FY 08-09 through FY 10-11. In FY 11-12 the number of calls decreased 16.3% from FY 10-11. The number of contacts decreased again in FY 12-13 by 18% from FY 11-12. The table on the following page categorizes contacts by type:

		Contacts by Type of Caller				
		Contacts by Tenancy Type			Contacts by Student Status	
Year	Total Contacts	Tenant	Landlord	Other	Student	Non-student
2002-03	415	274	79	62	100	315
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2006-07	546	286	113	147	94	452
2007-08	475	281	86	108	107	368
2008-09	527*	296	115	116	106	415
2009-10	641	363	146	132	123	518
2010-11	845	465	179	201	182	663
2011-12	707	372	177	158	141	566
2012-13	577**	278	167	132	101	474
Total	6,120	3,434	1,393	1,293	1,243	4,869

** This total includes 6 contacts for which student/non-student status could not be determined.*

*** This total includes 2 contacts for which student/non-student status could not be determined.*

As a result of the contacts identified in the foregoing table, a total of 10,183 issues have been raised since the inception of the Rental Housing Program (contacts often generate multiple issues). Each issue is placed into one of three categories: Rental Housing Code related, non-Code related (but involving a habitability issue), and non-habitability issues (deposits, neighborhood livability, lease terms, etc.) The next table categorizes each year's issues by type:

Issue Type				
Year	Total	Rental Housing Code	Non-Code	Non-Habitability
2002-03	632	117	97	418
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2007-08	827	153	128	546
2008-09	953	184	132	637
2009-10	1,111	227	126	758
2010-11	1,454	236	150	1,068
2011-12	1,163	197	114	852
2012-13	982	152	118	712
Total	10,183	1,777	1,301	7,105

Of the six Rental Housing Code issue types (heating, plumbing, weatherproofing, structural, smoke detectors, and locks/latches), weatherproofing (32.9%) and plumbing (36.2%) issues continue to be the two most frequent complaint types, with plumbing surpassing weatherproofing and reversing last year's order. Garbage/vermin complaints represented 64.4% of the non-Code contacts in FY 12-13, and the category "other" (deposits, notices, etc.) made up 66.7% of the non-habitability issues, both increasing from previous year's data.

Although a relatively high number of habitability issues subject to the Rental Housing Code are reported to the City each year, the number of actual enforcement actions remains low. This trend has held because, most frequently, issues are resolved through direct discussions between tenants and their landlords. The Code requires that, prior to the City inspecting an alleged violation and taking enforcement action, tenants initiate a formal written contact and request for repairs of the violations. In most cases tenants will note in their communication that they believe the issue in question represents a violation of the City's Rental Housing Code. Experience has shown that this approach maximizes repairs of Code violations while minimizing the number of cases requiring the City's direct involvement in an enforcement action.

During FY 12-13, five violation cases were opened: two for plumbing leaks, one for no functioning toilet in the unit, one for plumbing leaks and a nonfunctional front door lock , and one for a weatherproof issue The first four cases noted above, three of which were from the same property, were corrected through enforcement actions. The weatherproof issue noted above was determined to be inconclusive. Since the Code's implementation in FY 02-03, it has been enforced a total of 30 times, with eight of those actions occurring in FY 07-08.

IV. CURRENT PROGRAM STATUS

As a result of a recommendation from the City/OSU Collaboration Project, the City Council has directed staff to proceed with a process to develop a more comprehensive property maintenance code that will integrate various codes currently being enforced by different City work groups. The new code will look to improve both interior and exterior building and property conditions. It is contemplated at this time that the new property maintenance code will be enforced on a complaint basis. Following a series of outreach meetings with the Property Maintenance Code Advisory Group, staff plan to bring a new code framework for City Council consideration in November/December.

V. ACTIONS/RECOMMENDATIONS

A Human Services Committee recommendation of City Council acceptance of this report is requested.

Review and Concur:

James A. Patterson
City Manager

Attachment: Corvallis Municipal Code Chapter 9.02 - Rental Housing Code

ATTACHMENT D

LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-754-1172 • http://www.lwv.corvallis.or.us

April 9, 2014

To: Administrative Services Committee

From: League of Women Voters of Corvallis, Ann Brodie, President AB

Re: Property Maintenance Code

The League of Women Voters of Corvallis supports the creation of a Property Maintenance Code. By incorporating both the Rental Housing and Dangerous Building Codes along with provisions for closing significant gaps, it enhances efficiency through a thorough and consistent approach to longtime problem areas. Most importantly, it provides a comprehensive framework to address public health, safety, and neighborhood livability concerns that matter to our community.

Our support is consistent with the "Meeting Basic Human Needs" position of the League of Women Voters of the United States on this matter: "State and local governments should adopt and enforce housing codes to protect the health and safety of all citizens."

Our support is also consistent with our organization's longtime emphasis on and support for comprehensive planning, which fosters complete, healthy, and diverse communities, and maintains and enhances community livability. Corvallis Comprehensive Plan Policy 9.4.5 states, "The City shall maintain appropriate standards to assure the repair and rehabilitation of housing units that may be hazardous to the health, safety, and welfare of the inhabitants." A Property Maintenance Code embodies both the spirit and the letter of this policy.

Additionally, our support aligns with the Corvallis 2020 Vision Statement, which describes "safe, attractive neighborhoods," "maintaining healthy neighborhoods," "environmental cleanliness," and "the safety and security of citizens."

We recognize that there are many details and provisions in the proposal you are reviewing. As you evaluate those, we urge that the health, safety, and security of residents and neighborhoods be your topmost priority.

This proposal originated from the testimony of community residents—renters, homeowners, students, nonstudents—describing substandard housing conditions and asking the City for help. As you have seen, those conditions are not limited to a few neighborhoods but occur citywide. We ask that you support going forward with this entirely sensible response to both the residents' concerns and Comprehensive Plan Policy 9.4.5.

ATTACHMENT E

MAYOR & COUNCIL EMAIL

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

council meeting

- *To*: <ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward9@xxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject*: council meeting
- *From*: "Jerry Duerksen" <jerry@xxxxxxxxxxxxxxxxxxx>
- *Date*: Tue, 8 Apr 2014 09:06:05 -0700

Attachment: `City Councilor's ~Public challenge~April 2014.doc`
Description: MS-Word document

- **Follow-Ups**:
  - **Re: council meeting**
    - *From:* ward9

- Prev by Date: **2014 Oregon Municipal Guide**
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April 3, 2014

Administrative Service Committee
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Dear Biff, Hal & Joel,

The reason I am emailing this letter to all of you is because the packet for next Wednesdays code meeting was already completed by last Thursday afternoon and could not be included.

I was informed that it could be offered to the public at the entrance table or it could be emailed or both.

I elected to email but may also drop it off at City Hall if you think that is appropriate. Since it is directly related to the upcoming public meeting, it may be required. At this time I don't know. Possibly you can advise. Here is my letter:

It has come to the attention of a few of us property managers here in town that we may once again be personally challenged in one or more of the upcoming International Property Maintenance Code (IPMC) public meetings.

If you recall, my company was singled out two meetings ago at the library and publicly challenged for allegedly not providing adequate carpeting, vinyl and paint.

First of all, it had nothing to do with code and secondly, upon further investigation, it was admitted by the accuser's that the letter presented was a supposed compilation of several tenants at a 64 unit Home Owners Association Condo complex that we manage. We only actually manage about 50% of the individual units. When my staff researched our records we could not find a single complaint on file.

I requested confirmation of the complainants so we could help them out and was told they would look into the allegations. That was 2 months ago!! Still nothing.

What I am getting at here is that I don't believe public testimony should be allowed where a single individual or company is personally challenged with no proof and no right of rebuttal. It is embarrassing and could very well be false.

In this case, we already have a system in place for these complaints. Both Bob Loewen and Chris Westfall do those jobs on a daily basis. Neither had been contacted prior or since regarding the proposed allegations.

The property managers and rental property owners and landlords in attendance were appalled that his type of testimony was even allowed, not once but twice at the same meeting.

If we attend these meetings to offer our thoughts and advice to assist you and staff in your decision making process with the expectations that you will allow anybody with a grudge or personal vendetta to challenge us publicly, some will simply not attend. That would be tragic since there are a lot of good, conscientious, knowledgeable professionals out there that can offer invaluable advice.

Since this was the first time any of us had witnessed this type of behavior during the multitude of meetings we have attended during the past year or so, we would like to believe it was a one time incident. Now, with this code issue becoming more controversial at every meeting we all think it could possibly escalate if left unchallenged.

I always arrive a little early at these meetings due to parking concerns. If it is appropriate I will discuss it briefly with you guys prior to the meeting. If not, let me know and we'll see how it goes.

Sincerely,

Jerry L. Duerksen
President-Broker

Memorandum

April 2, 2014

To: Administrative Services Committee

From: Ken Gibb, Community Development Director

Re: Information for Continued ASC Consideration of a Neighborhood Outreach/Education and Property Maintenance Code Program

I. Issue

As discussed at the conclusion of the March 5, 2014 Administrative Services Committee meeting, Staff are providing follow-up information regarding questions raised by the Committee during and subsequent to that meeting.

II. Background

The concept for implementing a Neighborhood Outreach/Education and Property Maintenance Code Program arose as a recommendation based on the work carried out in support of the Corvallis/OSU Collaboration project by that project's Neighborhood Livability Work Group. The Program as envisioned was and will be a combination of both an expanded effort to provide education and outreach to landlords, tenants, neighborhood residents, and other community members, and a comprehensive property maintenance code compliance program to help address community and neighborhood conditions and livability.

Subsequent to the Work Group's program development recommendations in the spring of 2013, staff formed a Property Maintenance Code Advisory Group (PMCAG) to provide input and guidance regarding both the Community Development Department's overall approach to implementation of the larger Neighborhood Outreach/PMC program, and the content, structure and applicability of a Corvallis PMC. The model code upon which the Corvallis PMC is based is the International Code Council's International Property Maintenance Code.

Following the work of the PMCAG, the Administrative Services Committee (ASC) took up consideration of the Neighborhood Outreach/PMC program. Topics covered by the ASC to date have included:

- Identification, photo-illustration, and discussion of the property condition issues that current City codes cannot address (the "gaps");
- An overview and discussion of the model Property Maintenance Code and how it would provide City staff with the capacity to address the gaps; and
- An overview of a proposed reorganization of the City's current Housing Division under which it would become the Housing and Neighborhood Services Division, providing the City with the structural capacity needed for delivery of the Neighborhood Outreach/Education and Property Maintenance Code.

At the conclusion of the March 5 ASC meeting staff were asked to prepare feedback for the April 9 meeting regarding the questions and issues raised by ASC members, both during the March 5 meeting and in advance of April 9. The information that follows provides that feedback.

III. Discussion

The discussion items that follow have been drawn either from the minutes of the ASC meeting of March 5, or from subsequent communications by ASC members to staff. A separate attachment addresses specific, PMC-related questions, comments and suggestions submitted to staff March 26 by ASC Chair Traber.

1. *What codes would be eliminated or modified as a result of enactment of the Property Maintenance Code?* The City's Rental Housing Code would be eliminated, as its provisions would be covered by the Property Maintenance Code; the City's Dangerous Building Code would also be eliminated, again because its provisions would be covered, in Sections 108 through 110 of the PMC. No other current City codes would be eliminated, but passages of the Corvallis Municipal Code would need to be amended to reflect the adoption of and include appropriate references to the PMC.

2. *Total calls to/deficiencies with current Rental Housing Code.* A table reflecting numbers of phone calls to the City's Rental Housing Program, and the number of issues raised in those calls that were not subject to the Rental Housing Code (RHC), was provided to ASC on March 5 by John Wydronek. Those numbers appear to coincide accurately with data tracked by Housing Division staff; they reflect that an average of 127 issues reported per year over the last three years were not subject to the RHC. Projecting year-to-date data suggests that there will be approximately 170 such issues reported during FY 13-14.

   The submitted data does not include calls to the Development Services Division and its Code Enforcement program regarding issues not covered by other City codes. While such calls report condition issues in all types of properties, the majority of which are rentals, the numbers of calls and issues reported are not tracked. Over the last three calendar years that program has opened, on average, 500 violation cases a year. A set of slides displayed at the March 5 ASC meeting was illustrative of the types of issues that are reported for owner-occupied, renter-occupied and non-residential properties for which the City currently lacks code enforcement authority.

3. *Use of the word "clean" in reference to interior and exterior surface conditions.* See the discussion of this usage in the attachment to this staff report.

4. *There was a suggestion that the City contact a landlord directly to report a maintenance issue, prior to accepting the issue as a complaint, after a tenant complains to the City and states that they do not want to report the issue directly to that landlord.* It seems to staff that this would not respect the complaining tenant's decision to not contact their landlord prior to filing a complaint with the City. However, once a complaint is accepted, if a violation is determined, staff will follow up with the landlord to inform them of the issue and work through a compliance process. As noted during the March 5 ASC meeting, City staff intend to encourage any potential complainant who has not yet communicated directly with their landlord about a PMC-covered issue to do so prior to filing a complaint.

5. *What is the City's strategy for transitioning from the current set of code enforcement processes and procedures to a new, PMC-based approach? How will the current backlog of unresolved code enforcement complaints be addressed?* Councilor Traber asked that staff address a transition strategy for the new Neighborhood Outreach/Education and Property Maintenance Code program, especially in light of the number of currently outstanding code enforcement cases. A transition approach that includes anticipated actions is outlined below.

   - Existing General Fund-supported Code Enforcement resources will be moved from the Development Services Division to the reorganized Housing and Neighborhood Services Division and become the Code Compliance Program. These resources will include the Code Enforcement Supervisor position and associated funding for operations, supplies, and other overhead, along with a small amount of funding for casual code enforcement staffing.

   - Levy-generated funding to support .5 FTE for Property Maintenance Code compliance work will also be allocated to the Housing and Neighborhood Services Division.

   - The proposed increase in rental housing fee income will support an additional .5 FTE for Property Maintenance Code compliance, and also provide funding for casual code compliance staff. This fee will also support the expanded outreach and education program within the Division.

   - The net impact will be an increase in code compliance staffing from 1 to 2 FTE, which will provide capacity to address the increased areas of responsibility associated with the Property Maintenance Code.

   - In regard to the current number of outstanding cases, it is noted that:

     - When the code enforcement program was first envisioned, up to 3 FTE were projected as necessary to address the anticipated case load on a timely basis;
     - Initial funding for the program provided for 2 FTE. Shortly after program initiation, staffing was reduced to 1 FTE (with some limited casual staffing) due to budget pressures. It was acknowledged at the time that the ongoing case load could not be fully addressed, and that a prioritized response would be necessary.
     - A significant percentage of the outstanding code enforcement cases are related to violations of the Building Code and Land Development Code. These cases will stay under the purview of the Development Services Division; the Division is working through procedural changes in order to address them. In implementing these changes the Development Services Division will allocate resources necessary to manage that portion of the current and future caseload.
     - While recognizing that for some PMC and livability cases there will be a need for coordination and shared responsibilities with the Development Services Division, the reorganized Housing and Neighborhood Services Division will be able to focus on the complaint-based Property Maintenance Code and other livability related codes along with education, outreach and other proactive programs.

   - Given this anticipated approach, staff believe that the proposed permanent and casual staffing levels and related recommendations (e.g. a pre-established set of program protocols and progressive penalty system) will allow the Housing and Neighborhood Services Division to respond to code compliance cases on a timely basis.

6. *What approach will the City use under the PMC to notify property owners or responsible landlords or tenants about violations? What time frames for action will be applied?* The general approach to gaining compliance for violations of the PMC was outlined in discussions with the PMC Advisory Group, and has been included in the program protocols that were first presented to the ASC on February 5. The protocols applicable to this discussion are repeated, with additional detail, below.

PMC complaints related to *renter-occupied* properties:

- The standards of the PMC will pertain to interior and exterior conditions.
- Intended time frames for and types of response by Property Maintenance 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, failing structural components, lack of 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).
- Code Compliance staff will provide written notice to the responsible party subsequent to receipt of a complaint and determination of a violation; other methods of communication (phone, e-mail) will likely be used to supplement written notices.

PMC complaints related to owner-occupied residences, commercial, and other building/property types:

- PMC standards will apply only to exterior conditions and dangerous building provisions for these use types.
- The timeframes and noticing methods outlined above will be applied for exterior issues or life/safety/dangerous building compliance responses.
- Staff will respond in person for investigations of 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, staff will send a letter noting the reported complaint, provide the applicable Code standard, and provide direction/instruction to reach compliance within a stated timeframe.

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 under the guidelines outlined above.

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:
  - A first notice will identify the Code deficiency and require compliance and a call for inspection within a stated timeframe.

- A second notice will be provided if there is no call for inspection or if mitigation is determined to be inadequate or incomplete. The second notice will:
  1) Require compliance and call for inspection within a stated timeframe, and
  2) State the City's intent to initiate legal action if compliance is not achieved within that timeframe.
- If there is no call for inspection or there is a staff determination of failure to comply with the second notice, legal action will be initiated.

7. *How much fine revenue would be generated by the PMC, and how might that affect the per unit fee that would be charged to landlords?* Given that the City's approach to code enforcement has been focused on gaining compliance rather than imposing fines, there is no clear data or basis on which to project potential fine revenue. As staff shared with the PMC Advisory Group when they raised the same question, to build a fine-based budget before the PMC is in place and patterns of complaints, enforcement and compliance become clear would be very speculative at best. In addition, setting a budgetary "target" for fines would leave staff and the City open to accusations of trying to achieve quotas rather than being perceived as trying to work reasonably with owners and other responsible parties to achieve compliance. As experience with the collection of fines is gained over the course of the first few years of Property Maintenance Code Program operation, it will become possible to budget fine-related revenues and in turn, to potentially reduce or delay increases in the per unit annual rental housing fee.

IV. Next Steps and Requested Action

As discussed in prior ASC meetings, it is recommended that the outcome of the Committee's consideration of the Neighborhood Outreach/Education and Property Maintenance Code Program proposal be a recommendation to the City Council on how best to proceed. To move forward with a recommendation in support of the Program as presented or in an otherwise modified form, the Committee might consider developing a program outline broken into the elements considered to date. Those elements have included:

- An outline of the content of the Property Maintenance Code, including changes that have been presented and recommended to date;
- Operating protocols related to implementation of the Property Maintenance Code;
- An outline of the outreach and education element of the Program;
- The operating structure of the reorganized Housing and Neighborhood Services Division;
- A recommendation relative to the reinstatement of the Neighborhood Empowerment Program; and
- A Program budget and funding strategy.

Staff will be prepared to provide additional information if requested by the Administrative Services Committee, or to move forward with preparation of a final program outline for Committee consideration and recommendation to City Council.

Review and Concur:

James A. Patterson, City Manager

Attachment 1: Chair Traber's questions/comments regarding specific PMC provisions

The following set of questions and comments relative to the proposed Corvallis Property Maintenance Code were provided by Administrative Services Committee Chair Traber for consideration by staff in advance of the April 9 ASC meeting. As presented below, Chair Traber's questions and comments are in bold and italicized, and staff responses are neither bold nor italicized.

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1. ***Section 108 – impact of condemning property vs. severity of problem. Will we be reducing housing stock by condemning property that does not meet code (law) but is livable? See specific concerns below. My understanding is that condemning means eviction of tenants and I am not clear how quickly one gets to the placarded stage.*** The City has had a dangerous building code in effect for many years, and operates currently under the model 1997 Uniform Code for Abatement of Dangerous Buildings (UCADB). It has not been necessary to declare a building dangerous with any frequency within the timeframe of current City records. The model Property Maintenance Code (PMC) includes dangerous building provisions which, if adopted, will replace the UCADB. The PMC dangerous building provisions are the International Code Council's (ICC) model code update of the 1997 UCADB, and therefore are very similar to the City's current code.

   As noted in the ICC's guidance with regard to the IPMC model code, "Condemnation is the result of the most serious of code violations in that it represents a condition, which in the opinion of the code official, poses a serious threat to the health and safety of the public or another structure or property." The intent of seeking compliance under the PMC will be to address complaints regarding buildings and properties while the conditions described in those complaints are still maintenance issues, rather than after they have deteriorated to the point of constituting a dangerous building. When the PMC is applied in this way, staff anticipate that dangerous building declarations will continue to occur only in extreme cases.

   As defined in the PMC, the effect of condemnation is "to adjudge unfit for occupancy." Condemnation by the City may lead to the demolition of a structure, but historically it has more frequently resulted in the repair of a property to resolve deficiencies. Of note, determinations to condemn do not necessarily result in an order by the City to vacate the building or premises. Due notice would be provided to the owner and posted on the premises, and a correction order would be included. If the owner fails to comply with or appeal the notice and order, then the City would be required to post a placard of condemnation and order to vacate. The exception would be in situations of imminent danger whereby a building must be immediately vacated. Under state law, if the City posts an order to vacate a building or structure, a landlord is prohibited from continuing a tenancy or from entering into a new tenancy.

   a. ***108.1.3 – are there some guidelines for "degree". Concern is that blocked toilet or mice in the attic (in the extreme) could be used to condemn.*** Consistent with current practice under the adopted 1997 UCADB, structures and premises that are determined by the PMC standards to be dangerous, unsafe, or unlawful would be subject to condemnation. Specific criteria for determining what constitutes an unsafe, unlawful or dangerous condition are provided in the model PMC under Sections 108.1.1-5, 305.1.1 and 604.3. As noted above, staff anticipate that in a high percentage of cases for which the Property Maintenance Code is used to seek compliance, the routine actions will not lead to the declaration of a building as dangerous.

   b. ***108.1.5 – dangerous seems to mean condemned and several of the sections below leave a wide range of things leading to condemnation. e.g., loose vinyl floor, sagging porch.*** Conditions will be evaluated for applicability under the specific standards before moving forward with a declaration. For example, a vinyl floor that is merely loose or defective would be addressed as a maintenance issue under Section 305.3 or 305.4;

however, a walking surface of an egress path that is so "unsafe as to not provide safe and adequate means of egress" could be deemed contributive to a dangerous building condition. Again though, it is anticipated that most actions on the part of the City will lead to seeking compliance with PMC provisions through repairs, not through dangerous building declarations.

c. ***108.1.5, 7. – Should it refer to abandoned buildings? Can occupied buildings be used in this fashion?*** Both abandoned buildings, and occupied buildings or portions thereof, have been and may be used as described. In such cases, the PMC would require abatement (repair or demolition). Requirements to close and secure vacant buildings are described in section 108.2.

2. ***Section 111 – I assume this section needs to be modified to match our current appeals procedure.*** This section will simply refer to the appeals process that is described in Corvallis Municipal Code chapter 9, section 9.01.090 – Appeals.

3. ***Section 202 – what do the [A] etc. mean? Perhaps an explanatory footnote is needed.*** These bracketed letters refer to and identify the code development committee that wrote and maintains specific sections of the International Property Maintenance Code. The references will not be needed in the Corvallis Property Maintenance Code.

4. ***301.3 – does vacant land fit here? It could require all undeveloped land to have wild black berries or other invasive species removed. Perhaps this should refer to something more like lots?*** This section applies to both improved and unimproved properties, and is consistent with the provisions of Corvallis Municipal Code (CMC) Section 5.03.110.020. Enforcement of this CMC section is carried out by the Corvallis Fire Department, so this section of the PMC could be removed.

5. ***302.1 (and beyond) – I suggest removing "clean". Sanitary is the minimum and well defined criteria for cleanliness. Having it here seems very broadly applicable. If not removed, find a word or phrase that connotes filth avoidance.*** Staff note that neither "clean" nor "sanitary" is an easily or precisely defined term. However, these terms and/or others that may be interpreted with relative subjectivity are found consistently in building and other codes, including the City's current Rental Housing Code, as well as in state law. As an example, both "clean" and "sanitary" are used with frequency in state landlord-tenant law (ORS 90) in reference to the responsibilities of both landlords and tenants. City staff are consistently called on to use their trained, professional judgment and discretion in determining whether a condition is "safe" or "unsafe," "capable" or "incapable," or "adequate" or "inadequate." This same judgment and discretion would be applied to determinations of whether a condition is "clean" or "sanitary."

6. ***302.3 – clarify that it is the city who maintains most street sidewalks. So this ought to refer to other sidewalks.*** This section should acknowledge that the City maintains the structural safety of public sidewalks in the rights of way. However, consistent with current CMC Section 5.04.050, PMC section 302.3 also addresses owner/occupant responsibilities for preventing conditions that make sidewalks dangerous, such as allowing water to flow over a sidewalk, allowing accumulations of snow or ice, or allowing or placing debris or other materials on a sidewalk.

7. ***302.5 – how does this relate to the natural area backyard efforts underway now – separating wild animal environments from rodents harborage?*** Consistent with current provisions in CMC Chapter 4.02, conditions that create or contribute to rodent harborage would not be allowed.

8. ***302.9 Does this replace any current graffiti ordinance? If not, are we embarking on a possibly new topic?*** Current codes prohibit damaging property, such as with graffiti, but do not require it to be abated. The PMC would make explicit the prohibition, and would further require the property owner to restore the affected surface.

9. ***Section 304 overall – I am not sure what the applicable metric for being subject to city action here. Granted all structures should be well maintained. However, not all are at all times. Without some further specification of when normal weathering changes to something worse that needs city action, this section could be regularly misused. Examples are:***

    a. ***304.1.1 #6 – how does this apply to older structures? Is there a section that provides for exceptions to meeting the code at time of construction?*** Yes, PMC section 102.2 states that a building and/or premises shall be maintained consistent with the code under which it was constructed, altered or repaired.

    b. ***304.2 – Third sentence beginning "Peeling, flaking .." In my experience, many homes have such conditions for some period until the owner concludes it is severe enough to repaint/repair.*** As with the interpretation of terms such as "clean" and "sanitary," staff would use discretion and professional judgment in determining whether or not the condition of a painted surface constitutes a situation that is contributing to the deterioration of a structure and is thus in need of maintenance.

    c. ***304.7 – most gutters in the fall would fail.*** Staff discretion and professional judgment would apply here as well.

10. ***305.1 – again the clean and sanitary. I suggest only sanitary.*** Please see the discussion in response to 5. above.

11. ***305.3 – Is peeling flaking paint remediation the responsibility of the owner or tenant? Similarly the next sentence.*** Section 305.1 of the PMC identifies the party (occupant or owner) with responsibility for maintenance of specific elements of the interior of a structure. Occupants are required to maintain the portion of the structure that they occupy or control in a clean and sanitary condition; owners are required to maintain the other portions of a structure or property in a clean and sanitary condition, including in most cases the condition of paint.

12. ***308.1 – Perhaps qualify this with excessive. Note some yard waste does not have a container and the owner may be letting it rot. Also, does using leaves as a mulch violate this?*** During discussions with the Property Maintenance Code Advisory Group, staff proposed adding provisions to the PMC to allow for composting. Materials that do not constitute rubbish or waste material may be composted or used as mulch.

Summary staff comments:

In response to these and other questions that have been raised during the process to review the proposed Property Maintenance Code and related compliance program, three points bear reiteration:

1. As established in the protocols for PMC implementation, the proposed Code compliance program will operate under a complaint-based approach, i.e., City staff will be responding to specific property condition complaints, and will not conduct routine property inspections or be in the field looking for potential violations.
2. There is no practical way to define all of the terms used to establish standards in the PMC or other similar codes. Therefore, staff will need to continue to exercise reasonable professional judgment in administering the PMC compliance program as it does in its application of other City codes.
3. Regarding concerns raised by some who have suggested in visitor comments that staff will not apply the PMC appropriately, there will be two levels of redress and review built into the program's implementation. First, a party who has received notice of a PMC violation may appeal staff's determination through the City's Board of Appeals process. Second, staff have recommended that an annual program review be completed. As a result of that review, the City Council will have an opportunity each year to evaluate the program and make adjustments to Code provisions and/or operating protocols as it deems necessary.

RECEIVED

MAR 17 2014

CITY MANAGERS OFFICE
CITY OF CORVALLIS

March 17, 2014

Administrative Service Committee
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Re: Technological Alternatives to Cost of New IMPC Code and Personnel Concerning Livability and Dilapidated Structures Problem

Dear Committee Members:

The Corvallis Police Department has a Facebook page. It is used to address Special Response Notice (SRN), and Chronic Nuisance Property (CNP) properties in Corvallis. As I understand the program, police respond to these livability violations and issue a citation to the offenders. Police then publicize all the addresses where either or both of these two types of citations were issued on the police Facebook page. I am informed and believe this is a useful tool for dealing with livability issues in neighborhoods with these types of problems.

Is this a possible solution for Corvallis' existing Building Code enforcement officers? Could the code enforcement officers send a warning notice citation that such and such was a problem and enforcement shall follow? Then, post this citation on the Building Department Facebook page for the public. This peer pressure may or may not work. On the other hand, the public notice would alert Realtors, Investors, Developers, and others interested in purchasing city lots in Corvallis. These interested parties could either purchase the property or motivate the current owner to fix and repair the code violations. A win-win for everyone (Minimal City staff time, property either sold or fixed).

Perhaps technology and education should be tried and tested prior to committing funding to new staff where there is so much uncertainty as to consequences. Facebook gets educational information out to many diverse populations at a minimum cost.

Very truly yours,

Bill

Bill Cohnstaedt
WC/st

RECEIVED

MAR 17 2014

CITY MANAGERS OFFICE
CITY OF CORVALLIS

March 17, 2014

Administrative Service Committee
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Re: Regulating Residential Rental Property in Corvallis

Dear Committee Members:

One of my goals is to provide some basic information on the existing legislated system regulating Landlord and Tenant relationships and the structures they "rent." This legislation fills many of the gaps in the Municipal Code as I presently understand Staff's presentation on the Municipal Code gaps. Staff presentation on dilapidated/abandoned buildings was compelling. Something needs to be done. I have a tentative proposal in my head, but not yet articulated. I will send it when I can talk about it.

The following are my observations from the February 5 & 25, 2014, and March 5, 2014 meetings regarding residential housing and out-buildings in Corvallis, Benton County, Oregon.

Let us not forget the principle figures are the Landlord and Tenant who will remain under the State's jurisdiction, even when overlayed by a new Municipal Code. There will be at least two sets of legislation - Oregon and Corvallis, that govern the property occupied and the individuals renting. The original version of the IPMC also included owner-occupied properties. Staff proposed not to include the interior of owner-occupied properties.

First, the Landlord/Tenant relationship has been in existence for eons. Historically, it is viewed as adversarial. Landlords' and Tenant's interests are distinct. This view has led to a regulatory system based in law and the state legislated legal system. The point being that the Oregon Legislature has extensively and continuously listened to representatives of both Landlords and Tenants interests (lobbyists), and the construction and utility industry's representatives (lobbyists) and created an ongoing legislative system where these varied interests are regulated by the state judicial system. The state judges have several methods of communicating with each other, and the legislature as to what new creative ideas Landlords, Tenants, and their representatives are implementing.

Second, I hope this is helpful to understand the context and consequences of the testimony of the Tenants, their advocates' interests, and the Landlords' (property owners') interests. Understanding of both the existing system structure and the proposed system structure will lead to an informed decision. It appears Staff is attempting to accomplish an understanding of the proposed system in terms of the existing Municipal Code and the proposed IMPC.
So, let us begin with a brief review of the concepts underlying the state statutory regulation:

1. All Landlords are in the business of providing their property for the Tenants' use. It is a business. All are in the business of allowing the residential or commercial use of the Landlord's property under the terms of an agreement with the Tenant.

2. The State has chosen to regulate this business of residential rental property by means of economic incentives. One incentive is "Money Damages" to those harmed by the other parties' violation of the rental agreement and/or the government's regulations of the Landlord property and Tenant relationship. This choice has historically lead to the State judicial system (State Judges) being the forum for dispute settlement. The State mandates for minimum standards of habitability utilize structural building codes based on health and safety. ORS 90.360, 90.250, 90.380. See attached ***Exhibit 1*** for the language and editorial comment on these statutes.

3. For the system to work, both Tenants and Landlords and the City enforcement officials must have access to the Court system. The state provides this access in several distinct ways. First, by awarding money damages to the prevailing party. The second is an award of attorney fees, at trial and on appeal, to the prevailing party together with costs, and necessary disbursements, notwithstanding any agreement to the contrary. ORS 90.255. This means young or seasoned professional attorneys can earn a living representing responsible Tenants in litigating complaints against irresponsible Landlords.

   Also, the Oregon State Bar and the Federal Government have programs providing attorneys to citizens of modest means and/or legal aid lawyer programs for the poor.

   Staff appear to advocate a local Corvallis Appeals Board as decision maker. This appears to be a costly, or incompetent, or both, overlay of the State Judicial System. How often has the Appeals Board actually met?

4. Attached are selected copies from ORS code selections, Title 10, Chapter 90, copied from the Oregon Rental Housing Code 2012 Law Book. This is from an out of date copy. Its editorial comments are a good perspective of Oregon's statutory scheme for legislating the residential Landlord and Tenant relationship. Oregon Revised Statutes (ORS) Sections 90.250, 90.255, 90.320, 90.322, and 90.380, are helpful in understanding the legislative goals of health and safety as necessary conditions for the property owner being able to rent their property. ORS 90.375 Effect of unlawful ouster or exclusions; willful diminution of services is also available to remedy Tenant problems with poor Landlords.

See ORS 90.360 to 365 for Tenant's remedies for noncompliance with rental agreement and Landlord failure to supply essential services. Section 90.368 Tenant's right to repair minor habitability defects and bill Landlord. Responsible Tenants have a variety of "money damage" remedies against irresponsible Landlords.

Education may be very effective in using this statutory system.

ORS 90.380 Effect of rental dwelling in violation of building or housing codes; remedy; is the last resort of Tenant and Landlord relations. Everyone loses if the City declares the property unsafe or uninhabitable. Tenants vacate and Landlord cannot rent to another Tenant.

No legislative system, State, County or City, will be effective if Tenants do not have available housing choices in their chosen community. There has to be a surplus of available housing (i.e., a vacancy factor) in the type of affordable housing Tenants can afford for legislative regulation to be effective. No Tenant can afford to complain and the City cannot afford to tear down nonconforming housing if it will displace citizens. "Lousy shelter is better than no shelter" is one of the bases for our history of ghettos in the United States. Tenants fear being evicted by actions of the City as much as by the Landlord when eviction means relocating to another community.

A high vacancy factor will also lower rents. Reading and comparing the advertising in the Barometer, Gazette Times, and Craigslist for the present cost of rentals with a low present vacancy factor, and past years with almost zero vacancy factor, will confirm this observation.

Very truly yours,

Bill

Bill Cohnstaedt
WC/st

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GENERAL PROVISIONS

90.100 Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Accessory building or structure" means any portable, demountable or permanent structure, including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks, steps, ramps, piers and pilings, that is:

(a) Owned and used solely by a tenant of a manufactured dwelling or floating home; or

(b) Provided pursuant to a written rental agreement for the sole use of and maintenance by a tenant of a manufactured dwelling or floating home.

(2) "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding in which rights are determined, including an action for possession.

(3) "Applicant screening charge" means any payment of money required by a landlord of an applicant prior to entering into a rental agreement with that applicant for a residential dwelling unit, the purpose of which is to pay the cost of processing an application for a rental agreement for a residential dwelling unit.

> What are commonly called *screening fees* or *application fees* are *applicant screening charges* in the law. See page 26 for expanded discussion.

(4) "Building and housing codes" includes any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

(5) "Carbon monoxide alarm" has the meaning given that term in ORS 105.836.

(6) "Carbon monoxide source" has the meaning given that term in ORS 105.836.

(7) "Conduct" means the commission of an act or the failure to act.

(8) "Dealer" means any person in the business of selling, leasing or distributing new or used manufactured dwellings or floating homes to persons who purchase or lease a manufactured dwelling or floating home for use as a residence.

(9) "Domestic violence" means:

(a) Abuse between family or household members, as those terms are defined in ORS 107.705; or

(b) Abuse, as defined in ORS 107.705, between partners in a dating relationship.

> Law changes in 2005 and 2007 provided certain rights for victims of domestic violence. See the discussion on page 87.
> ORS 107.705 defines abuse as "the occurrence of one or more of the following acts between family or household members:
> (a) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.
> (b) Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury.
> (c) Causing another to engage in involuntary sexual relations by force or threat of force."
> "Family or household members" are defined as "any of the following:
> (a) Spouses.
> (b) Former spouses.
> (c) Adult persons related by blood, marriage or adoption.
> (d) Persons who are cohabiting or who have cohabited with each other.
> (e) Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under ORS 107.710.
> (f) Unmarried parents of a child."
> The 2007 legislature added "dating violence" to the definition in order to have Oregon law agree with federal law (in the 2006 Violence Against Women Act). Hence the new paragraph (b).

(10) "Drug and alcohol free housing" means a dwelling unit described in ORS 90.243 *[see page 19]*.

(11) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. "Dwelling unit" regarding a person who rents a space for a manufactured dwelling or recreational vehicle or regarding a person who rents moorage space for a floating home as defined in ORS 830.700, but does not rent the home, means the space rented and not the manufactured dwelling, recreational

vehicle or floating home itself.

(12) "Essential service" means:

(a) For a tenancy not consisting of rental space for a manufactured dwelling, floating home or recreational vehicle owned by the tenant and not otherwise subject to ORS 90.505 to 90.840:

(A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior doors, latches for windows and any cooking appliance or refrigerator supplied or required to be supplied by the landlord; and

(B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.320 *[see page 40]*, the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the dwelling unit unfit for occupancy.

> The term "Essential service" appears in tenant remedies for landlord noncompliance (primarily ORS 90.360 and 90.365). Though it doesn't appear in 90.320 (the habitability section) it's there by implication, because landlords are required to provide many of these items. The term also appears in 90.370 [tenant counterclaims] and 90.435 [willful diminution].
>
> Paragraph (B) means virtually anything regarding the property you are supposed to provide can be considered an essential service.
>
> A separate definition is provided for facilities, because responsibilities of landlords and tenants are different in those. There, essential services refer mostly to the utility services a landlord is required to provide: sewer, water, electric, and drainage.

(b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or recreational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.840:

(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; and

(B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 *[see page 141]*, the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

> Wherever you see the word *facility* in Chapter 90, it is shorthand for a *manufactured dwelling park* (commonly called a *mobile home park* or simply a *park)* or a *marina*.

(13) "Facility" means a manufactured dwelling park or a marina.

(14) "Facility purchase association" means a group of three or more tenants who reside in a facility and have organized for the purpose of eventual purchase of the facility.

(15) "Fee" means a nonrefundable payment of money.

> *Fee* and *security deposit* are mutually exclusive. A fee is a "nonrefundable payment of money." A deposit is "any refundable payment or deposit of money, however designated." Using terms such as *nonrefundable deposit* or *refundable fee* will only get a landlord in trouble, with a judge undoubtedly deciding it means the opposite of what the landlord desired. It's not necessary to use terms like refundable deposit. The word deposit means it is refundable.
>
> The rules on fees and deposits was changed significantly by the 2009 legislature. See page 33.

(16) "First class mail" does not include certified or registered mail, or any other form of mail that may delay or hinder actual delivery of mail to the recipient.

(17) "Fixed term tenancy" means a tenancy that has a fixed term of existence, continuing to a specific ending date and terminating on that date without requiring further notice to effect the termination.

(18) "Floating home" has the meaning given that term in ORS 830.700. "Floating home" includes an

Here's how Oregon law defines a hotel:
699.005(1) "Hotel" or "inn" means a property, however owned and including a condominium under ORS chapter 100, in which rooms or suites of rooms generally are rented as transient lodgings and not as principal residences.
Transient lodgings are defined as follows:
699.005 (3) "Transient lodging" means a room or suite of rooms which is occupied not as a principal residence:
(a) By persons for periods of less than 30 consecutive days; or
(b) With which the services normally offered by hotels, including but not limited to daily or bidaily maid and linen service, a front desk and a telephone switchboard, are provided, regardless of the length of occupancy of a person.
This definition is more restrictive than that in 90.100(46). That's on purpose; to make it more difficult for landlords—especially those running residential motels—to evade tenant protections under Chapter 90.

accessory building or structure.
(19) "Good faith" means honesty in fact in the conduct of the transaction concerned.
(20) "Hotel or motel" means "hotel" as that term is defined in ORS 699.005.
(21) "Informal dispute resolution" means, but is not limited to, consultation between the landlord or landlord's agent and one or more tenants, or mediation utilizing the services of a third party.
(22) "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building or premises of which it is a part. "Landlord" includes a person who is authorized by the owner, lessor or sublessor to manage the premises or to enter into a rental agreement.

Who is a landlord? Is it the owner? the management company? the on-site manager? all of them? any to the exclusion of the other? It is not always clear. The definitions (of both landlord and landlord's agent) are particularly pertinent to ORS 90.322 [access] and 90.396 [24-hour terminations].

(23) "Landlord's agent" means a person who has oral or written authority, either express or implied, to act for or on behalf of a landlord.
(24) "Last month's rent deposit" means a type of security deposit, however designated, the primary function of which is to secure the payment of rent for the last month of the tenancy.

Last month's rent deposit is a deposit meant to secure the tenant's obligation to pay for the last month of a tenancy. (If a landlord has a fixed term lease, better to charge last month's rent and apply it automatically without asking.) In the case of a month-to-month tenancy, if either party gives notice to the other, then the last month's rent deposit can be applied. Because it's a deposit, it doesn't fix the amount of rent for the last month. Nor can a tenant argue, after a landlord serves a non-payment of rent notice, that "Hey, you could've used my last month's rent." The landlord couldn't: he has a deposit to be applied to rent, but only after one party tells the other when the last month is.

(25) "Manufactured dwelling" means a residential trailer, a mobile home or a manufactured home as those terms are defined in ORS 446.003. "Manufactured dwelling" includes an accessory building or structure. "Manufactured dwelling" does not include a recreational vehicle.
(26) "Manufactured dwelling park" means a place where four or more manufactured dwellings are located, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.
(27) "Marina" means a moorage of contiguous dwelling units that may be legally transferred as a single unit and are owned by one person where four or more floating homes are secured, the primary

90.100 Definitions

Because of new law governing closure of parks, the 2007 legislature separated the definitions of "manufactured dwelling" and "marina."
Here are the pertinent definitions of a manufactured dwelling from ORS 446.003:
"Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.
"Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
"Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

purpose of which is to rent space or keep space for rent to any person for a charge or fee.
(28) "Month-to-month tenancy" means a tenancy that automatically renews and continues for successive monthly periods on the same terms and conditions originally agreed to, or as revised by the parties, until terminated by one or both of the parties.
(29) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

A residential tenancy is one of three types: a fixed-term tenancy, month-to-month tenancy, or week-to-week tenancy. If it doesn't fit in the definition of a fixed-term or week-to-week tenancy, it is by default a month-to-month tenancy.
Numerous types of non-residential tenancies exist; see page 152.

(30) "Owner" includes a mortgagee in possession and means one or more persons, jointly or severally, in whom is vested:
(a) All or part of the legal title to property; or
(b) All or part of the beneficial ownership and a right to present use and enjoyment of the premises.
(31) "Person" includes an individual or organization.
(32) "Premises" means:
(a) A dwelling unit and the structure of which it is a part and facilities and appurtenances therein;
(b) Grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant; and
(c) A facility for manufactured dwellings or floating homes.
(33) "Prepaid rent" means any payment of money to the landlord for a rent obligation not yet due. In addition, "prepaid rent" means rent paid for a period ex-

Prepaid rent is different from a *last month's rent deposit*. If a landlord terminates a tenancy with less than a thirty day notice (for example, with a 24-hour notice for outrageous behavior or a ten-day notice for an illegal pet), the landlord could end up holding rent money that has not yet been earned and may owe the tenant a refund. Similarly (though less usually), if the tenant prepaid a few months rent, the amounts due for future months is prepaid rent. If a tenancy terminates and the landlord is holding prepaid rent, he needs to comply with ORS 90.300.

tending beyond a termination date.

(34) "Recreational vehicle" has the meaning given that term in ORS 446.003.

(35) "Rent" means any payment to be made to the landlord under the rental agreement, periodic or otherwise, in exchange for the right of a tenant and any permitted pet to occupy a dwelling unit to the exclusion of others. "Rent" does not include security deposits, fees or utility or service charges as described in ORS 90.315 (4) and 90.532.

(36) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under ORS 90.262 or 90.510 (6) embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises. "Rental agreement" includes a lease. A rental agreement shall be either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

> A *rental agreement* contains all agreements, written or verbal. So the rental agreement comprises not only all those pieces of paper the two parties sign at the beginning, but also evrything else the two agree to later, whether or not in writing. A rental agreement includes a lease. While in common parlance, a lease means a "fixed-term rental agreement," it doesn't always mean that.

(37) "Roomer" means a person occupying a dwelling unit that does not include a toilet and either a bathtub or a shower and a refrigerator, stove and kitchen, all provided by the landlord, and where one or more of these facilities are used in common by occupants in the structure.

(38) "Screening or admission criteria" means a written statement of any factors a landlord considers in deciding whether to accept or reject an applicant and any qualifications required for acceptance. "Screening or admission criteria" includes, but is not limited to, the rental history, character references, public records, criminal records, credit reports, credit references and incomes or resources of the applicant.

(39) "Security deposit" means a refundable payment or deposit of money, however designated, the primary function of which is to secure the performance of a rental agreement or any part of a rental agreement. "Security deposit" does not include a fee.

> Sexual assault, according to ORS 147.450, means "unwanted sexual contact." Sexual contact is defined, in ORS 163.305, as "any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party."

(40) "Sexual assault" has the meaning given that term in ORS 147.450.

(41) "Squatter" means a person occupying a dwelling unit who is not so entitled under a rental agreement or who is not authorized by the tenant to occupy that dwelling unit. "Squatter" does not include a tenant who holds over as described in ORS 90.427 (7). *[see page 84; see also the exclusion for squatters on page 10.]*

(42) "Stalking" means the behavior described in ORS 163.732.

(43) "Statement of policy" means the summary explanation of information and facility policies to be

> Here is how ORS 163.732 defines stalking:
> (1) A person commits the crime of stalking if:
> (a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;
> (b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and
> (c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

provided to prospective and existing tenants under ORS 90.510.

(44) "Surrender" means an agreement, express or implied, as described in ORS 90.148 between a landlord and tenant to terminate a rental agreement that gave the tenant the right to occupy a dwelling unit. *[see page 14 for more discussion.]*

(45) "Tenant":

(a) Except as provided in paragraph (b) of this subsection:

(A) Means a person, including a roomer, entitled under a rental agreement to occupy a dwelling unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public housing authority.

(B) Means a minor, as defined and provided for in ORS 109.697 *[see page 194]*.

(b) For purposes of ORS 90.505 to 90.840, means only a person who owns and occupies as a residence a manufactured dwelling or a floating home in a facility and persons residing with that tenant under the terms of the rental agreement.

(c) Does not mean a guest or temporary occupant.

(46) "Transient lodging" means a room or a suite of rooms.

(47) "Transient occupancy" means occupancy in transient lodging that has all of the following characteristics:

(a) Occupancy is charged on a daily basis and is not collected more than six days in advance;

(b) The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy; and

(c) The period of occupancy does not exceed 30 days.

> The line between a motel—which doesn't offer residents rights under Chapter 90—and residential tenancies—which do—has always been difficult to draw. Transient occupancy has the following characteristics: [1] rent is charged on a daily basis; [2] rent is not collected in more than six day increments; [3] the rent includes maid service at least every other day; and [4] the occupancy doesn't exceed 30 days. Many residential motels that, for instance, collect rent weekly or don't provide maid service are covered by Chapter 90.

(48) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(a) The occupant rents the unit for vacation purposes only, not as a principal residence;

(b) The occupant has a principal residence other than at the unit; and

(c) The period of authorized occupancy does not exceed 45 days.

> Vacation occupancy is separately defined in order to exclude such from protection of landlord and tenant law. See ORS 90.110. Take careful note of the restrictive definition. A vacationer has another address, is there for vacation purposes, and has a rental agreement that has a duration of 45 days or less. Month-to-month tenancies, that renew every thirty days, do not fall within this definition.

(49) "Victim" means:

(a) The person against whom an incident related to domestic violence, sexual assault or stalking is perpetrated; or

(b) The parent or guardian of a minor household member against whom an incident related to domestic violence, sexual assault or stalking is perpetrated, unless the parent or guardian is the perpetrator.

(50) "Week-to-week tenancy" means a tenancy that has all of the following characteristics:

(a) Occupancy is charged on a weekly basis and is payable no less frequently than every seven days;

(b) There is a written rental agreement that defines the landlord's and the tenant's rights and responsibilities under this chapter; and

(c) There are no fees or security deposits, although the landlord may require the payment of an applicant screening charge, as provided in ORS 90.295.

90.105 Short title. This chapter shall be known and may be cited as the "Residential Landlord and Tenant Act."

90.110 Exclusions from application of this chapter. Unless created to avoid the application of this chapter, the following arrangements are not governed by this chapter:

(1) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar service, but not including residence in off-campus nondormitory housing.

(2) Occupancy of a dwelling unit for no more than 90 days by a purchaser prior to the scheduled closing of a real estate sale or by a seller following the closing of a sale, in either case as permitted under the terms of an agreement for sale of a dwelling unit or the property of which it is a part. The occupancy by a purchaser or seller described in this subsection may be terminated only pursuant to ORS 91.130. A tenant who holds but has not exercised an option to purchase the dwelling unit is not a purchaser for purposes of this subsection.

> When a home is changing hands, the sale date is often a bit removed from the occupancy date. Commonly, a seller will continue to live in the dwelling unit for a period of time. While it is often for just a few days, until another real estate closing, it can be longer.
>
> The law excludes both buyers before a closing and sellers after a closing; but only for up to 90 days, and only if the occupancy is pursuant to the terms of a purchase agreement. Because they are excluded, such tenancies do not create tenancy rights or landlord obligations (arguments about habitability, for instance).
>
> Before such an occupant can be evicted, however, 24 hours written notice must be given (specified in ORS 91.120; see page 153). The regular FED procedure then follows.

(3) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization.

(4) Transient occupancy in a hotel or motel.

(5) Occupancy by a squatter.

(6) Vacation occupancy.

(7) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises. However, the occupancy by an employee as described in this subsection may be terminated only pursuant to ORS 91.120.

(8) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative.

> Squatters and vacationers are excluded from Chapter 90 protection. Both are carefully defined. (See definitions on pages 8 and 9.) Landlords should particularly note that squatters do not include those occupying the unit who were accepted by the landlord (or who were there, and the landlord knew it, when he accepted rent) or who were authorized or invited by a tenant: the tenant's guest, roommate, or "replacement," even when none of those individuals is authorized by the landlord. If a squatter—someone who has broken into the property (so is not authorized by either the landlord or the tenant)—is indeed present the landlord can call the police. The squatter is a trespasser and can be forcibly removed by them.

nected therewith; or

(d) Agrees to pay liquidated damages, except as allowed under ORS 90.302 (2) (e).

90.245 Prohibited provisions

(2) A provision prohibited by subsection (1) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by the landlord to be prohibited and attempts to enforce such provisions, the tenant may recover in addition to the actual damages of the tenant an amount up to three months' periodic rent.

90.250 Receipt of rent without obligation to maintain premises prohibited. A rental agreement, assignment, conveyance, trust deed or security instrument may not permit the receipt of rent free of the obligation to comply with ORS 90.320 (1) or 90.730 *[both, habitability requirements]*.

90.255 Attorney fees. In any action on a rental agreement or arising under this chapter, reasonable attorney fees at trial and on appeal may be awarded to the prevailing party together with costs and necessary disbursements, notwithstanding any agreement to the contrary. As used in this section, "prevailing party" means the party in whose favor final judgment is rendered.

90.260 Late rent payment charge or fee; restrictions; calculation. (1) A landlord may impose a late charge or fee, however designated, only if:

(a) The rent payment is not received by the fourth day of the weekly or monthly rental period for which rent is payable; and

(b) There exists a written rental agreement that specifies:

(A) The tenant's obligation to pay a late charge on delinquent rent payments;

(B) The type and amount of the late charge, as described in subsection (2) of this section; and

(C) The date on which rent payments are due and the date or day on which late charges become due.

(2) The amount of any late charge may not exceed:

(a) A reasonable flat amount, charged once per rental period. "Reasonable amount" means the customary amount charged by landlords for that rental market;

(b) A reasonable amount, charged on a per-day basis, beginning on the fifth day of the rental period for which rent is delinquent. This daily charge may accrue every day thereafter until the rent, not including any late charge, is paid in full, through that rental period only. The per-day charge may

To collect a late charge, a landlord must state so in the rental agreement, how it is calculated, and when it is payable. Three types of late charge are allowed. A landlord must pick one of them (all three are on ORHA rental agreement forms; the landlord need only check which method and fill in the amount). The three options are:

1. A flat amount, due not before the fifth day of the rental period. The amount must be reasonable, meaning customary for that rental market. I understand late charges are as much as $100 in most of the state.
2. A per diem charge, beginning on the fifth day of the rental period, that is not more than 6% of the allowable flat amount (so no more than $6.00 per day). That's every day: so the late charge is $6.00 if the rent is paid on the fifth; it's $12.00 if the rent is paid on the sixth; it's $18.00 if the rent is paid on the seventh...
3. Up to 5% of the rental amount for each five days the rent is past due. So, if the rent is $1000, the landlord could charge $50 on the fifth, another $50 for a total of $100 if the rent isn't paid by the tenth, another $50 for a total of $150 if the rent isn't paid by the fifteenth, and so on.

not exceed six percent of the amount described in paragraph (a) of this subsection; or

(c) Five percent of the periodic rent payment amount, charged once for each succeeding five-day period, or portion thereof, for which the rent payment is delinquent, beginning on the fifth day of that rental period and continuing and accumulating until that rent payment, not including any late charge, is paid in full, through that rental period only.

(3) In periodic tenancies, a landlord may change the type or amount of late charge by giving 30 days' written notice to the tenant.

(4) A landlord may not deduct a previously imposed late charge from a current or subsequent rental period rent payment, thereby making that rent payment delinquent for imposition of a new or additional late charge or for termination of the tenancy for nonpayment under ORS 90.394.

Subsection (4) says a landlord may not deduct last month's late charge from this month's rent. Doing so would cause this month's rent to be deficient, thereby triggering another late charge, plus the possibility of issuance of a 72-hour notice. That's not allowed to happen. If the tenant pays rent, it's rent. Nonpayment of a late charge, however, is grounds for a 30-day for-cause termination notice.

(5) A landlord may charge simple interest on an unpaid late charge at the rate allowed for judgments pursuant to ORS 82.010 (2) *[currently 9%]* and accruing from the date the late charge is imposed.

(6) Nonpayment of a late charge alone is not grounds for termination of a rental agreement for nonpayment of rent under ORS 90.394, but is grounds for termination of a rental agreement for cause under ORS 90.392 or 90.630 (1). A landlord may note the imposition of a late charge on a nonpayment of rent termination notice under ORS 90.394, so long as the notice states or otherwise makes clear that the tenant may cure the nonpayment notice by paying only the delinquent rent, not including any late charge, within the allotted time.

(7) A late charge includes an increase or decrease in the regularly charged periodic rent payment imposed because a tenant does or does not pay that rent by a certain date.

Subsection (7) prohibits discounts. Some landlords, notably in Eugene and Portland, abused the concept of discounts by advertising rent of, say, $700, but writing the contract such that the rent was $800 unless paid by the twenty-fifth of the previous month, when a $100 discount was available. This paragraph (along with ORS 90.220(7)(a), see page 17) treats such discounts as a late charge, meaning they must conform with the rest of the requirements in this section.

90.262 Use and occupancy rules and regulations; adoption; enforceability; restrictions. (1) A landlord, from time to time, may adopt a rule or regulation, however described, concerning the tenant's use and occupancy of the premises. It is enforceable against the tenant only if:

(a) Its purpose is to promote the convenience, safety or welfare of the tenants in the premises, preserve the landlord's property from abusive use, or make a fair distribution of services and facilities held out for the tenants generally;

(b) It is reasonably related to the purpose for which it is adopted;

(c) It applies to all tenants in the premises in a fair manner;

(d) It is sufficiently explicit in its prohibition, direction or limitation of the tenant's conduct to fairly inform the tenant of what the tenant must or must not do to comply;

(e) It is not for the purpose of evading the obligations of the landlord; and

(f) The tenant has written notice of it at the time the tenant enters into the rental agreement, or when it is adopted.

(2) If a rule or regulation adopted after the tenant enters into the rental agreement works a substantial

90.316
CO alarms

(2) The landlord shall provide a new tenant with alarm testing instructions as described in ORS 90.317.
(3) If a carbon monoxide alarm is battery-operated or has a battery-operated backup system, the landlord shall supply working batteries for the alarm at the beginning of a new tenancy.

90.317 Repair or replacement of carbon monoxide alarm. (1) A landlord shall ensure that a dwelling unit has one or more carbon monoxide alarms installed in compliance with State Fire Marshal rules and the state building code if the dwelling unit:
(a) Contains a carbon monoxide source; or
(b) Is located within a structure that contains a carbon monoxide source and the dwelling unit is connected to the room in which the carbon monoxide source is located by a door, ductwork or a ventilation shaft.
(2) The landlord shall provide the tenant of the dwelling unit with a written notice containing instructions for testing of the alarms. The landlord shall provide the written notice to the tenant no later than at the time that the tenant first takes possession of the premises.
(3) If the landlord receives written notice from the tenant of a deficiency in a carbon monoxide alarm, other than dead batteries, the landlord shall repair or replace the alarm.
(4) Supplying and maintaining a carbon monoxide alarm required under this section is a habitable condition requirement under ORS 90.320.

—CARBON MONOXIDE ALARMS—

The 2009 legislature (with some minor tweaks by the 2011 legislature) mandated that carbon monoxide alarms be installed in all rentals that have a "source" of carbon monoxide. That includes any home heated by just about anything but electricity, and also applies to a home with an attached garage.
Tampering with a CO alarm is like tampering with a smoke alarm: it is a violation of law and of tenant duties and grounds for a noncompliance fee.
The State Fire Marshal developed rules for the placement of such alarms. The Oregon Administrative Rules start at 837-047-0100. The guts of those are:
(1) All carbon monoxide alarms or detectors must be installed in accordance with the manufacturer's recommended instructions and located in accordance with these rules and applicable building code at the time of construction or alteration of the dwelling.
(2) One and Two Family Dwellings and Manufactured Dwellings: A properly functioning carbon monoxide alarm must be located within each bedroom or within 15 feet outside of each bedroom door. Bedrooms on separate floors in a structure containing two or more stories require separate carbon monoxide alarms.
(3) Multi Family Housing:
(a) A properly functioning carbon monoxide alarm must be located within each bedroom or within 15 feet outside of each bedroom door in dwelling units containing a carbon monoxide source or are connected to a common area containing a carbon monoxide source. Bedrooms on separate floors in a structure containing two or more stories require separate carbon monoxide alarms.
(b) A carbon monoxide alarm must be installed in any enclosed common area within the building if the common area is connected by a door, ductwork, or ventilation shaft to a carbon monoxide source located within or attached to the structure.
More statutes covering CO alarms are at ORS 105.836 through 105.844 found on pages 192-93.

90.318 Criteria for landlord provision of certain recycling services. (1) In a city or the county within the urban growth boundary of a city that has implemented multifamily recycling service, a landlord who has five or more residential dwelling units on a single premises or five or more manufactured dwellings in a single facility shall at all times during tenancy provide to all tenants:

(a) A separate location for containers or depots for at least four principal recyclable materials or for the number of materials required to be collected under the residential on-route collection program, whichever is less, adequate to hold the reasonably anticipated volume of each material;

(b) Regular collection service of the source separated recyclable materials; and

(c) Notice at least once a year of the opportunity to recycle with a description of the location of the containers or depots on the premises and information about how to recycle. New tenants shall be notified of the opportunity to recycle at the time of entering into a rental agreement.

(2) As used in this section, "recyclable material" and "source separate" have the meaning given those terms in ORS 459.005.

In complexes with five or more units in communities that have multifamily recycling services (that includes most cities), landlords must provide recycling bins and recycling service. The landlord must also send tenants in those complexes an annual notice (such as ORHA Form #41) about recycling.

Here are definitions from ORS 459.005:
(19) "Recyclable material" means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.
(26) "Source separate" means that the person who last uses recyclable material separates the recyclable material from solid waste.

90.320 Landlord to maintain premises in habitable condition; agreement with tenant to maintain premises. (1) A landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. For purposes of this section, a dwelling unit shall be considered unhabitable if it substantially lacks:

(a) Effective waterproofing and weather protection of roof and exterior walls, including windows and doors;

(b) Plumbing facilities that conform to applicable law in effect at the time of installation, and maintained in good working order;

(c) A water supply approved under applicable law that is:

(A) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

(B) Furnished to appropriate fixtures;

(C) Connected to a sewage disposal system approved under applicable law; and

A landlord's primary duties are to provide quiet enjoyment and habitable premises. ORS 90.320 defines the latter. The law addresses eleven areas: [1] weathertightness, [2] plumbing, [3] water and sewer/septic, [4] heat, [5] electric, [6] safety and cleanliness, [7] garbage disposal, [8] general repair, [9] mechanical systems, [10] smoke and carbon monoxide detectors, and [11] locks. Most tenant complaints about habitability aren't strictly about habitability (paint, carpet, old plumbing, poor insulation, dripping faucets, etc.) Those that are generally involve three areas: (f) cleanliness, particularly rodents and vermin—often mice, ants, and cockroaches; (h) general repair items, like broken floor boards, railings that are loose, holes in the walls; and (k) locks, either not changing them for new tenants (which isn't actually required by state law, though it might be in some municipal housing codes) or they're simply missing, particularly on windows. There's more about the law concerning cleanliness—and rodents and vermin—on page 45.

(D) Maintained so as to provide safe drinking water and to be in good working order to the extent that the system can be controlled by the landlord;

(d) Adequate heating facilities that conform to applicable law at the time of installation and maintained in good working order;

(e) Electrical lighting with wiring and electrical equipment that conform to applicable law at the time of installation and maintained in good working order;

(f) Buildings, grounds and appurtenances at the time of the commencement of the rental agreement in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin;

(g) Except as otherwise provided by local ordinance or by written agreement between the landlord and the tenant, an adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the time of the commencement of the rental agreement, and the landlord shall provide and maintain appropriate serviceable receptacles thereafter and arrange for their removal;

(h) Floors, walls, ceilings, stairways and railings maintained in good repair;

(i) Ventilating, air conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord;

(j) Safety from fire hazards, including a working smoke alarm or smoke detector, with working batteries if solely battery-operated, provided only at the beginning of any new tenancy when the tenant first takes possession of the premises, as provided in ORS 479.270, but not to include the tenant's testing of the smoke alarm or smoke detector as provided in ORS 90.325 (1);

> Subparagraph (g) allows landlords to require in the rental agreement that the tenant is responsible for providing both a garbage can and garbage service, unless the municipality dictates otherwise. Eugene, Medford, Pendleton, Portland and perhaps some other communities require the landlord to provide garbage service for certain properties. State law, by allowing landlords to put the responsibility on tenants, encourages tenants to become more responsible about garbage: generating less, recycling more.

(k) A carbon monoxide alarm, and the dwelling unit or the structure in which the dwelling unit is a part contains a carbon monoxide source as defined in ORS 105.836; or

(L) Working locks for all dwelling entrance doors, and, unless contrary to applicable law, latches for all windows, by which access may be had to that portion of the premises that the tenant is entitled under the rental agreement to occupy to the exclusion of others and keys for those locks that require keys.

90.320

(2) The landlord and tenant may agree in writing that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

(a) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord;

(b) The agreement does not diminish the obligations of the landlord to other tenants in the premises; and

(c) The terms and conditions of the agreement are clearly and fairly disclosed and adequate consideration for the agreement is specifically stated.

(3) Any provisions of this section that reasonably apply only to a structure that is used as a home, residence or sleeping place shall not apply to a manufactured dwelling, recreational vehicle or floating home where the tenant owns the manufactured dwelling, recreational vehicle or floating home,

rents the space and, in the case of a dwelling or home, the space is not in a facility. Manufactured dwelling or floating home tenancies in which the tenant owns the dwelling or home and rents space in a facility shall be governed by ORS 90.730, not by this section.

90.322 Landlord or agent access to premises; remedies. (1) A landlord or, to the extent provided in this section, a landlord's agent may enter into the tenant's dwelling unit or any portion of the premises under the tenant's exclusive control in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, perform agreed yard maintenance or grounds keeping or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors. The right of access of the landlord or landlord's agent is limited as follows:

(a) A landlord or landlord's agent may enter upon the premises under the tenant's exclusive control not including the dwelling unit without consent of the tenant and without notice to the tenant, for the purpose of serving notices required or permitted under this chapter, the rental agreement or any provision of applicable law.

(b) In case of an emergency, a landlord may enter the dwelling unit or any portion of the premises under a tenant's exclusive control without consent of the tenant, without notice to the tenant and at any time. "Emergency" includes but is not limited to a repair problem that, unless remedied immediately, is likely to cause serious damage to the premises. If a landlord makes an emergency entry in the tenant's absence, the landlord shall give the tenant actual notice within 24 hours after the entry, and the notice shall include the fact of the entry, the date and time of the entry, the nature of the emergency and the names of the persons who entered.

> Rules for access by the landlord and its agents fall into six different categories: [a] to serve notices, [b] in an emergency, [c] at a tenant's request for repairs, [d] to show a property for sale, [e] for groundskeeping, and [f] all other reasons. Remember: rules of entry apply not only to the tenant's *dwelling unit* but also to *any portion of the premises under the tenant's exclusive control.* Many landlords forget the latter and trespass (that's what they're doing) by entering the tenant's yard without complying with the notice requirements.

(c) If the tenant requests repairs or maintenance in writing, the landlord or landlord's agent, without further notice, may enter upon demand, in the tenant's absence or without the tenant's consent, for the purpose of making the requested repairs until the repairs are completed. The tenant's written request may specify allowable times. Otherwise, the entry must be at a reasonable time. The authorization to enter provided by the tenant's written request expires after seven days, unless the repairs are in progress and the landlord or landlord's agent is making a reasonable effort to complete the repairs in a timely manner. If the person entering to do the repairs is not the landlord, upon request of the tenant, the person must show the tenant written evidence from the landlord authorizing that person to act for the landlord in making the repairs.

> The repair rule allows a landlord to arrange for a repairman to come in without a 24-hour advance notice. But it can only happen if requested in writing by the tenant (ORHA Form #17 is designed for this), and the tenant can restrict the times of entry. This section should facilitate repairs by a plumber or appliance repairman, for instance.

(d) A landlord and tenant may agree that the landlord or the landlord's agent may enter the dwelling unit and the premises without notice at reasonable times for the purpose of showing the premises to a prospective buyer, provided that the agreement:

(A) Is executed at a time when the landlord is actively engaged in attempts to sell the premises;

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Access

(B) Is reflected in a writing separate from the rental agreement and signed by both parties; and

(C) Is supported by separate consideration recited in the agreement.

(e)(A) If a written agreement requires the landlord to perform yard maintenance or grounds keeping for the premises:

(i) A landlord and tenant may agree that the landlord or landlord's agent may enter for that purpose upon the premises under the tenant's exclusive control not including the dwelling unit, without notice to the tenant, at reasonable times and with reasonable frequency. The terms of the right of entry must be described in the rental agreement or in a separate written agreement.

(ii) A tenant may deny consent for a landlord or landlord's agent to enter upon the premises pursuant to this paragraph if the entry is at an unreasonable time or with unreasonable frequency. The tenant must assert the denial by giving actual notice of the denial to the landlord or landlord's agent prior to, or at the time of, the attempted entry.

A tenant can authorize an entry. If a landlord knocks on the door and asks to come in and the tenant says okay, that is legal entry. Or if a tenant authorizes an entry—even over the telephone—that entry, too, does not require 24-hour notice. (But beware of being able to prove the invitation.)

(B) As used in this paragraph:

(i) "Yard maintenance or grounds keeping" includes, but is not limited to, weeding, mowing grass and pruning trees and shrubs.

(ii) "Unreasonable time" refers to a time of day, day of the week or particular time that conflicts with the tenant's reasonable and specific plans to use the premises.

(f) In all other cases, unless there is an agreement between the landlord and the tenant to the contrary regarding a specific entry, the landlord shall give the tenant at least 24 hours' actual notice of

A rule allowing access for yard maintenance or groundskeeping is particularly useful for single family residences and duplexes—where the tenant legally has the right to exclusive control of the yard area. Landlords and tenants can contract for the landlord to provide yard care, often by a yard maintenance company, without the notice requirements. The law specifically enables a landlord and tenant to agree that the landlord, or the landlord's agent, will provide such services and that prior notice is not required to access the property. The right of access, of course, is just for the grounds, not the home. Entry must also be made at reasonable times and with reasonable frequency. "Reasonable time" depends on the circumstance: 8:00am on a Monday for mowing would be reasonable; 8:00am on a Sunday might not. "Reasonable frequency" means that the entry cannot be used as a means of harassing the tenant. Mowing weekly in April and May is reasonable; clipping the hedges daily (with the unstated goal of keeping an eye on things) is not. The tenant may reasonably deny the access. If the landlord comes to mow while a tenant is hosting a child's outdoor birthday party, the tenant can say, "Come back later." The denial can be at the moment the landlord or landlord's agent is attempting to enter the property; indeed, it would only rarely be earlier because the tenant has no prior notice of the planned access.

Pay attention to who can enter. The law states when a landlord—as opposed to a landlord's agent—may enter the rented property. Only a landlord (not the landlord's agent) can enter in case of emergency [90.322(1)(b)]. Only the landlord can contract with the tenant to show the property to prospective purchasers or provide yard care, although the showing or the yard care may be performed by the landlord's agent, and only the landlord can give the 24-hour notice for access for other reasons, such as to inspect. Remember that the definition of landlord now includes a property manager and certain site managers.

This section does not apply to facilities. A different section (ORS 90.725 on page 140) applies there.

the intent of the landlord to enter and the landlord or landlord's agent may enter only at reasonable times. The landlord or landlord's agent may not enter if the tenant, after receiving the landlord's notice, denies consent to enter. The tenant must assert this denial of consent by giving actual notice of the denial to the landlord or the landlord's agent or by attaching a written notice of the denial in a secure manner to the main entrance to that portion of the premises or dwelling unit of which the tenant has exclusive control, prior to or at the time of the attempt by the landlord or landlord's agent to enter.

(2) A landlord may not abuse the right of access or use it to harass the tenant. A tenant may not unreasonably withhold consent from the landlord to enter.

(3) This section does not apply to tenancies consisting of a rental of space in a facility for a manufactured dwelling or floating home under ORS 90.505 to 90.840.

(4) If a tenancy consists of rented space for a manufactured dwelling or floating home that is owned by the tenant, but the tenancy is not subject to ORS 90.505 to 90.840 because the space is not in a facility, this section shall allow access only to the rented space and not to the dwelling or home.

(5) A landlord has no other right of access except:

(a) Pursuant to court order;

(b) As permitted by ORS 90.410 (2); or

(c) When the tenant has abandoned or relinquished the premises.

(6) If a landlord is required by a governmental agency to enter a dwelling unit or any portion of the premises under a tenant's exclusive control, but the landlord fails to gain entry after a good faith effort in compliance with this section, the landlord may not be found in violation of any state statute or local ordinance due to the failure.

(7) If the tenant refuses to allow lawful access, the landlord may obtain injunctive relief to compel access or may terminate the rental agreement under ORS 90.392 and take possession as provided in ORS 105.105 to 105.168. In addition, the landlord may recover actual damages.

(8) If the landlord makes an unlawful entry or a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful but that have the effect of unreasonably harassing the tenant, the tenant may obtain injunctive relief to prevent the reoccurrence of the conduct or may terminate the rental agreement pursuant to ORS 90.360 (1). In addition, the tenant may recover actual damages not less than an amount equal to one week's rent in the case of a week-to-week tenancy or one month's rent in all other cases.

TENANT OBLIGATIONS

90.325 Tenant duties. (1) The tenant shall:

(a) Use the parts of the premises including the living room, bedroom, kitchen, bathroom and dining room in a reasonable manner considering the purposes for which they were designed and intended.

(b) Keep all areas of the premises under control of the tenant in every part as clean, sanitary and

Most often access requires 24 hours' prior notice. (ORHA Form #18 is available.) A tenant can deny access, by calling the landlord or leaving a note on the door or similar action. Tenants, after all, have the right to quiet enjoyment. But the denial must be reasonable. The tenant saying, "Please not tomorrow afternoon. We're having a birthday party for my great-Aunt Tillie" is reasonable; saying, "You're never setting foot in this place as long as I live here" isn't. The landlord's requests for access must also be reasonable. Monthly inspections, for example, are overly intrusive. A tenant's unreasonable denial of access is grounds for termination, using a 30-day for-cause notice; it isn't however grounds for forcible entry.

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Tenant duties

free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, as the condition of the premises permits and to the extent that the tenant is responsible for causing the problem. The tenant shall cooperate to a reasonable extent in assisting the landlord in any reasonable effort to remedy the problem.

(c) Dispose from the dwelling unit all ashes, garbage, rubbish and other waste in a clean, safe and legal manner. With regard to needles, syringes and other infectious waste, as defined in ORS 459.386 *[definitions of infectious waste disposal]*, the tenant may not dispose of these items by placing them in garbage receptacles or in any other place or manner except as authorized by state and local governmental agencies.

(d) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits.

(e) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances including elevators in the premises.

(f) Test at least once every six months and replace batteries as needed in any smoke alarm, smoke detector or carbon monoxide alarm provided by the landlord and notify the landlord in writing of any operating deficiencies.

(g) Behave and require other persons on the premises with the consent of the tenant to behave in a manner that will not disturb the peaceful enjoyment of the premises by neighbors.

(2) A tenant may not:

(a) Remove or tamper with a smoke alarm, smoke detector or carbon monoxide alarm as described in ORS 105.842 or 479.300 *[see pages 193 and 204]*.

(b) Deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so.

90.340 Occupancy of premises as dwelling unit only; notice of tenant absence. Unless otherwise agreed, the tenant shall occupy the dwelling unit only as a dwelling unit. The rental agreement may require that the tenant give actual notice to the landlord of any anticipated extended absence from the premises in excess of seven days no later than the first day of the extended absence.

The "tenant duty" section is as important as any in Chapter 90. It spells out in a few short paragraphs what a tenant is required by law to do. Whether a written rental agreement exists or not, a tenant must [a] reasonably use and not damage the premises, [b] keep the place clean and dispose of garbage appropriately, [c] use appliances and fixtures reasonably, [d] maintain and not tamper with smoke and carbon monoxide alarms (and replace batteries when necessary), and [e] not disturb the neighbors. Of course, rental agreements are important. But most landlord complaints, other than paying rent, revolve around tenant violations of these items.

Landlords have an absolute duty to provide habitable premises. But what if the problem is caused by the tenant? This is particularly troublesome when it comes to cleanliness—and the corollary of its lack: rodents and vermin. For rodents and vermin, read mice and cockroaches. The law has always stated that a tenant is required to keep the premises reasonably clean. When the tenant has failed to do so, and mice or roaches appear, it has been the landlord's responsibility. Of course, if the tenant's housekeeping doesn't improve, roaches won't disappear for long, no matter what the landlord does. So the law requires that a tenant cooperate with a landlord in attempting to alleviate the problem. That means not only giving access for pest control treatment, but also improving the housekeeping.

This is an affirmative requirement. Tenants can't use the landlord's failure to cure habitability violations as a reason not to pay rent or terminate a rental agreement if the tenant's own behavior has caused the violation.

ORS 90.340, though brief, is important to landlords. First, it says, "Tenants should occupy the dwelling unit only as a dwelling unit." If a tenant wants to run a business out of the unit, the landlord's permission is required. Second, landlords can require tenants to notify them of extended absences (ORHA forms have this wording). Vacant properties attract vagrants, thieves, arsonists, and other unwanted visitors; and too often it's while tenants are away that the water pipes choose to burst. So such notice is important to landlords.

TENANT REMEDIES

90.360 Effect of landlord noncompliance with rental agreement or obligation to maintain premises; generally. (1)(a) Except as provided in this chapter, if there is a material noncompliance by the landlord with the rental agreement or a noncompliance with ORS 90.320 or 90.730, the tenant may deliver a written notice to the landlord specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than 30 days after delivery of the notice if the breach is not remedied in seven days in the case of an essential service or 30 days in all other cases, and the rental agreement shall terminate as provided in the notice subject to paragraphs (b) and (c) of this subsection. However, in the case of a week-to-week tenancy, the rental agreement will terminate upon a date not less than seven days after delivery of the notice if the breach is not remedied.

(b) If the breach is remediable by repairs, the payment of damages or otherwise and if the landlord adequately remedies the breach before the date specified in the notice, the rental agreement shall not terminate by reason of the breach.

ORS 90.360(1) gives tenants rights similar to those of landlords in that if a landlord doesn't comply with the rental agreement or the habitability sections of the law (there are specific penalties allowed for most other landlord law violations—mostly a month's rent or so), the tenant may give the equivalent of a 30-day for-cause notice: saying to the landlord, "Fix it or I'm leaving."

—TENANT REMEDIES—

Landlords tend to focus on the remedies available when a tenant doesn't comply with either the law or the rental agreement. These sections—ORS 90.360 through 90.390—are the flip side of the coin: a tenant's remedies if the landlord doesn't comply with the contract or law. Each section covers a different type of landlord violation. Different landlord violations create different tenant remedies. They are:

90.360—for general noncompliance, the tenant may terminate the agreement with notice;

90.365(1)—for intentional or negligent failure to supply an essential service, the tenant may obtain substitute service, money, or substitute housing;

90.365(2)—for failure to supply an essential service, creating an imminent and serious threat to health or safety, the tenant may terminate with a quicker notice;

90.368—for failure to repair a minor habitability violation, the tenant may repair and deduct;

90.370—for any material breach of the rental agreement or Chapter 90 preceding a landlord's termination notice for nonpayment of rent, the tenant may counterclaim;

90.375—for the landlord unlawfully locking a tenant out or diminishing services, the tenant may recover both possession and money damages;

90.380—for a dwelling unit posted as uninhabitable, the tenant may, in certain circumstances, terminate or receive money damages;

90.385—if a landlord retaliates against a tenant for certain behaviors (such as complaining), a tenant can retain possession and win money damages;

90.390—if a landlord discriminates illegally, a tenant can defeat any termination notice but for nonpayment of rent and, perhaps, outrageous conduct.

90.360 Tenant remedies

(c) If substantially the same act or omission that constituted a prior noncompliance of which notice was given recurs within six months, the tenant may terminate the rental agreement upon at least 14 days' written notice specifying the breach and the date of termination of the rental agreement. However, in the case of a week-to-week tenancy, the tenant may terminate the rental agreement upon at least seven days' written notice specifying the breach and date of termination of the rental agreement.

(2) Except as provided in this chapter, the tenant may recover damages and obtain injunctive relief for any noncompliance by the landlord with the rental agreement or ORS 90.320 or 90.730. The tenant shall not be entitled to recover damages for a landlord noncompliance with ORS 90.320 or 90.730 if the landlord neither knew nor reasonably should have known of the condition that constituted the noncompliance and:

(a) The tenant knew or reasonably should have known of the condition and failed to give actual notice to the landlord in a reasonable time prior to the occurrence of the personal injury, damage to personal property, diminution in rental value or other tenant loss resulting from the noncompliance; or

(b) The condition was caused after the tenancy began by the deliberate or negligent act or omission of someone other than the landlord or a person acting on behalf of the landlord.

(3) The remedy provided in subsection (2) of this section is in addition to any right of the tenant arising under subsection (1) of this section.

(4) The tenant may not terminate or recover damages under this section for a condition caused by the deliberate or negligent act or omission of the tenant or other person on the premises with the tenant's permission or consent.

(5) If the rental agreement is terminated, the landlord shall return all security deposits and prepaid rent recoverable by the tenant under ORS 90.300.

90.365 Failure of landlord to supply essential services; remedies. (1) If contrary to the rental agreement or ORS 90.320 or 90.730 the landlord intentionally or negligently fails to supply any essential service, the tenant may give written notice to the landlord specifying the breach and that the tenant

ORS 90.360 is the general section governing a landlord's noncompliance with either the rental agreement or the habitability (90.320) section of Chapter 90. It mirrors 90.392 which gives a landlord the right to serve a notice on a tenant who isn't complying with the rental agreement or the law either to come into compliance within 14 days or to move in 30 days. Here, the tenant can give the landlord a notice either to comply with the rental agreement or the law's habitability requirements within—here it's different—seven days in the case of an essential service, or 30 days for other violations. If the landlord does neither, the tenant can terminate the tenancy after the 30 days has run.

Landlords don't pay much attention to the landlord remedy found in 90.401 to collect damages. Most tenants who are evicted are pretty judgment proof. But the same penalty—money damages—is available to tenants from landlords who violate the rental agreement or habitability requirements. The landlord whose habitability defect caused the tenant to suffer damages may end up paying for those damages. In response to the Court of Appeals ruling in the case of *Davis v. Campbell* holding landlords strictly liable for habitability defects regardless of knowledge of the defect, the legislature in 1997 modified subsection (2) to say a landlord is not responsible if he didn't know, nor reasonably should have known, of the defect and either [a] the tenant did know or should have known, or [b] the defect was caused by a third party after the beginning of the tenancy.

Of course, if action or inaction by the tenant or guests is the cause, the tenant has no case against the landlord.

may seek substitute services, diminution in rent damages or substitute housing. After allowing the landlord a reasonable time and reasonable access under the circumstances to supply the essential service, the tenant may:

(a) Procure reasonable amounts of the essential service during the period of the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover damages based upon the diminution in the fair rental value of the dwelling unit; or

(c) If the failure to supply an essential service makes the dwelling unit unsafe or unfit to occupy, procure substitute housing during the period of the landlord's noncompliance, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance. In addition, the tenant may recover as damages from the landlord the actual and reasonable cost or fair and reasonable value of comparable substitute housing in excess of the rent for the dwelling unit. For purposes of this paragraph, substitute housing is comparable if it is of a quality that is similar to or less than the quality of the dwelling unit with regard to basic elements including cooking and refrigeration services and, if warranted, upon consideration of factors such as location in the same area as the dwelling unit, the availability of substitute housing in the area and the expense relative to the range of choices for substitute housing in the area. A tenant may choose substitute housing of relatively greater quality, but the tenant's damages shall be limited to the cost or value of comparable substitute housing.

ORS 90.365(1) [substitute service, diminution, substitute housing] requires that the landlord "intentionally or negligently fail" to provide the service. A later section (90.368) allows a tenant, in limited circumstances, to make repairs and deduct the cost from the rent.

(2) If contrary to the rental agreement or ORS 90.320 or 90.730 the landlord fails to supply any essential service, the lack of which poses an imminent and serious threat to the tenant's health, safety or property, the tenant may give written notice to the landlord specifying the breach and that the rental agreement shall terminate in not less than 48 hours unless the breach is remedied within that period. If the landlord adequately remedies the breach before the end of the notice period, the rental agreement shall not terminate by reason of the breach. As used in this subsection, "imminent and serious threat to the tenant's health, safety or property" shall not include the presence of radon, asbes-

Different remedies are available to a tenant when a landlord fails to provide an essential service. But what is an essential service? When Oregon adopted a residential landlord tenant law in 1973, this section referred to "heat, running water, hot water, electricity or other essential service" but later changes to this section reduced that to "essential service." So, many people have assumed it means just utilities. Not so, Oregon's Supreme Court said in a footnote in the case of *Investment Co. v Morrison* [286 OR 397 (1979)], "Some, but not all, of the 'habitability' requirements... would appear to involve 'essential services'." The 1999 Legislature gave the term a new definition [90.100(10) on page 5] that includes a list of items: heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior doors, latches for windows, and any stove or fridge if the landlord supplies them. (Landlords are not required to provide a stove or refrigerator, but if they do provide them, they are responsible to keep them operable.) The definition also includes a catch-all phrase: "any other service or habitability obligation imposed by the rental agreement or ORS 90.320, the lack or violation of which creates a serious threat to the tenant's health, safety or property or that makes the dwelling unit unfit for occupancy." Those will generally have to do with other habitability requirements. For example, a minor roof leak that is only inconvenient (and which will cause damage to the landlord's property but not the tenant's) may technically be a habitability violation, but if it doesn't create "a serious threat" or make the place "unfit for occupancy," it won't be an essential service. If it's a major leak and it's winter, it may be.

90.365 Lack of essential services

tos or lead-based paint or the future risk of flooding or seismic hazard, as defined by ORS 455.447.

(3) For purposes of subsection (1) of this section, a landlord shall not be considered to be intentionally or negligently failing to supply an essential service if:

(a) The landlord substantially supplies the essential service; or

(b) The landlord is making a reasonable and good faith effort to supply the essential service and the failure is due to conditions beyond the landlord's control.

(4) This section does not require a landlord to supply a cooking appliance or a refrigerator if the landlord did not supply or agree to supply a cooking appliance or refrigerator to the tenant.

(5) If the tenant proceeds under this section, the tenant may not proceed under ORS 90.360 (1) as to that breach.

(6) Rights of the tenant under this section do not arise if the condition was caused by the deliberate or negligent act or omission of the tenant or a person on the premises with the tenant's consent.

(7) Service or delivery of actual or written notice shall be as provided by ORS 90.150 and 90.155, including the addition of three days to the notice period if written notice is delivered by first class mail.

(8) Any provisions of this section that reasonably apply only to a structure that is used as a home, residence or sleeping place does not apply to a manufactured dwelling, recreational vehicle or floating home if the tenant owns the manufactured dwelling, recreational vehicle or floating home and rents the space.

Tenant notices that are mailed to a landlord require the addition of three days, just as do those from the landlord to the tenant. Calculation of time for notices quickly becomes tricky, though. While a landlord need not only add three days for mailing a 72-hour or 144-hour notice, but also extend the time to midnight of the last day, your editor believes that isn't so with other mailed hour-denominated notices. So the tenant's 48-hour notice mailed to a landlord at noon on March 10 expires at noon (not midnight) on March 12.

90.367 Application of security deposit or prepaid rent after notice of foreclosure. (1) A tenant who receives actual notice that the property that is the subject of the tenant's rental agreement with a landlord is in foreclosure may apply the tenant's security deposit or prepaid rent to the tenant's obligation to the landlord. The tenant must notify the landlord in writing that the tenant intends to do so. The giving of the notice provided by this subsection by the tenant does not constitute a termination of the tenancy.

(2) A landlord may not terminate the tenancy of a tenant:

(a) Because the tenant has applied the security deposit or prepaid rent as allowed under this section.

ORS 90.367 was added by the 2009 legislature as one of several changes driven by the foreclosure crisis. When a tenant receives notice the property is being foreclosed on, the tenant can apply the security deposit to rent. The logic is that the bank or other buyer at a foreclosure sale is not responsible to the tenant for the security deposit (unlike a conventional buyer). So the tenant would simply lose. This will be inconvenient, perhaps even costly, to a landlord who manages to redeem the property and then has a tenant without a security deposit.

The 2011 legislature clarified that application of the deposit to rent doesn't terminate the tenancy. Also, the tenant must notify the landlord in writing prior to expiration of a 72-hour notice, if any, of any intent to apply the deposit to that month's rent.

(b) For nonpayment of rent during the month in which the tenant applies the security deposit or prepaid rent pursuant to this section unless an unpaid balance remains due after applying all payments, including the security deposit or prepaid rent, to the rent.

(3) If the tenant has not provided the written notice applying the security deposit or prepaid rent as required under subsection (1) of this section before the landlord gives a termination notice for nonpayment of rent, the tenant must provide the written notice within the notice period provided by ORS 90.392 or 90.394. If the tenant does not provide the written notice, the landlord may terminate the tenancy based upon ORS 90.392 or 90.394.

(4) Application of the security deposit or prepaid rent to an obligation owed to the landlord does not constitute a partial payment under ORS 90.417.

(5) If the landlord provides written evidence from a lender or trustee that the property is no longer in foreclosure, the landlord may require the tenant to restore the security deposit or prepaid rent to the amount required prior to the tenant's application of the security deposit or prepaid rent. The landlord shall allow the tenant at least two months to restore the security deposit or prepaid rent.

90.368 Repair of minor habitability defect. (1) As used in this section, "minor habitability defect":

(a) Means a defect that may reasonably be repaired for not more than $300, such as the repair of leaky plumbing, stopped up toilets or faulty light switches.

(b) Does not mean the presence of mold, radon, asbestos or lead-based paint.

(2) If, contrary to ORS 90.320, the landlord fails to repair a minor habitability defect, the tenant may cause the repair of the defect and deduct from the tenant's subsequent rent obligation the actual and

A tenant's repair and deduct remedy is spelled out here in ORS 90.368. If a landlord doesn't provide habitable premises, a tenant in certain circumstances can fix the problem and deduct the cost from the rent. Repair and deduct is a concept that has been in Oregon's landlord tenant law from the beginning (although it is not in the common law) but using it has been extremely tricky (and often discouraged even by legal aid lawyers because of the abnormally opaque wording of the law). The 2007 legislature re-wrote this section in its entirety, with the goals of making it easier to understand and use.

So a tenant can make a repair and deduct the cost from the rent if:

- The 'problem' is a habitability violation (leaking pipes are; broken blinds aren't)
- The cost of repair is $300 or less
- The tenant hires out the work (no do-it-yourself)
- The tenant first gives the landlord 7-days written notice (add 3 days if mailed) (certain requirements for the notice)
- Repair must be made in workmanlike manner and comply with codes

The tenant cannot repair-and-deduct if:

- The landlord makes the repair
- The tenant prevents the landlord from making the repair
- The tenant caused the 'problem'
- The tenant has known of the problem for more than six months
- The tenant has used this remedy before for this defect

As further protections for landlords, a tenant can only apply the credit to future rent (so it's not a defense in a nonpayment FED), the tenant cannot use a 30-day cause notice for the same violation, and the tenant must provide a copy of the bill.

This is new law, adopted by the 2007 legislature. It is supposed to be a tool for responsible tenants to use against irresponsble landlords. If it has been used, it has been rare.

reasonable cost of the repair work, not to exceed $300.

90.368 Repair and deduct

(3)(a) Prior to causing a repair under subsection (2) of this section, the tenant shall give the landlord written notice:

(A) Describing the minor habitability defect; and

(B) Stating the tenant's intention to cause the repair of the defect and deduct the cost of the repair from a subsequent rent obligation if the landlord fails to make the repair by a specified date.

(b) The specified date for repair contained in a written notice given to a landlord under this subsection must be at least seven days after the date the notice is given to the landlord.

(c) If the landlord fails to make the repair by the specified date, the tenant may use the remedy provided by subsection (2) of this section.

(d) Service or delivery of the required written notice shall be made as provided under ORS 90.155.

(4)(a) Any repair work performed under this section must be performed in a workmanlike manner and be in compliance with state statutes, local ordinances and the state building code.

(b) The landlord may specify the people to perform the repair work if the landlord's specifications are reasonable and do not diminish the tenant's rights under this section.

(c) The tenant may not perform work to repair the defect.

(d) To deduct the repair cost from the rent, the tenant must provide to the landlord a written statement, prepared by the person who made the repair, showing the actual cost of the repair.

(5) A tenant may not cause the repair of a defect under this section if:

(a) Within the time specified in the notice, the landlord substantially repairs the defect;

(b) After the time specified in the notice, but before the tenant causes the repair to be made, the landlord substantially repairs the defect;

(c) The tenant has prevented the landlord from making the repair;

(d) The defect was caused by a deliberate or negligent act or omission of the tenant or of a person on the premises with the tenant's consent;

(e) The tenant knew of the defect for more than six months before giving notice under this section; or

(f) The tenant has previously used the remedy provided by this section for the same occurrence of the defect.

(6) If the tenant proceeds under this section, the tenant may not proceed under ORS 90.360 (1) as to that breach, but may use any other available remedy in addition to the remedy provided by this section.

90.370 Tenant counterclaims in action by landlord for possession or rent. (1)(a) In an action for possession based upon nonpayment of the rent or in an action for rent when the tenant is in pos-

When a landlord serves a termination notice, a tenant can counterclaim that the landlord is in violation of the rental agreement or the law (most counterclaims are about habitability or access violations) and use the counterclaim as a sort of set-off against the landlord's claim. For example, a landlord serves a notice for non-payment of rent—say $500. The tenant counterclaims that the roof has leaked for the past six months, diminishing the value of the property by $100 per month. If the tenant prevails, the landlord's termination fails and the landlord owes the tenant $100 (six months at $100 minus the rent of $500) plus court costs and attorney fees. Although not always followed by judges, the law says that such counterclaims are valid only if the tenant can show that, before the landlord sent the termination notice, either [1] the landlord knew or should have known of the problem (the leaking roof, in this case), or [2] the tenant told the landlord of the problem.

session, the tenant may counterclaim for any amount, not in excess of the jurisdictional limits of the court in which the action is brought, that the tenant may recover under the rental agreement or this chapter, provided that the tenant must prove that prior to the filing of the landlord's action the landlord reasonably had or should have had knowledge or had received actual notice of the facts that constitute the tenant's counterclaim.

(b) In the event the tenant counterclaims, the court at the landlord's or tenant's request may order the tenant to pay into court all or part of the rent accrued and thereafter accruing, and shall determine the amount due to each party. The party to whom a net amount is owed shall be paid first from the money paid into court, and shall be paid the balance by the other party. The court may at any time release money paid into court to either party if the parties agree or if the court finds such party to be entitled to the sum so released. If no rent remains due after application of this section and unless otherwise agreed between the parties, a judgment shall be entered for the tenant in the action for possession.

(2) In an action for rent when the tenant is not in possession, the tenant may counterclaim as provided in subsection (1) of this section but is not required to pay any rent into court.

(3) If the tenant does not comply with an order to pay rent into the court as provided in subsection (1) of this section, the tenant shall not be permitted to assert a counterclaim in the action for possession.

(4) If the total amount found due to the tenant on any counterclaims is less than any rent found due to the landlord, and the tenant retains possession solely because the tenant paid rent into court under subsection (1) of this section, no attorney fees shall be awarded to the tenant unless the tenant paid at least the balance found due to the landlord into court no later than the commencement of the trial.

(5) When a tenant is granted a continuance for a longer period than two days, and has not been ordered to pay rent into court under subsection (1) of this section, the tenant shall be ordered to pay rent into court under ORS 105.140 (2).

Landlords have been prohibited, since passage of the original Landlord Tenant Act in 1973, from locking out tenants, throwing them out, or cutting off or even reducing essential services (generally meaning utilities). Even attempting to do so violates the law. If a landlord does, the tenant is entitled to two months rent or twice the damages. The latter can add up to quite a sum. The 1997 legislature added that even threatening to cut off utilities or throw a tenant out will subject a landlord to these penalties.

There's one exception to the prohibition against locking out tenants: where domestic violence is concerned. See the discussion on page 92. And be very sure to follow the rules there if you lock out a tenant.

90.375 Effect of unlawful ouster or exclusion; willful diminution of services. If a landlord unlawfully removes or excludes the tenant from the premises, seriously attempts or seriously threatens unlawfully to remove or exclude the tenant from the premises or willfully diminishes or seriously attempts or seriously threatens unlawfully to diminish services to the tenant by interrupting or causing the interruption of heat, running water, hot water, electric or other essential service, the tenant may obtain injunctive relief to recover possession or may terminate the rental agreement and recover an amount up to two months' periodic rent or twice the actual damages sustained by the tenant, whichever is greater. If the rental agreement is terminated the landlord shall return all security deposits and prepaid rent recoverable under ORS 90.300. The tenant need not terminate the rental agreement, obtain injunctive relief or recover possession to recover damages under this section.

90.380 Effect of rental of dwelling in violation of building or housing codes; remedy. (1) As used in this section, "posted" means that a governmental agency has attached a copy of the agency's writ-

ten determination in a secure manner to the main entrance of the dwelling unit or to the premises or building of which the dwelling unit is a part.

90.380 Housing code violations

(2)(a) If a governmental agency has posted a dwelling unit as unsafe and unlawful to occupy due to the existence of conditions that violate state or local law and materially affect health or safety to an extent that, in the agency's determination, the tenant must vacate the unit and another person may not take possession of the unit, a landlord may not continue a tenancy or enter into a new tenancy for the dwelling unit until the landlord corrects the conditions that led to the agency's determination.

(b) If a landlord knowingly violates paragraph (a) of this subsection, the tenant may immediately terminate the tenancy by giving the landlord actual notice of the termination and the reason for the termination and may recover from the landlord either two months' periodic rent or up to twice the actual damages sustained by the tenant as a result of the violation, whichever is greater. The tenant need not terminate the tenancy to recover damages under this section.

(3)(a) If a governmental agency has given a written notice to a landlord that a dwelling unit has been determined to be unlawful, but not unsafe, to occupy due to the existence of conditions that violate state or local law and materially affect health or safety to an extent that, in the agency's determination, although the unit is safe for an existing tenant to occupy, another person may not take possession of the unit, the landlord may not enter into a new tenancy for the dwelling unit until the landlord corrects the conditions that led to the agency's determination.

(b) If a landlord knowingly violates paragraph (a) of this subsection, the tenant may recover from the landlord either two months' periodic rent or up to twice the actual damages sustained by the tenant as a result of the violation, whichever is greater.

(c) Notwithstanding paragraph (b) of this subsection, a landlord is not liable to a tenant for a violation of paragraph (a) of this subsection if, prior to the commencement of the tenancy, the landlord discloses to the tenant that the dwelling unit has been determined to be unlawful to occupy.

(d) A disclosure described in paragraph (c) of this subsection must be in writing, include a description of the conditions that led to the agency's determination and state that the landlord is obligated to correct the conditions before entering into a new tenancy. The landlord shall attach a copy of the agency's notice to the disclosure. The notice copy may provide the information required by this paragraph to be disclosed by the landlord to the tenant.

(e) A disclosure described in paragraph (c) of this subsection does not release the landlord from the duties imposed by this chapter, including the duty to maintain the dwelling unit in a habitable condition pursuant to ORS 90.320 or 90.730. A tenant who enters into a tenancy after the landlord's disclosure does not waive the tenant's other remedies under this chapter. The disclosure does not prevent the governmental agency that made the determination from imposing on the landlord any penalty authorized by law for entering into the new tenancy.

(4)(a) If a governmental agency has made a determination regarding a dwelling unit and has posted or given notice for conditions described in subsection (2)(a) or (3)(a) of this section, a landlord may not accept from an applicant for that dwelling unit a deposit to secure the execution of a rental agreement pursuant to ORS 90.297 unless, before accepting the deposit, the landlord discloses to the applicant as provided by subsection (3)(c) of this section that the dwelling unit has been determined to be unlawful to occupy.

(b) If a landlord knowingly violates paragraph (a) of this subsection or fails to correct the conditions leading to the agency's determination before the date a new tenancy is to begin as provided by the agreement to secure the execution of a rental agreement, an applicant may terminate the agreement to secure the execution of the rental agreement by giving the landlord actual notice of

—CONDEMNED PROPERTY—

ORS 90.380 was substantially rewritten in 2001. This section covers a rental unit that some governmental authority has posted as unsafe or unlawful to occupy.

Whether the conditions and the posting precede a tenancy and whether the conditions make the property both unlawful and unsafe (meth lab) or simply unlawful (broken window pane) affect the posting process, the ability of the landlord to rent the property, and tenant remedies. Much of this is driven by Portland's Bureau of Buildings which has two separate practices. The first is posting a notice prominently on the premises (popularly called a "red tag") stating the property is both unlawful and unsafe to occupy. A landlord is prohibited from re-renting the property until the conditions are fixed and any present tenant is forced to move out. The second is posting, usually by mailing, a notice (now called a "little red tag" and so the former, more serious notice is called a "big red tag") that simply identifies some code violation. It doesn't require the current tenant to move out but does prohibit the landlord from re-renting the property until the problem is fixed.

ORS 90.380 can now be thought of as dealing with two separate situations:

[1] If the property is posted as both unsafe and unlawful to occupy, the current tenant must vacate and the landlord cannot re-rent. ORS 90.380 (2)

[2] If the property is deemed (in Portland, the notice comes by mail) unlawful—but not unsafe—to occupy, the current tenant can stay but the landlord cannot re-rent without disclosing the determination it's unlawful to occupy. ORS 90.380 (3)

But this section has nine subsections, most of which determine rights and responsibilities of the parties when the property is red-tagged. Here are those subsections:

[1] definitions

[2] what happens if the property is both unsafe and unlawful to occupy (tenant must move; landlord can't re-rent)

[3] what happens if property is unlawful to occupy, but not unsafe (tenant can stay; landlord can't re-rent until remedying situation)

[4] if property is unlawful to occupy, landlord cannot accept any deposit toward renting without disclosure about the conditions (and the applicant can void the agreement, collect damages)

[5] if the property is unsafe and unlawful to occupy, who can terminate the tenancy (landlord if conditions were not caused by landlord, tenant if conditions were not caused by tenant, either if neither caused conditions [like a flood or earthquake])

[6] if property is unlawful and unsafe to occupy, landlord must return money (deposits, prepaid rent, and any prorated rent for period after the termination date or when tenant moves)

[7] if conditions within 6 months of the beginning of a tenancy pose a serious threat to health or safety and were not caused by the tenant (think meth lab not properly cleaned up), the tenant may terminate immediately (and landlord must return deposits, prepaid rent, and any prorated rent for period after the termination date or when tenant moves, and if the landlord knew or should have known of conditions, landlord can owe two months rent or twice actual damages)

[8] how landlord is to return money to the tenant or applicant (by having it available to be picked up or by mail, at the tenant's option; mailed if the tenant doesn't specify)

[9] a double penalty applies if landlord violates [8]

Remember, each of these (except [7]) arises only after some governmental authority makes a determination. That's Portland's Bureau of Buildings, other housing code inspectors, and more.

90.380 Housing code violations

the termination and the reason for termination. As a result of a termination, the applicant may recover from the landlord an amount equal to twice the deposit. If an applicant recovers damages for a violation pursuant to this paragraph, the applicant may not recover any amounts under ORS 90.297.

(5) If, after a landlord and a tenant have entered into a tenancy, a governmental agency posts a dwelling unit as unsafe and unlawful to occupy due to the existence of conditions that violate state or local law, that materially affect health or safety and that:

(a) Were not caused by the tenant, the tenant may immediately terminate the tenancy by giving the landlord actual notice of the termination and the reason for the termination; or

(b) Were not caused by the landlord or by the landlord's failure to maintain the dwelling, the landlord may terminate the tenancy by giving the tenant 24 hours' written notice of the termination and the reason for the termination, after which the landlord may take possession in the manner provided in ORS 105.105 to 105.168.

(6) If the tenancy is terminated, as a result of conditions as described in subsections (2), (4) and (5) of this section, within 14 days of the notice of termination the landlord shall return to the applicant or tenant:

(a) All of the deposit to secure the execution of a rental agreement, security deposit or prepaid rent owed to the applicant under this section or to the tenant under ORS 90.300; and

(b) All rent prepaid for the month in which the termination occurs, prorated, if applicable, to the date of termination or the date the tenant vacates the premises, whichever is later.

(7) If conditions at premises that existed at the outset of the tenancy and that were not caused by the tenant pose an imminent and serious threat to the health or safety of occupants of the premises within six months from the beginning of the tenancy, the tenant may immediately terminate the rental agreement by giving the landlord actual notice of the termination and the reason for the termination. In addition, if the landlord knew or should have reasonably known of the existence of the conditions, the tenant may recover either two months' periodic rent or twice the actual damages sustained by the tenant as a result of the violation, whichever is greater. The tenant need not terminate the rental agreement to recover damages under this section. Within four days of the tenant's notice of termination, the landlord shall return to the tenant:

(a) All of the security deposit or prepaid rent owed to the tenant under ORS 90.300; and

(b) All rent prepaid for the month in which the termination occurs, prorated to the date of termination or the date the tenant vacates the premises, whichever is later.

(8)(a) A landlord shall return the money due the applicant or tenant under subsections (6) and (7) of this section either by making the money available to the applicant or tenant at the landlord's customary place of business or by mailing the money by first class mail to the applicant or tenant.

(b) The applicant or tenant has the option of choosing the method for return of any money due under this section. If the applicant or tenant fails to choose one of these methods at the time of giving the notice of termination, the landlord shall use the mail method, addressed to the last-known address of the applicant or tenant and mailed within the relevant four-day or 14-day period following the applicant's or tenant's notice.

(9) If the landlord fails to comply with subsection (8) of this section, the applicant or tenant may recover the money due in an amount equal to twice the amount due.

90.385 Retaliatory conduct by landlord; tenant remedies and defenses; action for possession in certain cases. (1) Except as provided in this section, a landlord may not retaliate by increasing rent or decreasing services, by serving a notice to terminate the tenancy or by bringing or threatening to bring an action for possession after:

(a) The tenant has complained to, or expressed to the landlord in writing an intention to complain to, a governmental agency charged with responsibility for enforcement of any of the following concerning a violation applicable to the tenancy:

(A) A building, health or housing code materially affecting health or safety;

(B) Laws or regulations concerning the delivery of mail; or

(C) Laws or regulations prohibiting discrimination in rental housing;

(b) The tenant has made any complaint to the landlord that is in good faith and related to the tenancy;

(c) The tenant has organized or become a member of a tenants' union or similar organization;

(d) The tenant has testified against the landlord in any judicial, administrative or legislative proceeding;

(e) The tenant successfully defended an action for possession brought by the landlord within the previous six months except if the tenant was successful in defending the action only because:

(A) The termination notice by the landlord was not served or delivered in the manner required by ORS 90.155; or

(B) The period provided by the termination notice was less than that required by the statute upon which the notice relied to terminate the tenancy; or

(f) The tenant has performed or expressed intent to perform any other act for the purpose of asserting, protecting or invoking the protection of any right secured to tenants under any federal, state or local law.

(2) As used in subsection (1) of this section, "decreasing services" includes:

(a) Unreasonably restricting the availability of or placing unreasonable burdens on the use of common areas or facilities by tenant associations or tenants meeting to establish a tenant organization; and

A tenant has a right to complain. A landlord's attempt to raise rent, reduce services, or terminate without cause may well be considered retaliatory if it follows a tenant's [1] complaint to a governmental agency responsible for housing issues (such as housing codes, building codes, discrimination issues, postal delivery); [2] complaint to the landlord about something related to the tenancy; [3] joining a tenants' association; [4] testifying against the landlord in court; [5] winning certain eviction actions, or [6] doing something else to protect or assert the tenant's rights under law.

At one time, the law protected only certain types of complaints (mostly about habitability and access). No more. Tenant protection was increased by language that prohibits retaliation because of "any complaint to the landlord that is in good faith and related to the tenancy." On the other side, a landlord's loss of an eviction action solely because the landlord didn't serve the notice as required by law or the landlord miscalculated the time period in the notice doesn't trigger retaliation defenses.

Subsection (4)(a) makes clear that, while a landlord cannot retaliate because a tenant complains, the landlord can retaliate—terminate the rental agreement, for instance—if the tenant's complaint is made in an unreasonable manner or at an unreasonable time, with the effect of harrassing the landlord. Reasonableness, as ever, depends on circumstances. Complaining about a leaky faucet every hour, or several times a day for several days, or at 3 am is not reasonable. Complaining about a burst water pipe at any hour is reasonable.

(b) Intentionally and unreasonably interfering with and substantially impairing the enjoyment or use of the premises by the tenant.

(3) If the landlord acts in violation of subsection (1) of this section the tenant is entitled to the remedies provided in ORS 90.375 and has a defense in any retaliatory action against the tenant for possession.

(4) Notwithstanding subsections (1) and (3) of this section, a landlord may bring an action for possession if:

(a) The complaint by the tenant was made to the landlord or an agent of the landlord in an unreasonable manner or at an unreasonable time or was repeated in a manner having the effect of unreasonably harassing the landlord. A determination whether the manner, time or effect of a complaint was unreasonable shall include consideration of all related circumstances preceding or contemporaneous to the complaint;

(b) The violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant or other person in the household of the tenant or upon the premises with the consent of the tenant;

(c) The tenant was in default in rent at the time of the service of the notice upon which the action is based; or

(d) Compliance with the applicable building or housing code requires alteration, remodeling or demolition which would effectively deprive the tenant of use of the dwelling unit.

(5) For purposes of this section, a complaint made by another on behalf of a tenant is considered a complaint by the tenant.

(6) For the purposes of subsection (4)(c) of this section, a tenant who has paid rent into court pursuant to ORS 90.370 shall not be considered to be in default in rent.

(7) The maintenance of an action under subsection (4) of this section does not release the landlord from liability under ORS 90.360 (2).

Not only does a tenant have the right to complain. But complaints made on behalf of the tenant are also protected. So the mother of a college-student tenant could complain about repairs, for instance. Those complaints, too, must be reasonable in both manner and time.

Subsection (4)(c) was amended by the 2011 legislature to clarify that "in default of rent" meant only that the tenant was in default when the notice of termination was served.

The 2007 legislature added another protected class: sexual orientation. The definition is quite broad, and includes gender identity, usually considered as a separate and distinct characteristic.

Subsection (3) was added by the 2003 legislature as part of the changes dealing with domestic violence. Since victims of domestic violence are mostly women, the facially neutral policy of evicting households in which violence occurs has the effect of adversely impacting mostly women. .

90.390 Discrimination against tenant or applicant; tenant defense. (1) A landlord may not discriminate against a tenant in violation of local, state or federal law, including ORS 346.630, 346.660, 346.690, 659A.145 and 659A.421.

(2) If the tenant can prove that the landlord violated subsection (1) of this section, the tenant has a defense in any discriminatory action brought by the landlord against the tenant for possession, unless the tenant is in default in rent.

(3) A tenant may prove a landlord's discrimination

Discrimination is an area of law that is difficult for landlords to understand and abide by—in no small part because it is the fastest evolving area of law affecting the industry. Landlords need to be familiar with Federal Fair Housing laws, Oregon's law (see Chapters 346 and 659A starting on pages 196 and 205), case law, and even some municipal statutes (see page 210). Violating municipal discrimination ordinances creates a violation of state law.

in violation of ORS 659A.145 or 659A.421 by demonstrating that a facially neutral housing policy has a disparate adverse impact, as described in ORS 659A.425, on members of a protected class.

(4) A landlord may not discriminate against an applicant solely because the applicant was a defendant in an action for possession pursuant to ORS 105.105 to 105.168 that was dismissed or that resulted in general judgment for the defendant prior to the application. This subsection does not apply if the prior action has not resulted in a dismissal or general judgment at the time of the application. If the landlord knowingly acts in violation of this subsection, the applicant may recover actual damages or $200, whichever is greater.

LANDLORD REMEDIES

90.392 Termination of rental agreement by landlord for cause; tenant right to cure violation.

(1) Except as provided in this chapter, after delivery of written notice a landlord may terminate the rental agreement for cause and take possession as provided in ORS 105.105 to 105.168, unless the tenant cures the violation as provided in this section.

(2) Causes for termination under this section are:

(a) Material violation by the tenant of the rental agreement. For purposes of this paragraph, material violation of the rental agreement includes, but is not limited to, the nonpayment of a late charge under ORS 90.260 or a utility or service charge under ORS 90.315.

(b) Material violation by the tenant of ORS 90.325.

(c) Failure by the tenant to pay rent.

(3) The notice must:

(a) Specify the acts and omissions constituting the violation;

(b) Except as provided in subsection (5)(a) of this section, state that the rental agreement will terminate upon a designated date not less than 30 days after delivery of the notice; and

(c) If the tenant can cure the violation as provided in subsection (4) of this section, state that the violation can be cured, describe at least one possible remedy to cure the violation and designate the date by which the tenant must cure the violation.

For-cause termination notices tell the tenant, in effect, "You are in violation of your rental agreement or the law. If you don't cure this within the next 14 days, we'll terminate your rental agreement in 30 days." The notice should be specific about the violation. For example, "Your sister, Mary Smith, is living with you in violation of the rental agreement" or "You have piles of garbage on the front porch." The notice must state what could be done to remedy the violation, such as "Mary Smith must move out" or "Dispose of the garbage and clean the porch." (Use ORHA Form #38 for for-cause terminations.)

(4)(a) If the violation described in the notice can be cured by the tenant by a change in conduct, repairs, payment of money or otherwise, the rental agreement does not terminate if the tenant cures

—LANDLORD REMEDIES—

The sections providing landlord remedies were re-written by the 2005 legislature. They are supposed to use simpler language (*breach*, *noncompliance*, *remediable*, and *pursuant* are all gone), making it more accessible to landlords and tenants alike. Landlord remedies are in several sections:

90.392 generic for-cause terminations
90.394 nonpayment of rent terminations
90.396 extremely serious violation terminations
90.398 violation of alcohol and drug free housing terminations
90.403 hold-over occupant terminations
90.405 unlawful pet violations

RECEIVED

MAR 25 2014

CITY MANAGERS OFFICE
CITY OF CORVALLIS

Dear Biff, Hal & Joel,

Even though you have heard a great deal of testimony as well as written comments regarding the highly contentious International Property Maintenance Code, I was most pleased by your collective assurances that virtually all testimony whether verbal or written, will be given equal consideration in your deliberations on this issue.

Having served on the initial staff advisory group last fall I certainly came away with a far greater appreciation of how difficult it is to be in your position when it comes to public testimony.

We all have our own agenda and certainly feel our testimony is well thought out and appropriately documented. I have seen where two different but well informed individuals can present the same facts and figures in such a convincing and honest way that they both appear to be totally correct. And, having been involved in that process, they are in fact both correct in regard as to how the argument actually affects how that particular issue will impact their lives or businesses. We all see things differently due to the fact that our life experiences and expectations are formed over long periods of time and are thusly highly influential in our thought processes.

I will try to keep this email as short and to the point as possible but, given the gravity of the decisions you are being asked to make and virtually the entire citizenry of Corvallis that will be impacted by those decisions, I really believe a comprehensive overview of my particular involvement is in order.

In January of 2013 the OSU-Corvallis Collaboration Livability Group had a very contentious meeting at the Library with over 100 attendee and 25 or more testimonials. I spoke last because I sincerely believed that my proposal of self-regulation among the licensed professional property managers in Corvallis could be a key ingredient in solving the myriad of landlord-tenant issues that have been reportedly identified in our community.

As one of the senior Corvallis Real Estate Broker, I felt the responsibility to be one of the driving forces in organizing the Corvallis Landlords and Property Managers in order to develop initiatives to improve rental housing in Corvallis. At one of the first public meetings on the subject, I made the bold statement that we could coordinate virtually every property manager in town to improve the condition of all Corvallis rentals. I have organized regular monthly meetings with local Property Managers and Landlords. Those meetings started with approximately 25 participants. Our latest meeting was on Tuesday, February 25th where we had almost 50 participants. Following the theme set forth by the OSU-Corvallis Collaboration Livability Group, we have invited speakers each month that we felt embodied the

spirit and intent of enhanced livability in Corvallis. Those speakers included many influential people from Corvallis:

- Rob Reff, the OSU Drug & Alcohol Coordinator, and the chairman of the OSU-Corvallis Livability Committee
- Jim Patton, Corvallis Fire Department spokesman
- Marc Friedman, ASOSU Access the law executive director
- Captain Dave Henslee, Corvallis Police Department
- Carl Yeh, OSU Director of Student Conduct and Community Standards
- Jim Day, the Gazette Times.

In addition to those speakers at our regularly scheduled meetings, our group also made it a priority to attend virtually every Corvallis Collaboration Group and City Council meeting that discussed the rental housing issue during the spring and summer months. During those meetings we had conversations with Police Chief Jon Sassamon and City Manager Jim Patterson, both of whom were very supportive of our efforts.

You have been given many statistics on the subject, but I think the follow numbers will show that the initiatives I have discussed above ARE MAKING A DIFFERENCE.

1. A police report looking at quality of life violations in the last three months of 2012 and 2013 were as follows:

Violations	2012	2013
Disturbances	227	145
Loud Parties	169	93
Special Response Notice 1	167	130
Special Response Notice 2	13	3

2. Within the last 3 months a similar list has been posted regarding a Chronic Nuisance Property (CNP) "Watch List" with the following results.

Violations	Dec. 2013	Jan. 2014	Feb. 2014
CNP	99	84	55

Bob Loewen, Corvallis Housing Division Rental Housing Specialist, quoted as commenting "that might be a record."

In addition to some of these recent statistics I would also like to offer a couple of statements from Corvallis Police Chief Jon Sassamon, Corvallis Police Captain Dave Henslee and City Manager Jim Patterson:

- Police Chief Jon Sassamon was quoted in a recent article by GT reporter Jim Day as follows: "I'm pleased with results so far. We anticipated a small degree of success based on the work and publicity these efforts have generated. The current data tells us the structural changes to the ordinances, the enhanced relationship between City, OSU, the students, the neighborhoods and the property managers/owners is having a positive effect." He goes on to say that as a result of the local property tax levy Corvallis voters passed in November, three new police hires will be trained as "community livability officers." "We envision positive movement, which includes a continued decrease in the calls for service, with improved quality of living in neighborhoods."
- Corvallis Police Captain Dave Henslee was the keynote speaker at our last Tuesday s meeting. We had our first formal meeting with him in early June 2013. At that time our group was asking for some type of formal communication between the CPD and landlords whenever they visited one of our properties. His comments regarding current staffing and budget constraints was not all that positive initially. Upon listening intently to our proposal that all we wanted was a heads up of some sort on their initial visit we would step in immediately and there would be no secondary visits. His email to me on June 13th, 2013 was short and to the point (i.e.) "Thanks, I have quickly come to realize our groups can be strong allies." Subsequent to that exchange of ideas he came up with a Facebook posting of all Special Response Notices (SRNs) every Monday morning. At our most recent meeting he brought up an updated plan to have every police notice in our office by 8:00 every morning. Our mutually agreed upon plan is to have his officers visit our properties once and never have to return as they often do now. His comments to our group is that we are doing an "awesome" job. He went on to say that "he has never seen so much progress so quickly during any time in his lengthy career as an officer and now Captain with the CPD. He also stated that Chief Sassamon is "amazed" at the success of our collective efforts in such a short time.
- Corvallis City Manager Jim Patterson sent an email on July 8, 2013: "I want to thank Jerry Duerksen for following up on the commitment he made in January of this year to bring Property

Managers and Landlords together to help the City deal with rental housing issues in a thoughtful and cooperative way. The article in the GT from Sunday July 7th accurately reflected the landscape that existed prior to Mr. Duerksen's leadership in bringing people together. Thank you Jerry for stepping up and making a huge difference. I applaud your efforts and hope that if you need anything from the City of Corvallis you will contact me or members of our staff.

As you can see, a tremendous amount of progress has been and still is being made in many areas regarding livability issues in Corvallis. To my knowledge none of this has cost the City a nickel so far. Even though I was on the IPMC advisory group, the whole process was most intimidating due to its broad scope, unknown impact, and unintended consequences on the Corvallis home-owners and renters.

It is most obvious how important any decision will be and how much they impact everyone in Corvallis when our meetings appear on the front pages of both the GT and the Barometer within the next day or so. Jim Day even got two articles published on two successive days regarding the impact of our group.

I am very concerned about the consequences any elaborate change to our housing codes will have on the citizens of Corvallis. I would recommend that we all take a very conservative approach to the implementation of a very complicated and, in my opinion, not very well understood new housing code proposal. There are smaller, less complicated, changes that could be adopted to improve housing livability in Corvallis.

- Improving the enforcement process and penalty process to close the excessive open cases that currently exist.
- Improving the enforcement of currently dilapidated/abandoned properties.
- Implement new neighborhood and community outreach and education for tenants, landlords and neighborhood associations. The outreach would specifically look to integrate city services in parallel with the community and OSU student focused goals and services.
- Delaying the implementation of the additional IPMC housing codes to see how much more progress can be realized by the changes that have already been implemented.

In my opinion we would have a win-win situation where we could continue to build on our current successes and will delay committing such large amounts of money to implement an enormous new code change and the new staff that will be required to enforce the new housing codes. I am concerned that

the implementation of such an elaborate housing code will cause even larger expenditures of tax money then the city staff has included in their briefings.

All of the professional real estate people as well as the general public fully understand and support the community outreach part of this proposal but are deeply concerned as to the methods currently being used to get the new code up and running.

A tremendous amount of good will and cooperation that has come to pass during this past year is being seriously threatened by the way this code issue is being perceived throughout the community and the public in general.

In closing, I would like to express my sincere thanks and appreciation for all your hard work and dedication to a very complex and most controversial issue.

I would hope that our joint efforts will produce a system that is fair and workable for all involved.

Sincerely,

Jerry L. Duerksen

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APR 01 2014

CITY MANAGERS OFFICE
CITY OF CORVALLIS

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March 31, 2014

Administrative Service Committee
Councilor Biff Traber, Chair
Councilor Hal Brauner
Councilor Joel Hirsch

Dear Committee Members,

Hopefully you have had an opportunity to review my last letter to you regarding the debate on the International Property Maintenance Code (IPMC).

My apologies for its length but I wanted to recap an entire years worth of involvement on my part in an effort to assist you in any way I could. Thank you for getting through it all.

In order to keep you updated on our progress with our property management and landlord/owner group, we had our regular monthly meeting on Tuesday March 25th at the Corvallis Elks Lodge.

Our speakers for the meeting were Kim Farnham, the Lead Base Paint Compliance Officer/Inspector for Region 10 of the EPA which covers Alaska, Idaho, Oregon and Washington, and Cheryl Martinis of the Oregon Construction Contractors Board.

At that meeting Kim covered all aspects of lead based paint notifications and repairs. She went into great detail regarding exactly how and when all of our tenants need to be informed including a pamphlet titled Lead Base Paint Disclosure for each occupant. She also covered what documents, licensing and education are required of our contractors if they work on any of our rentals that may have lead based paint. In addition to Kim's presentation Cheryl made a brief statement on who is required to have a contractor's license and be registered with the CCB of Oregon.

Under Oregon Administrative Rules Chapter 812: Construction Contractors, it is very clear who needs to be licensed. OAR 812-002-0540 goes into much detail who is also exempt. Good information.

As you can see, our group is involved to a great extent in our attempts to make Corvallis a great place to live, work and raise a family.

I see we had another article by Jim Day in the GT last Thursday March 27th. Corvallis Police Department Captain Dave Henslee was quoted as saying "that the department has not issued a second special response notice (SRN's) for months. SRN's are written warnings to residents for quality-of-life violations than can carry hefty fines for repeat offenses. Our group has been very proactively involved in making sure the police never have to go back a second time. The CPD loves that action on our part and we take a lot of pride in doing what we promised them we would do.

In summary, I am still on my soapbox that we need to separate the code issue from the livability issue. They do indeed overlap to some extent but I truly believe they can be more fully addressed as separate issues.

As always, my sincere appreciation and thanks for all your hard work and dedication.

Sincerely,

Jerry

Jerry L. Duerksen
President/Broker

MEMORANDUM
March 25, 2014

To: Administrative Services Committee

From: Mary Steckel, Public Works Director

Subject: Utility Service Rate Study Review

Issue:
Council direction is needed on decision points associated with the water, wastewater and stormwater utility service rate study conducted in June 2013.

Background:
The City reviews water, wastewater and stormwater utility rates each year. Based on the annual decline in water consumption beginning in FY 06-07, staff proposed a project to undergo a rate structure study to determine whether or not changes should be made to the current structure to ensure an appropriate cost recovery method is in place. The primary goal of the study was to review fixed costs against base rate revenue and variable costs against consumption rate revenue to secure the financial viability of each utility.

The current rate structure was adopted by Council in 1998 after a consultant review and public outreach process was conducted. The review incorporated the on-going or fixed costs required to maintain water infrastructure, including the treatment plants, pump stations, distribution pipes, and fire hydrants, to meet peak and fire protection service capabilities for the community. It acknowledged that different customer types should be charged respectively for the different burdens they place on the system through irrigation in the summer and/or through higher demands for fire protection service. The rate structure change also addressed rate equity concerns by creating a tiered wastewater consumption rate charge based on the strength (level of biochemical oxygen demand and total suspended solids) of the wastewater a customer discharged to the collection system. The resulting structure defined water and wastewater base rates for each customer class (e.g. residential, commercial) that would cover infrastructure costs and varying consumption rates to recover treatment costs. See Attachment A for a copy of the current rate schedule structure.

Discussion:
Staff initiated the latest study by conducting a request for proposals process and selecting the firm Raftelis Financial Consultants, Inc. (RFC). RFC began work in August, 2012 with a preliminary meeting and a request for extensive data from staff. In June, 2013 they completed an analysis of customer water consumption characteristics and created comprehensive financial planning models for each of the three utilities. These models differ from existing financial planning tools used by the City in that they incorporate consumption data from the City's utility billing software to forecast fixed and consumption revenue levels.

The existing utility charge for water and wastewater service is comprised of two pieces, one part of the charge is the fixed or base rate which is intended to recover infrastructure and minimum treatment requirements to ensure clean water comes out when a faucet is turned on and that wastewater disappears when a toilet is flushed. Base rate revenue should provide enough funding to ensure a functional water, wastewater and stormwater system is in place for the entire community. The other part of the charge is the consumption or variable rate which recovers expenses associated with the treatment and infrastructure needed to meet customer demand above and beyond the minimum service level. Consumption revenue should recover increased treatment costs and/or infrastructure needs associated with the delivery of larger volumes of treated water and the removal of resulting wastewater.

Utility billing data, from City Services bills, helps clearly identify the percent of expenses that are currently covered with fixed or base rate revenues. Identifying the percent of expenses covered with fixed rate

revenue provides staff with a better understanding of how a reduction in water use and corresponding consumption revenues can impact each utility's ability to meet requirements for operating and infrastructure replacement projects.

Revenue predictability has been an increasing problem over the last few years. For example, in FY 10-11, staff projected total water service revenue of $8,277,330. This included both fixed and consumption revenue. A variety of factors including water conservation efforts, a slow economy, and most notably a very wet/cool weather pattern affected the amount of water used by the community and the resulting consumption revenue received. At the end of the fiscal year, water service revenue totaled $7,765,525, a more than five-hundred thousand dollar (6.2%) shortfall from initial projections. Moving into FY 12-13, factors including a rebounding economy and an unusually dry year led to increased water use and sales increasing by $558,200 or 6.8% over projections. While it is expected that consumer behavior and weather patterns will affect the amount of consumption revenue received to some extent, it is critical that the variance is not so large that it impacts the ability to cover core operational and on-going infrastructure investments.

A key component of the current rate study was for RFC to complete a cost of service analysis, using industry standards, to determine the level of expenditure that should be allocated to each customer class for infrastructure, treatment, distribution and collection. The cost components for each customer class were then compared to consumption history information to develop rates sufficient to generate the level of revenue needed for each utility to cover projected expenditures.

This analysis resulted in several recommendations for rate structure changes that will more accurately and appropriately recover revenue from each component for each utility. Due to the complexity of the current rate structure, and the possibility of several different outcomes depending on the decisions made by Council, staff is only addressing the Water Utility in this memo. The Wastewater and Stormwater Utilities will be addressed subsequently.

Water Utility

The Water Utility has the following Customer Classes:

1. Single Family Residential
2. Multi-Family Residential/Group Residential/Fraternity/Sorority
3. Commercial
4. Irrigation-Only
5. Private Fire

The Water Utility Rate Structure consists of the following rate components:

1. Fixed/base rate charge
2. Private fire fixed/base rate charge (applies only to customers that have private fire service)
3. Consumption/volumetric rate charge
4. Public fire protection service charge

The Water Utility Cost of Service Analysis presents the following decision points:

1. Should Corvallis transition fixed/base rate charges to align with meter flow rate equivalencies that are in line with industry standards?
2. Should Corvallis increase Private Fire fixed/base rate charges to cost-based charges that are in line with industry standards?
3. Should Corvallis transition consumption/volumetric rate charges to align with customer class peaking factors that are in line with industry standards?
4. Should Corvallis transition the Public Fire Protection Service charge to a single common fire event charge as recommended by RFC?

The following sections detail RFC and staff recommendations for each customer class and rate component.

Fixed or Base Rates

The monthly charge for access to the water and wastewater system services whether or not there is water consumption. The base rate covers all costs associated with having water available, providing adequate pressure and flow for fire protection, and providing for wastewater removal in accordance with State and federal regulations.

Under the existing rate structure, RFC estimates that Corvallis recovers the majority, approximately 65%, of its rate revenues from consumption charges. Because consumption can change dramatically from year to year, Corvallis, along with many other utilities throughout the United States are making modifications to their rate structures to deal with revenue stability/revenue volatility issues.

In a cost-recovery model, the base rate recovers expenses related to the minimum infrastructure required to provide all customers with water service. These expenses include the treatment plant, meter-related capital and maintenance costs, meter reading, customer billing and collection, public fire protection, a portion of the distribution system capital and operating costs, and a minimum level of treated water to charge the system. RFC used the *American Water Works Association (AWWA) Manual M6, Water Meters-Selection, Installation, Testing, and Maintenance* to determine an appropriate base-charge rate design to recover these expenses using an industry standard methodology employed by many utilities in Oregon and across the country. Their recommended rate design incorporates meter flow rate equivalencies in recognition that customers with larger meters have the ability to impose a higher instantaneous demand on the water utility system and therefore should pay for that capability. In addition to initial demand, the on-going costs to maintain and replace infrastructure increase in conjunction with infrastructure size; it is more expensive to replace an 8" water service and associated water main pipe than a ¾" water service.

The proposed change in base rates is reflective of a shift in the allocation of costs for the utility from the consumption component to the fixed component in conjunction with aligning cost recovery with the size of connection the customer has to the system. The table below provides a comparison of existing base charge rates to the proposed rates of the meter equivalency methodology used.

Comparison of Existing and Proposed Water Base Charges (by meter size)				
Single Family Residential	**Existing Charge**	**Proposed Charge**	**Difference**	**Forecasted # of Accounts**
3/4"	$ 13.40	$ 14.25	$ 0.85	11,690
1"	$ 19.29	$ 21.87	$ 2.58	530
1-1/2"	$ 29.11	$ 26.94	$ (2.17)	0
2"	$ 40.90	$ 52.32	$ 11.42	0
3"	$ 72.33	$ 179.19	$ 106.86	0
4"	$ 107.65	$ 306.07	$ 198.42	0
6"	$ 205.85	$ 509.06	$ 303.21	0
Multi-Family Residential & Commercial	**Existing Charge**	**Proposed Charge**	**Difference**	**Forecasted # of Accounts**
3/4"	$ 20.73	$ 17.64	$ (3.09)	950
1"	$ 26.00	$ 27.29	$ 1.29	430
1-1/2"	$ 34.81	$ 33.72	$ (1.09)	460
2"	$ 45.34	$ 65.87	$ 20.53	150
3"	$ 73.51	$ 226.62	$ 153.11	80
4"	$ 105.17	$ 387.37	$ 282.20	40
6"	$ 193.17	$ 644.58	$ 451.41	10
8"	$ 298.73	$ 1,030.39	$ 731.66	0
10"	$ 421.90	$ 1,480.49	$ 1,058.59	2
Irrigation-only	**Existing Charge**	**Proposed Charge**	**Difference**	**Forecasted # of Accounts**
3/4"	$ 12.94	$ 13.09	$ 0.15	70
1"	$ 19.31	$ 20.00	$ 0.69	40
1-1/2"	$ 29.88	$ 24.61	$ (5.27)	10
2"	$ 42.55	$ 47.37	$ 4.82	0
3"	$ 76.41	$ 162.85	$ 86.44	0
4"	$ 114.44	$ 278.05	$ 163.61	0
6"	$ 220.20	$ 462.38	$ 242.18	0
8"	$ 347.09	$ 738.87	$ 391.78	0
10"	$ 495.12	$ 1,061.44	$ 566.32	0

Staff acknowledges that the proposed changes to base charges for larger meters are dramatic. In some instances the monthly base rate for Multi-Family Residential (MFR) and Commercial customers increases by more than 300%. This model shifts the burden away from one where everyone pays to maintain the full system to a model that requires individuals and businesses to pay for their individual impacts on the system. It also brings the existing rate structure in line with industry standard and other Pacific Northwest water utilities. Staff recognizes the impact this change can have on businesses that currently operate in Corvallis and Council's goal for economic development, but agrees with RFC that the base rates should be updated to align with meter flow rate equivalencies to ensure an appropriate cost recovery mechanism is in place.

Decision point:

1. Should Corvallis transition fixed/base rate charges to align with meter flow rate equivalencies that are in line with industry standards?

Private Fire

Private fire protection systems consist of a fire service connection to the Corvallis water distribution system. They are for fire protection to the property on which they are installed and are not to be used for any other purpose without the express written permission of the City of Corvallis.

Corvallis has 342 private fire protection customers. The City is responsible for installation and maintenance of the required infrastructure to provide adequate water flow to each of these customer connections. As an example, the south end of Four Acre Place requires the City to provide a series of 8 and 12" water mains to serve one retail establishment and six private fire service connections. The current rate design for private fire protection connections does not appropriately reflect the additional costs to maintain adequate pressure and flow for a private service. Corvallis' rates for this service have not been increased since the 1980s and are significantly lower than other Pacific Northwest water utilities. *AWWA Manual M1*

methodology recommends private fire line connections pay a monthly fixed charge that more accurately approximates the cost of the instantaneous capacity demands they can impose on a water utility system in the case of a fire. Staff agrees with RFC's recommendation to increase Private Fire connection rates to cost-based charges that are in line with industry standards. The table below provides a comparison of existing and proposed monthly base charge rates for private fire connections.

Comparison of Existing and Proposed Private Fire Base Charges (by meter size)			
Private Fire	**Existing Charge**	**Proposed Charge**	**Difference**
2" - 68 customers	$ 2.00	$ 3.02	$ 1.02
3" - 15 customers	$ 3.00	$ 10.55	$ 7.55
4" - 104 customers	$ 4.00	$ 18.09	$ 14.09
6" - 120 customers	$ 6.00	$ 30.15	$ 24.15
8" - 35 customers	$ 8.00	$ 48.24	$ 40.24

Decision point:

2. Should Corvallis increase Private Fire fixed/base rate charges to cost-based charges that are in line with industry standards?

Consumption or Volumetric Rates

A charge placed on every unit or hundred cubic feet (HCF) of water as measured by the meter. The consumption rate covers the costs associated with treating and delivering the desired units of water and removing the associated wastewater that is above and beyond basic access to the system services.

RFC performs water rate studies using industry standard rate making practices as established by the AWWA. A key determinant of the revenue requirement allocated to each customer class is the intensity of their water usage during periods of system peak demand. AWWA determines that customer classes with higher maximum day (MD) and maximum hour (MH) demands place a greater burden on the system and thus should be allocated a greater share of costs and charged a higher unit rate ($/HCF). This methodology is in keeping with individual users paying for the burden they place on the system.

To establish the MD and MH peaking factors for each existing Corvallis customer class, RFC followed the AWWA methodology described in *AWWA Manual M1, Principles of Water Rates, Fees and Charges*. This methodology resulted in peaking factors shown below. The outcome was what one would expect for the vast majority of utilities with unique customer classes. Single Family Residential (SFR) and meters used only for irrigation have the highest peaking factors while Commercial customers, who generally have the most stable demand profile, have the lowest peaking factors. SFR and Irrigation customers tend to use water intensely during certain times of day i.e. when household members get up to shower in the morning or when sprinkler systems are set to turn on. This intense period of demand dictates the amount of infrastructure that is needed to maintain adequate flow and pressure in the system. Therefore, costs associated with the size of water storage reservoirs and pumping systems can be directly linked to customer classes with the highest daily or hourly peaking factors.

Estimated Customer Class Peaking Factors		
Customer Class	**MD**	**MH**
Single Family Residential	2.72	3.51
Multi-Family Residential	2.29	2.95
Commercial	1.99	2.58
Irrigation-only	5.05	6.54

Corvallis' existing water rate structure does not fully reflect these normative peaking factors. As a result, despite the fact that SFR and Irrigation customers impose a higher MD and MH peak demand, they are

charged lower rates than Commercial customers. Staff recommends the existing consumption rate structure be updated to incorporate the AWWA standard peaking factors as presented by RFC.

Decision point:

3. Should Corvallis transition consumption/volumetric rate charges to align with customer class peaking factors that are in line with industry standards?

Levels / Consumption Blocks

Level – Corvallis has arranged the current consumption rates into Levels that correspond with areas served by the utility that require secondary pumping to provide for adequate service and pressure in accordance with State and federal regulations. Level 1, the lowest elevation level requires no additional pumping to provide adequate service; Level 2 requires some additional pumping; Level 3, the higher elevation areas in Corvallis, requires the most additional pumping. Secondary pumping requires additional infrastructure in the form of pump stations, water storage facilities and associated piping, and creates increased electricity expenses.

Consumption block – Corvallis has defined consumption blocks that align with data-driven consumption patterns that work together with tiered rates to encourage water conservation. Pricing is known to have an effect on water use by requiring the customer to pay more for above average water use. The block thresholds are set based on the average monthly consumption for households in Corvallis; in the winter seven (7) units, in the summer thirteen (13) units.

The following table is a snapshot of unit rates for a Single Family Residential customer by Level and Consumption Block.

Single Family Residential 3/4" Service (by elevation level)			
Consumption Block	**Level 1**	**Level 2**	**Level 3**
0-7 units	$ 1.44	$ 1.74	$ 1.79
8-13 units	$ 1.89	$ 2.19	$ 2.24
14+ units	$ 2.39	$ 2.69	$ 2.74

The existing structure for Multi-Family Residential (MFR) uses a similar three-tier rate design in which the consumption block thresholds increase by meter size. The current rates also incorporate the expenses required to provide water to each of the three elevation levels in Corvallis. RFC acknowledged the sophistication of Corvallis' current SFR/MFR rate structure in relation to other utilities in the Pacific Northwest. After an analysis of monthly and annual consumption by tier, elevation and meter size, they found no compelling financial, water conservation, or public policy justification for modifying the existing structure. Based on this review, staff recommends leaving the existing SFR and MFR rate designs unchanged.

Commercial customers account for approximately 33% of total annual billed water consumption in Corvallis. The current structure uses a two-tier rate design in which the consumption block thresholds increase by meter size. Elevation levels are also incorporated in the existing Commercial structure. After a thorough review of existing accounts, RFC found that 99% of Commercial customers are located in Elevation Level 1 and when consumption is averaged for the year on a per bill basis, all consumption falls within the first tier consumption block. These findings are not unusual; most Pacific Northwest water utilities employ a simple uniform design that charges Commercial customers a single dollar amount per unit rate for all billed consumption. Staff agrees with RFC's recommendation to move Commercial customers to a uniform rate structure to be in alignment with actual consumption patterns and industry standard.

Corvallis uses a three-tier Irrigation-only rate design with the same consumption block thresholds as those used for SFR customers. Based on Corvallis consumption data, the vast majority of Irrigation-only customer consumption is billed at the high Tier 3 (14+ units per month) rate which is appropriate given the heavy peak load demands that Irrigation-only customers impose on the water utility system. Staff

agrees with RFC's recommendation to keep the existing Irrigation-only rate design as is, sending a message of reduced cost for conservation efforts, and collecting appropriate revenue for high peak-demand.

The following table provides a comparison of existing water consumption rates and the proposed changes incorporating maximum day and maximum hour allocations as well as a uniform consumption rate for Commercial customers.

Comparison of Existing and Proposed Water Consumption Rates			
SFR	**Existing Rate**	**Proposed Rate**	**Difference**
Level 1			
0-7 units	$ 1.44	$ 1.66	$ 0.22
8-13 units	$ 1.89	$ 2.16	$ 0.27
14+ units	$ 2.39	$ 2.66	$ 0.27
Level 2			
0-7 units	$ 1.74	$ 1.91	$ 0.17
8-13 units	$ 2.19	$ 2.41	$ 0.22
14+ units	$ 2.69	$ 2.91	$ 0.22
Level 3			
0-7 units	$ 1.79	$ 2.01	$ 0.22
8-13 units	$ 2.24	$ 2.51	$ 0.27
14+ units	$ 2.74	$ 3.01	$ 0.27
MFR	**Existing Rate**	**Proposed Rate**	**Difference**
Level 1			
0-7 units	$ 1.72	$ 1.20	$ (0.52)
8-13 units	$ 1.79	$ 1.32	$ (0.47)
14+ units	$ 2.03	$ 1.44	$ (0.59)
Level 2			
0-7 units	$ 2.02	$ 1.45	$ (0.57)
8-13 units	$ 2.09	$ 1.57	$ (0.52)
14+ units	$ 2.33	$ 1.69	$ (0.64)
Level 3			
0-7 units	$ 2.07	$ 1.55	$ (0.52)
8-13 units	$ 2.14	$ 1.67	$ (0.47)
14+ units	$ 2.38	$ 1.79	$ (0.59)
Commercial	**Existing Rate**	**Proposed Rate**	**Difference**
Level 1			
0-14 units	$ 1.72	$ 1.15	$ (0.57)
15+ units	$ 2.13	$ 1.15	$ (0.98)
Level 2			
0-14 units	$ 2.02	$ 1.35	$ (0.67)
15+ units	$ 2.43	$ 1.35	$ (1.08)
Level 3			
0-14 units	$ 2.07	$ 1.55	$ (0.52)
15+ units	$ 2.48	$ 1.55	$ (0.93)
Irrigation-only	**Existing Rate**	**Proposed Rate**	**Difference**
Level 1			
0-7 units	$ 1.37	$ 2.19	$ 0.82
8-13 units	$ 1.79	$ 2.85	$ 1.06
14+ units	$ 2.39	$ 3.51	$ 1.12
Level 2			
0-7 units	$ 1.67	$ 2.59	$ 0.92
8-13 units	$ 2.09	$ 3.25	$ 1.16
14+ units	$ 2.69	$ 3.91	$ 1.22
Level 3			
0-7 units	$ 1.72	$ 2.89	$ 1.17
8-13 units	$ 2.14	$ 3.55	$ 1.41
14+ units	$ 2.74	$ 4.21	$ 1.47

Public Fire Protection Service

The provision of water to premises, through adequate infrastructure and water flow, to allow for prevention or to help in minimizing the possible loss of life or property resulting from a fire.

The Corvallis water utility is not directly compensated for public fire protection costs. The expenses associated with having an adequate fire protection system, including appropriate piping, hydrants and water pressure, are currently allocated to all customer classes on an equivalent meter basis. RFC has presented Corvallis with two distinct options for allocating fire flow costs in the water cost of service study.

In both options fire protection units of service are calculated assuming a fire event of a specific length and duration which translates into an estimate of the maximum day and maximum hour extra capacity needed in the system to fight a fire. It is a standard cost of service approach to allocate costs between public fire protection and private fire protection on an equivalent 6" meter basis (most public fire hydrants have 6" connections).

Option #1 - Single Common Fire Event

Option #1 is a standard cost of service approach and it is the approach that RFC recommends for Corvallis. RFC assumed a 4,000 gallon per minute (GPM) fire of a four-hour duration that results in a total maximum hour units of service of 5,760,000 gallons. When public fire protection costs are recovered from customers under this approach, the amount of the monthly fixed rate attributable to public fire service charge is the same at each meter size for all customer groups.

Option #2 - Unique Fire Events for Single Family vs. Multi-Family and Commercial Customers

Under the Option #2 approach, the intensity and duration of fire events are assumed to be different for a fire at a SFR property vs. a fire at a MFR or Commercial property. The 1998 cost of service study assumed that a fire event impacting SFR customers would require flow rates of only 1,000 GPM. It also assumed that fire events involving MFR and Commercial customers would result in flow rates of up to 4,000 GPM. The outcome of using this approach is that the amount of the current monthly fixed charge allocated for public fire protection for SFR customers is less than for MFR and Commercial customers.

RFC generally does not recommend using unique fire flow events for each customer class. From their perspective, the probability of a fire in a SFR property is no more or less than the probability of fire in a MFR or Commercial property. Further, when a fire does occur in a modern MFR or Commercial property, the duration is generally quite brief due to the fact that building codes require these properties to have automatic sprinkler systems.

The monthly impact of the two different options is detailed in the table below. The selected rate would become a component of the base water rate.

Comparison of Rates for a Single Common Fire Event vs. Separate Fire Events (by meter size)		
SFR	**Single Fire Event**	**Separate Fire Events**
3/4"	$ 2.45	$ 0.79
1"	$ 3.92	$ 1.27
1-1/2"	$ 4.90	$ 1.59
2"	$ 9.80	$ 3.18
3"	$ 34.31	$ 11.13
4"	$ 58.82	$ 19.07
6"	$ 98.04	$ 31.79
MFR & Commercial	**Single Fire Event**	**Separate Fire Events**
3/4"	$ 2.45	$ 4.69
1"	$ 3.92	$ 7.50
1-1/2"	$ 4.90	$ 9.38
2"	$ 9.80	$ 18.75
3"	$ 34.31	$ 65.63
4"	$ 58.82	$ 112.50
6"	$ 98.04	$ 187.50
8"	$ 156.86	$ 300.00
10"	$ 225.49	$ 431.25

The single fire event methodology proposed by RFC provides a significant discount in the public fire component of MFR & Commercial base rates and places that burden on SFR customers. This would be a change from the existing rate structure.

Decision point:

4. Should Corvallis transition the Public Fire Protection Service charge to a single common fire event charge as recommended by RFC?

Summary

The existing Water Utility rate structure is complex. Staff recognizes the difficulty in following how different decision points add to the complexity of understanding how an individual customer's bill will be impacted by the recommended changes. The table below provides a summary of proposed increases and decreases by customer class and rate component discussed in this staff report as recommended by RFC. Attachment B provides a snapshot of how the optional water rate scenarios would impact different customer classes on a monthly basis.

	Single Family Residential	Multi-Family Residential	Commercial	Irrigation-only	Private fire
Water					
Update base rates to reflect flow rate equivalencies and replacement costs	↑	↑	↑	↑	
Update private fire base rates to reflect intantaneous capacity demands					↑
Update consumption rates to reflect maximum hour and maximum day peaking factors	↑	↓	↓	↑	
Update public fire base rates to using a single fire event methodology	↑	↓	↓		

Requested Action
That the ASC review this information, ask questions and provide direction on whether or not any changes should be implemented to the current Water Utility rate structure.

Reviewed:

James A. Patterson, City Manager

Nancy Brewer, Finance Director

Attachment A – Current Rate Schedule
Attachment B – Sample Monthly Bills

ORDINANCE 2013-14

AN ORDINANCE RELATING TO UTILITY RATES AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 3.06, "CITY SERVICES BILLING," ESTABLISHING RATES FOR 2014, AND STATING AN EFFECTIVE DATE.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 3.06 is hereby amended as follows:

Section 3.06.140 Rates.

Effective for all utility bills rendered on or after February 1, 2014, service rates shall be as follows:

1) Rates for single family customers:

		Water Consumption Rates - per hcf			Wastewater Consumption Rate - per hcf		Storm Water
Meter Size	Base Rate	hcf	1st Level	2nd Level	3rd Level	Base Rate	All Usage	Per ESU
5/8" - 3/4"	$13.40	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			
1.0"	$19.29	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			
1.5"	$29.11	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			
2.0"	$40.90	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			
3.0"	$72.33	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			
4.0"	$107.65	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			
6.0"	$205.85	0-7	$1.44	$1.74	$1.79	$11.13	$3.31	$6.27
		8-13	1.89	2.19	2.24			
		≥ 14	2.39	2.69	2.74			

2) Rates for irrigation meters:

Meter Size	Base Rate	hcf	Water Consumption Rates - per hcf 1st Level	2nd Level	3rd Level
5/8" - 3/4"	$12.94	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
1.0"	19.31	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
1.5"	29.88	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
2.0"	42.55	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
3.0"	76.41	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
4.0"	114.44	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
6.0"	220.20	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
8.0"	347.09	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74
10.0"	495.12	0-7	$1.37	$1.67	$1.72
		8-13	1.79	2.09	2.14
		≥ 14	2.39	2.69	2.74

3) Rates for Multi-Family:

Meter Size	Base Rate	hcf	Water Consumption Rates - per hcf 1st Level	2nd Level	3rd Level	Wastewater Consumption Rate - per hcf Base Rate	All Usage	Storm Water Per ESU
5/8" - 3/4"	$20.73	0-7	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		8-13	1.79	2.09	2.14			
		≥ 14	2.03	2.33	2.38			
1.0"	26.00	0-18	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		19-33	1.79	2.09	2.14			
		≥ 34	2.03	2.33	2.38			
1.5"	34.81	0-35	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		36-65	1.79	2.09	2.14			
		≥ 66	2.03	2.33	2.38			
2.0"	45.34	0-56	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		57-104	1.79	2.09	2.14			
		≥ 105	2.03	2.33	2.38			
3.0"	73.51	0-112	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		113-208	1.79	2.09	2.14			
		≥ 209	2.03	2.33	2.38			
4.0"	105.17	0-175	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		176-325	1.79	2.09	2.14			
		≥ 326	2.03	2.33	2.38			
6.0"	193.17	0-350	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		351-650	1.79	2.09	2.14			
		≥ 651	2.03	2.33	2.38			
8.0"	298.73	0-560	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		561-1040	1.79	2.09	2.14			
		≥ 1041	2.03	2.33	2.38			
10.0"	421.90	0-805	$1.72	$2.02	$2.07	$11.13	$3.31	$6.27
		806-1495	1.79	2.09	2.14			
		≥ 1496	2.03	2.33	2.38			

4) Rates for Group Residential/Fraternity/Sorority:
(D = Domestic; M = Medium; H = High; VH = Very High)

		Water Consumption Rates - per hcf			Wastewater Consumption Rate - per hcf		Storm Water
Meter Size	Base Rate	hcf	1st Level	2nd Level	3rd Level	Base Rate	All Usage	Per ESU
5/8"	$20.73	0-7	$1.72	$2.02	$2.07		D- $3.31	
3/4"		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
1.0"	$26.00	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
1.5"	$34.81	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
2.0"	$45.34	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
3.0"	$73.51	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
4.0"	$105.17	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
6.0"	$193.17	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
8.0"	$298.73	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	
10.0"	$421.90	0-7	$1.72	$2.02	$2.07		D- $3.31	
		8-13	1.79	2.09	2.14	$11.13	M- 3.86	$6.27
		≥ 14	2.03	2.33	2.38		H- 5.28	
							VH- 7.14	

5) Rates for Commercial and all other customers:
(D = Domestic; M = Medium; H = High; VH = Very High)

Meter Size	Base Rate	hcf	Water Consumption Rates - per hcf 1st Level	2nd Level	3rd Level	Wastewater Consumption Rate - per hcf Base Rate	All Usage	Storm Water Per ESU
5/8" - 3/4"	$20.73	0-14 ≥ 15	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
1.0"	26.00	0-43 ≥ 44	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
1.5"	34.81	0-67 ≥ 68	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
2.0"	45.34	0-179 ≥ 180	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
3.0"	73.51	0-208 ≥ 209	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
4.0"	105.17	0-341 ≥ 342	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
6.0"	193.17	0-1,000 ≥ 1,001	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
8.0"	298.72	0-1,040 ≥ 1,041	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
10.0"	421.90	0-23,207 ≥ 23,208	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27
12.0"	502.71	0-23,207 ≥ 23,208	$1.72 2.13	$2.02 2.43	$2.07 2.48	$11.13	D - $3.31 M - 3.86 H - 5.28 VH - 7.14	$6.27

5) Rates for Fire Service:

a) Standby (minimum) charges for automatic fire service. Charges are based on wet or dry sprinkling systems without hose or other connections; combined systems will pay the regular service meter minimums and the regular meter rates:

1] 2": $2.00 per month
2] 3": $3.00 per month
3] 4": $4.00 per month
4] 6": $6.00 per month
5] 8": $8.00 per month

6) Properties without a Water Meter:

a) Single family property that does not have utility provided water service and therefore has no water meter, but that has connection to the utility's wastewater service shall pay $30.03 per month, plus the applicable storm water and other City Services fees.

b) Multi-family unmetered rates shall be $30.03 per month for the one residential unit and $18.89 for each additional living unit above one, plus the applicable storm water and other City Services fees.

c) Commercial accounts with wastewater service, but no water service, shall be billed as identified in section 3.60.050 (1)(c)[5].

d) Billing for accounts where there is wastewater service, but no water service shall be billed each month, regardless of whether or not the property is vacant, as long as the property remains connected to the utility's wastewater line.

e) As provided in ORS 454.225, when wastewater charges are not paid when due, the amounts thereof, together with interest at the statutory rate and penalties from the due date, may be recovered using the procedures provided in Section 3.06.080, in an action at law brought by the City, or certified and presented to the County Assessor.

f) The liability for all accounts billed for wastewater only shall be that of the person who applied for service.

g) The City shall recover its costs and any reasonable attorney's fees in any action to recover charges pursuant to this Section.

7) Storm Water Special User Unit (per ESU to the nearest 0.1 ESU): $1.28.

(Ord. 2013- § , Ord. 2012-15 § 1, 2012; Ord. 2011-19 § 1, 12/19/11; Ord. 2011-04 §1, 2/07/2011; Ord. 2010-29 §1, 12/06/2010; Ord. 2009-14 §1, 12/07/2009; Ord. 2008-19 §1, 12/01/2008; Ord. 2007-26 §1 ,11/19/2007; Ord. 2007-02 §1, 02/05/2007; Ord. 2006-30 §1, 12/18/2006; Ord. 2006-07 §1, 04/03/2006)

Section 2. This ordinance shall become effective February 1, 2014.

PASSED by the City Council this 18th day of November, 2013.

APPROVED by the Mayor this 18th day of November, 2013.

EFFECTIVE this 1st day of February, 2014.

Julie Jones Manning
Mayor

ATTEST:

Carla Hogworth
City Recorder

Sample Monthly Bills

Water Scenario 1:

Increase water fixed rates based on AWWA flow rate equivalencies.

Incorporate AWWA peaking factors in water volumetric rates.

Use a single common fire event methodology for the public fire charge.

* The Public Fire Charge is incorporated in the Base Charge for current rates and therefore is not reflected in the Total Base Charge.

Customer	Units	Meter size	Base Charge	Public Fire Charge	Total Base Charge	Consumption Charge	Total Water Charge	Monthly $ Difference
Average residential customer:								
SFR - current	6	3/4"	$ 13.40	$ 0.79	$ 13.40	$ 8.64	$ 22.04	
SFR - proposed	6	3/4"	$ 14.25	$ 2.45	$ 16.70	$ 9.96	$ 26.66	$ 4.62
Small apartment complex (8 apartments):								
MFR - current	30	1"	$ 26.00	$ 7.50	$ 26.00	$ 60.90	$ 86.90	
MFR - proposed	30	1"	$ 27.29	$ 3.92	$ 31.21	$ 43.20	$ 74.41	$ (12.49)
Large apartment complex (90 apartments):								
MFR - current	175	3"	$ 73.51	$ 65.63	$ 73.51	$ 355.25	$ 428.76	
MFR - proposed	175	3"	$ 226.62	$ 34.31	$ 260.93	$ 252.00	$ 512.93	$ 84.17
Restaurant:								
Commercial - current	60	1"	$ 26.00	$ 7.50	$ 26.00	$ 127.80	$ 153.80	
Commercial - proposed	60	1"	$ 27.29	$ 3.92	$ 31.21	$ 69.00	$ 100.21	$ (53.59)
Grocery store:								
Commercial - current	300	2"	$ 45.34	$ 18.75	$ 45.34	$ 639.00	$ 684.34	
Commercial - proposed	300	2"	$ 65.87	$ 9.80	$ 75.67	$ 345.00	$ 420.67	$ (263.67)
Large retail store:								
Commercial - current	35	1 1/2"	$ 34.81	$ 9.38	$ 34.81	$ 74.55	$ 109.36	
Commercial - proposed	35	1 1/2"	$ 33.72	$ 4.90	$ 38.62	$ 40.25	$ 78.87	$ (30.49)
Commercial business:								
Commercial - current	2100	10"	$ 421.90	$ 431.25	$ 421.90	$ 4,473.00	$ 4,894.90	
Commercial - proposed	2100	10"	$ 1,480.49	$ 225.49	$ 1,705.98	$ 2,415.00	$ 4,120.98	$ (773.92)
Large retail store irrigation meter:								
Irrigation - current	30	1 1/2"	$ 29.88	$ -	$ 29.88	$ 71.70	$ 101.58	
Irrigation - proposed	30	1 1/2"	$ 24.61	$ -	$ 24.61	$ 105.30	$ 129.91	$ 28.33

Attachment B

Sample Monthly Bills

Water Scenario 2:

Increase water fixed rates based on AWWA flow rate equivalencies.
Incorporate AWWA peaking factors in water volumetric rates.
Maintain separate fire event methodology for the public fire charge.
* The Public Fire Charge is incorporated in the Base Charge for current rates and therefore is not reflected in the Total Base Charge.

Customer	Units	Meter size	Base Charge	Public Fire Charge	Total Base Charge	Consumption Charge	Total Water Charge	Monthly $ Difference
Average residential customer:								
SFR - current	6	3/4"	$ 13.40	$ 0.79	$ 13.40	$ 8.64	$ 22.04	
SFR - proposed	6	3/4"	$ 14.25	$ 0.79	$ 15.04	$ 9.96	$ 25.00	$ 2.96
Small apartment complex (8 apartments):								
MFR - current	30	1"	$ 26.00	$ 7.50	$ 26.00	$ 60.90	$ 86.90	
MFR - proposed	30	1"	$ 27.29	$ 7.50	$ 34.79	$ 43.20	$ 77.99	$ (8.91)
Large apartment complex (90 apartments):								
MFR - current	175	3"	$ 73.51	$ 65.63	$ 73.51	$ 355.25	$ 428.76	
MFR - proposed	175	3"	$ 226.62	$ 65.63	$ 292.25	$ 252.00	$ 544.25	$ 115.49
Restaurant:								
Commercial - current	60	1"	$ 26.00	$ 7.50	$ 26.00	$ 127.80	$ 153.80	
Commercial - proposed	60	1"	$ 27.29	$ 7.50	$ 34.79	$ 69.00	$ 103.79	$ (50.01)
Grocery store:								
Commercial - current	300	2"	$ 45.34	$ 18.75	$ 45.34	$ 639.00	$ 684.34	
Commercial - proposed	300	2"	$ 65.87	$ 18.75	$ 84.62	$ 345.00	$ 429.62	$ (254.72)
Large retail store:								
Commercial - current	35	1 1/2"	$ 34.81	$ 9.38	$ 34.81	$ 74.55	$ 109.36	
Commercial - proposed	35	1 1/2"	$ 33.72	$ 9.38	$ 43.10	$ 40.25	$ 83.35	$ (26.01)
Commercial business:								
Commercial - current	2100	10"	$ 421.90	$ 431.25	$ 421.90	$ 4,473.00	$ 4,894.90	
Commercial - proposed	2100	10"	$ 1,480.49	$ 431.25	$ 1,911.74	$ 2,415.00	$ 4,326.74	$ (568.16)
Large retail store irrigation meter:								
Irrigation - current	30	1 1/2"	$ 29.88	$ -	$ 29.88	$ 71.70	$ 101.58	
Irrigation - proposed	30	1 1/2"	$ 24.61	$ -	$ 24.61	$ 105.30	$ 129.91	$ 28.33

MEMORANDUM

TO: Mayor and City Council

FROM: Mary Steckel, Public Works Director

DATE: April 9, 2014

SUBJECT: Fund Exchange Agreement for 15th Street/Washington Way Improvements, Project No. 654448

ISSUE

City Council's approval is required to authorize the City Manager to accept a grant and related amendments from the Oregon Department of Transportation (ODOT).

BACKGROUND

15th Street, between Western Boulevard and Washington Way, has been identified for a street reconstruction project in fiscal years 13-14 and 14-15. The attached Fund Exchange Agreement was drafted by ODOT and is necessary to exchange Federal dollars for State dollars under the Surface Transportation Program (STP).

FUNDING

ODOT has approved City funding through the STP Fund Exchange Program in the amount of $426,000 for this project. An agreement is necessary to exchange the total amount of $426,000 in STP Federal dollars for $400,440 of State dollars. This funding exchange allows the project to be designed and constructed under State regulations rather than Federal regulations, which would add costs to the project. The proposed resolution will increase appropriations for fiscal year 13-14 in the amount of the grant for construction scheduled this fiscal year.

ACTION REQUESTED

Staff recommends City Council adopt the attached resolution authorizing the City Manager to execute the Fund Exchange Agreement for an STP grant and any future amendments related to the 15th Street/Washington Way Improvements project.

Review and Concur:

4/10/14
Jim Brewer, City Attorney Date

4/14/14
Nancy Brewer, Finance Director Date

4/14/2014
James A. Patterson, City Manager Date

RESOLUTION 2014-_____

Minutes of the April 21, 2014, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to accept and establish appropriations for grants after the budget has been approved; and

WHEREAS, the City of Corvallis has been authorized to receive an STP Grant and Fund Exchange Agreement from ODOT in the amount of $400,440 for the purpose of reconstructing 15th Street between Western Boulevard and Washington Way; and

WHEREAS, the grant and fund exchange acceptance requires approval by the City Council and delegation of the authority to sign to the City Manager; and

WHEREAS, the grant was unanticipated at the time the Fiscal Year 13-14 budget was adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the STP Grant offered by ODOT and authorizes the City Manager to execute the Grant and Fund Exchange Agreement and all associated Amendments for the reconstruction of 15th Street from Western Boulevard to Washington Way.

BE IT FURTHER RESOLVED that the Finance Director to be authorized to make the proper adjustment in the budget appropriations.

Capital Improvement Fund	INCREASE
Capital Projects	$400,440

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

Misc. Contracts and Agreements
No. 29963

2014 FUND EXCHANGE AGREEMENT

SW 15th Street: Western Boulevard to Washington Way
City of Corvallis

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and CITY OF CORVALLIS, acting by and through its designated officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statutes 190.110, 366.572, and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the SW 15th Street: Western Boulevard to Washington Way project, hereinafter referred to as "Project."

2. State has reviewed Agency's prospectus and considered Agency's request for the Fund Exchange. State has determined that Agency's Project is eligible for the exchange of funds.

3. To assist in funding the Project, Agency has requested State to exchange 2014 federal funds allocated to Corvallis Area Metropolitan Planning Organization (CAMPO), which have been allocated to Agency, for state funds based on the following ratio:

   $94 state for $100 federal

4. Based on this ratio, Agency wishes to trade $426,000 federal funds for $400,440 state funds.

5. The term of this Agreement will begin upon execution and will terminate two (2) calendar years later, unless extended by an executed amendment.

6. The Parties agree that the exchange is subject to the following conditions:

   a. The federal funds transferred to State may be used by State at its discretion.

   b. State funds transferred to Agency must be used for the Project. This Fund Exchange will provide funding for specific roadway projects and may also be used for the following maintenance purposes:

      i. Purchase or Production of Aggregate. Agency shall ensure the purchase or production of aggregate will be highway related and used exclusively for highway work.

      ii. Purchase of Equipment. Agency shall clearly describe how it plans to use said equipment on highways. Agency shall demonstrate that the equipment will only be used for highway purposes.

   c. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations, and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.

   d. This Fund Exchange shall be on a reimbursement basis, with state funds limited to a maximum amount of $400,440. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.

   e. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.

   f. Agency, and any contractors, shall perform the work as an independent contractor and will be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.

   g. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to

the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

h. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.

i. Agency shall submit invoices to State on a monthly basis, for actual costs incurred by Agency on behalf of the Project directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the agreement number, the invoice or account number, or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed $400,440, including all expenses. Travel expenses will not be reimbursed.

j. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and service demand.

k. All employers, including Agency, that employ subject workers in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than $500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.

l. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.

   i. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

      A. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

      B. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

ii. Either Party may terminate this Agreement effective upon delivery of written notice to the other Party, or at such later date as may be established by the terminating Party, under any of the following conditions:

A. If either Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either Party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.

B. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Party is prohibited from paying for such work from the planned funding source.

iii. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

m. State and Agency agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

7. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.

8. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or

representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission on March 21, 2012 as a part of the 2012-2015 Statewide Transportation Improvement Program (STIP).

The Program and Funding Services Manager approved the Fund Exchange on February 24, 2014.

SIGNATURE PAGE FOLLOWS

CITY OF CORVALLIS, by and through its designated officials

By _____
City Manager

Date _____

APPROVED AS TO LEGAL FORM

By _____
City Legal Counsel

Date _____

Agency Contact:
Som Sartnurak, P.E.
Engineering Supervisor
City of Corvallis Public Works Department
1245 NE Third Street
Corvallis, OR 97330
Phone: (541) 766-6731
Email: Somkeart.Sartnurak@corvallisoregon.gov

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Planning and Development Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

State Contact:
Michael Starnes, Local Agency Liaison
ODOT, Region 2
455 Airport Road, SE, Bldg. B
Salem, OR 97301
Phone: (503) 986-6920
Email: michael.s.starnes@odot.state.or.us

City Manager Monthly
April 2014

E-Mail City Manager | Subscribe to CM Monthly

Celebrate at Your Library! A message from Library Director Carolyn Rawles

Thank you, City Manager Patterson, for allowing me to be the guest writer this month!

April is always a big month at the Library because we celebrate National Library Week – this year April 13-19. Mayor Manning will read a proclamation honoring the Library at the April 21 Council meeting. The Library again had our popular "Food for Fines" program. Patrons can have $1 in fines removed from their accounts for every can or box of food they bring in. The food is donated to Linn-Benton Food Share, and last year our library users donated over one ton of food through this event, showing what a generous community we are.

Another commemoration in April is National Poetry Month. The Library hosted a poetry reading on April 3 featuring local celebrities including the City's own Councilor Hal Brauner, Police Chief Jon Sassaman, and City Manager Jim Patterson. I appreciate them sharing some of their favorite works of literature with us. We are also celebrating Oregon's beloved poet laureate William Stafford with a discussion of his book *Ask Me: 100 Essential Poems*, led by OSU faculty member Karen Holmberg, on April 30 at 7 p.m. This program is part of the statewide "Oregon Reads," which features William Stafford in this, his centennial year.

Piano music filled the Library April 9 - 12 with a series of programs and recitals. A Steinway engineer from Corvallis explained the inner workings of the piano, and library users were treated to lobby concerts by some very accomplished students. Events like this, co-sponsored by the Library and Corvallis-OSU Piano International, are what our library is all about!

Look for a number of bicycle-related events and programs at the Library in May, and the kickoff of Summer Reading for kids in early June. Most of our programs are funded, co-sponsored, or in partnership with other local organizations, as we work together to serve our whole community.

We are looking forward to a new fiscal year and the return of Sunday hours at the Corvallis Library. The 2013 Operating Levy included funding for these hours and they will start on June 22. Look for Library Board members at the library that day. They will be on hand to thank and welcome you! We also have reorganized our staffing, eliminating a management position and replacing it with several part-time front line staff to better serve you. Next year, we will update our Strategic Plan and conduct surveys to be sure our services are what you want and need. We will be able to accomplish this all within our department's firm expenditure limit as the City works to achieve a sustainable budget. We are focusing on what we can do to best serve you, our reason for being.

Need something fun, free and enriching to do or read? Try your library!

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CITY MANAGER'S REPORT

APRIL 17, 2014

****

 # 2014-03

REPORTING PERIOD: MARCH 2014

I. ORGANIZATIONAL HIGHLIGHTS

- Urban Services Committee continued its work on the expanded Residential Parking District Program, and Oregon State University (OSU) presented to the City Council its proposed parking and transit program changes for implementation in September 2014.

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

- Corvallis Sustainability Annual Town Hall
- Philanthropic educational organization supporting scholarships for women monthly meeting

Special meetings

- Along with Oregon State University (OSU) President Ed Ray, co-chaired quarterly meeting of the OSU/City Collaboration Project Steering Committee.
- Led a third planning meeting with local agencies serving individuals with disabilities concerning the development of a photographic exhibit featuring their clients, as well as photos 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. The photographic exhibit is scheduled for the month of June at the Corvallis-Benton County Public Library, with an opening reception June 3 at 7:00 pm at the Library.
- Chaired meeting of the Finance/Taxation Policy Committee of the League of Oregon Cities.

- Read with Jefferson Elementary School students as part of a day-long reading event honoring the birthday of Dr. Seuss.
- Met with Benton County Commissioner Jay Dixon to discuss topics of mutual interest.
- Met with Community Development and Parks Departments staff to discuss recommendations concerning Shawala Point as part of Mayors Institute on City Design.
- Met with Fred Abousleman, new executive director of Cascades West Council of Governments (COG).
- Attended COG Board of Directors meeting.
- Met with Aleita Hass-Holcomb to discuss issues related to homelessness.
- Attended a public forum and steering committee meeting concerning future planning for da Vinci Days.
- Participated in joint work session with the Benton County Board of Commissioners.
- Concerning RAIN (Regional Accelerator and Innovation Network): Participated in a meeting of the Communications Committee and participated in the development of a RFP (request for proposal) for communications services.
- Participated in a conference call to continue planning the League of Oregon Cities' annual conference.
- Co-chaired oversight committee meeting of Benton County's Ten-Year Plan to End Homelessness.
- Attended Chocolate Fantasy fundraiser for the Arts Center.
- Attended Community Soup fundraiser for Community Outreach, Inc.
- Participated in Rhapsody in the Vineyard event in downtown Corvallis.

Proclamations

- Mayor’s Day for Recognition of National Service

III. FIRE

A. Department Highlights

Response Activity – March 2014	City	Non-City	Total
Fires	9	1	10
Overpressure/Rupture	0	0	0
Requests for Ambulance	309	78	387
Rescue (Quick Response Team)	123	16	139
Hazardous Condition	9	5	14
Service Requests	58	11	69
Good Intent	37	24	61
False Calls	25	3	28
Other	0	0	0
TOTAL RESPONSES OVERALL	**570**	**138**	**708**

B. Other

- Contract negotiations with the Rural District Board are underway.
- Impacts of Senate Bill 1518 are unknown at this time. The Department is prepared to assess those impacts when specific information becomes available.
- The ambulance service continues to cope with shortages of various medications. This is a national problem, and numerous agencies are working toward solutions.
- With the recent Occupational Safety and Health Administration (OSHA) safety review, along with some changes from the National Fire Protection Association, the Department updated its turnout inspection program. An independent party trained in proper techniques for inspection and repair will conduct inspections of all turnout gear. All inspection and repair information will be entered into a records database that the Department can access at any time.

IV. LIBRARY

A. Department Highlights

- During March, there were 147,385 visits to the Library, including 82,720 involving remote access. We had 137 programs, with 3,585 attendees.
- Library staff worked with our on-line system provider to implement the e-commerce module so our patrons will be able to pay fines with credit cards from the Library's Web site. We hope to implement this feature in the next couple of months.
- Patrons can now choose to receive notifications from the Library via text message. This feature is offered as an option to receiving telephone calls or e-mail about arrived holds or overdue materials.
- The *Corvallis Gazette-Times* featured a nice article on March 25 about the Bookmobile and Community Library Specialist Peggy Giles.
- The first round of testing for the new Web site is going well. Further testing will be done over the next several weeks.
- Youth Services Division staff used the new display boxes at the entrance to the children's area of the Library to display personal collections. Displays included tea cups, Mary Englebreit items, painted eggs, heart-shaped rocks, and a guinea pig collection.
- Early Literacy Coordinator Peik-Kuan Lim conducted a three-hour training for caregivers and early childhood educators. The 22 attendees then gave storytelling presentations using the new skills they had learned.

- Library programs were well attended in March and included the annual Tcha Tee Man Wi Storytelling concert, another clinic on downloading e-Books and e-Audiobooks, and various book clubs.

V. PARKS AND RECREATION

A. Department Highlights

Administration/Planning

- Submitted two grant applications to Oregon Parks and Recreation Department for improvements to Dr. Martin Luther King, Jr., Park and the Walnut Barn.
- Staff is collaborating with OSU Advanced Learning Center to provide bilingual volunteer services in Parks and Recreation this spring term.
- Brooklane Neighborhood held a fundraising event to benefit the Marys River Boardwalk project.
- Completed the recommendations for the Fiscal Year 2014-2015 budget.
- Distributed the Spring/Summer Activity Guide to Corvallis residents.

Aquatic Center

- Held the 11- to 14-year-old State Swimming Championships, with more than 530 athletes and more than 1,500 spectators.
- Held the Spring Invitational Swim Meet, with more than 300 athletes and more than 300 spectators.
- Family Movie Swim March 21 attracted more than 120 participants.
- Expanded Recreation Spring Break Open Recreation March 24 through 28 was enjoyed by more than 2,000 participants.

Parks and Natural Areas

- Opened restrooms and turned on drinking fountains on for the season.
- Began receiving reservations for shelters, including the new Rotary Shelter at Willamette Park.
- Planted 103 trees in rights-of-way and City parks.

Recreation

- Youth Basketball ended March 15; evaluation forms from parents were very positive.
- Held the final Youth Lacrosse Clinic March 15.
- Adult Spring Recreational Volleyball League began March 31.
- Program registration began for Spring and Summer for all ages.

Senior Center

- Completed a new series called Mastery of Aging Well. This was a partnership with the OSU Integrative Graduate Education and Research Training (IGERT) in Aging Studies. Graduate students and professionals taught the topics of the series.
- The Memory Loss Support Group has a great new leader who is excited to volunteer her time and expertise working with people who have Alzheimer's Disease and memory loss. We worked together to update the post cards to promote this growing group.

VI. POLICE

A. Department Highlights

Officers investigated 2,495 incidents this month. Following are the highlights:

- Officers responded to a report of three men engaged in an assault. When officers arrived the men fled in a vehicle. The car was located and the passengers attempted to flee on foot. The driver was arrested at the scene, and a passenger was located elsewhere and arrested on an outstanding warrant. Both were additionally charged with Disorderly Conduct, since the assault victim could not be located.
- A man was arrested for Assault, Unlawful Use of a Weapon, Coercion, Menacing, Strangulation, Harassment, and Criminal Mischief after an incident that occurred at a local hotel. A woman reported that the suspect threatened to hit her with a sledge hammer, strangled her, and threatened to harm her if she left the room. The suspect fled the hotel and was located at a local restaurant.
- An escapee from the Oregon state mental hospital left property at a Corvallis grocery store. Oregon State Police (OSP) and Corvallis Police investigated. Emergency Medical Technicians transported an unidentified man to Good Samaritan Regional Medical Center for an unknown medical condition. The doctor who treated him recognized the escapee, and OSP responded to take him into custody.
- Detectives followed up on a series of burglary investigations. They contacted a suspect during a vehicle stop and questioned him and his passenger. The vehicle was searched and detectives located and seized stolen property, methamphetamine, numerous keys, and other miscellaneous property. The 27-year-old man was arrested and charged with Burglary, Theft, Mail Theft, Identity Theft, and Unauthorized Entry to a Motor Vehicle. The 22-year-old male passenger was charged with Possession of a Controlled Substance-Methamphetamine and Possession of Burglar Tools.

- Records staff processed 1,060 police reports, entered 527 traffic citations, and performed 283 background checks. Staff generated 115 incident reports – 18 percent of the total reports taken during this reporting period.
- Received 66 reports via the Coplogic online reporting system.

Tactical Action Plans (TAP)

- TAP 9 was implemented for Community Issues:
  - Multiple citizens, business owners, property owners, and downtown customers reported an increase in criminal violations, including, but not limited to, menacing behaviors, disorderly conduct, criminal mischief, open containers of alcohol in public, human waste, and littering in the Downtown and Central Park areas. The Tactical Action Plan to increase community livability, sustain economic vitality, and reduce crime is underway; and an After Action Review is pending.

9-1-1 Center Calls for Service

- The Corvallis Regional Communications Center dispatched 3,776 calls for police, fire, and medical assistance this month as follows:

POLICE		FIRE AND MEDICAL	
Corvallis Police	2,495	Corvallis Fire/Ambulance	567
Benton County Sheriff	558	Other Fire/Medical	46
Philomath Police	110		
TOTAL	3,163	**TOTAL**	613

B. Other

- Officer Kantola participated in the Driving Under the Influence of Intoxicants Victim Impact Panel on March 13.
- Officers Hackstedt and Smith provided fraud prevention presentations at Stoneybrook Lodge.
- Motor officers completed a traffic safety presentation at Hoover Elementary School.
- Parking Enforcement staff completed a parking regulation awareness presentation to employees of a new downtown business.
- Sergeant Marr attended the Western Oregon University Career Fair in Monmouth, Oregon.
- Lieutenant Bailey, Sergeant Duncan, Officer Smith, and Officer Setzer
- attended Remington 870 Armorer course.
- Sergeant Goodwin attended a "Creative Leadership" seminar in Salem, Oregon.

- Lieutenant Van Arsdall attended the Oregon Executive Development Institute (EODI).
- Sergeant Marr attended Student Threat Assessment Team training at the Albany School District.
- Corvallis Police Department auxiliary volunteers assisted patrol with a presentation at The Regent on how to avoid becoming a victim of fraud.

VII. PUBLIC WORKS

A. Department Highlights

Administration Division

- Investigated possible options for transitioning streetlights from high-pressure sodium fixtures to LED fixtures as a way to reduce electricity expenditures in future years.
- Drafted and advertised a Request for Proposal for the grant-funded 150kW solar array installation project for the Wastewater Reclamation Plant.

Engineering Division

- Initiated construction of the cooperative City/OSU project to improve SW 15th Street and Washington Way.

Transportation Division

- In response to a Federal Transit Administration regular review of the City's Transit Disadvantaged Business Enterprise program, revised the original submission and submitted it ahead of the April 7, 2014 deadline.
- Completed the recruitment and hiring process for the vacant Special Transportation Coordinator position. This position manages the Benton County Special Transportation Program through an Intergovernmental Agreement between the City and the County.
- Provided a presentation on the new Corvallis Transit System (CTS) Vehicle Information System at the Northwest Transportation Conference held at the CH2M Hill Alumni Center.
- For the third quarter of Fiscal Year 2013-2014, CTS bus ridership decreased 7.6 percent. Philomath Connection ridership decreased 2.2 percent over last year's third-quarter ridership. The decreases are partially due to the inclement weather event in February, which caused OSU and the Corvallis School District 509J to close.

Utilities Division

- Published the annual Consumer Confidence Report (Water Quality Report) on the City's Web site.

VIII. CITY MANAGER'S OFFICE

A. Department Highlights

- Received one Notice of a Tort Claim; information is available for review in the City Recorder's office.
- The negotiating teams for the City and American Federation of State, County, and Municipal Employees reached a tentative labor agreement March 5; a date for member ratification vote on the agreement has not yet been scheduled.
- The Economic Development Office responded to five start-up leads, one expansion lead, and two recruitment leads.
- The Economic Development Officer made three first-time visits to traded-sector businesses and followed up with one other.
- The Economic Development Manager followed up with six expansion leads.
- 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 April 24th

IX. COMMUNITY DEVELOPMENT

A. Department Highlights

- Development Services Division staff processed 34 residential and 49 non-residential plan reviews for proposed construction projects and conducted 1,284 construction inspections.
- Created 40 new Code Enforcement cases as a result of citizen complaints received.
- Of the 215 plumbing, mechanical, and electrical permits issued during March, 115 (or 53 percent) were issued online.
- Planning Division staff received eight land use applications, including three Historic Preservation Permit applications, a Conditional Development application, two Minor Replats, a Property Line Adjustment, and a Major Replat for the Suncrest Phase II Subdivision.
- Planning Division staff issued decisions on six land use applications, including approval of a Minor Land Partition and Planned Development for Toyota of Corvallis and a Major Replat and Minor Planned Development Modification for Phase 9 of Willamette Landing.

- On March 3, the City Council deliberated on the Campus Crest application and preliminarily approved the Comprehensive Plan Amendment request and the associated Zone Change, Planned Development, and Subdivision requests, subject to the adoption of formal findings at a subsequent City Council meeting.
- On March 5, the Planning Commission held a public hearing for the Toyota of Corvallis application and approved the application.
- On March 19, the Planning Commission held a public hearing to consider the Land Development Code Amendments Package 1. The Planning Commission held the record open until April 2 and scheduled deliberations on Code amendments for April 16.
- During March the Housing Division staff closed one down payment assistance loan of $15,000 to help a low-income household purchase their first home. The assisted purchase was the first in the Willamette Neighborhood Housing Services-constructed Seavey Meadows Community Land Trust homeownership project.
- Housing Division staff received 63 Rental Housing Program-related contacts during March outlining 109 separate issues, with 30 issues related to habitability and 79 of a non-habitability nature. Twenty-one 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.
- Administrative Services Committee reviewed the International Construction Code model property maintenance code in relation to the proposed Corvallis Property Maintenance Code compliance program and neighborhood/community outreach and education program.
- Department staff is assisting the City Council committee working on the Fiscal Year 2013-2014 housing goal. During March the committee selected consultant ECONorthwest to begin work on a study to evaluate housing demand among commuters who work in Corvallis but live elsewhere.
- The OSU/City Collaboration Project Steering Committee met during March and received updates on the status of completed actions and ongoing efforts to implement recommendations.

X. FINANCE

A. Department Highlights

- Risk Management completed the on-site appraisal process with AssetWorks Inc.

- MIS Division staff is working with Finance Administration Division staff to develop more user-friendly, Web-based transient room tax forms.
- Financial Planning Division staff facilitated and participated in a semi-annual defined contribution plans fiduciary committee meeting with Hyas Group consultant and ICMA-RC vendor, including review of quarterly results and various plan issues.
- Budget staff worked on a mock-up draft of a new budget document format for Budget Commission orientation.
- Finance Administration Division staff received the Fiscal Year 2014-2015 annual liquor license renewal from the Oregon Liquor Control Commission and will begin the review and approval process.

XI. MISCELLANEOUS

Attached is the City Attorney's Office Report to the City Council for March.

James A. Patterson
City Manager

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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CITY ATTORNEY'S OFFICE
REPORT TO CITY COUNCIL: HIGHLIGHTS

March 2014

The following are highlights of the City Attorney's Office activities in March 2014:

1. Letter to CenturyLink regarding franchise fees.
2. Meeting with Police Department regarding burden-of-proof questions and revisions to CMC 5.03.
3. Meeting at Assessor's Office regarding economic development issues.
4. Meeting & phone conversation with Parks & Recreation and Public Works Departments regarding Mary's River Boardwalk issues.
5. Meeting with Development Services Department regarding building code.
6. Meeting with Risk Management regarding insurance for sidewalk cafés.

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 Hunking v. City Municipal Court Appeal.
7. Continued work on revisions to CMC 5.03.
8. Assistance to City Council on OSU Campus Master Plan update.

CORVALLIS CITY COUNCIL GOALS 2013-2014

PREFACE:

This is an update on work accomplished on Council Goals during the last quarter, with a summary of expected work to be accomplished in the future. The City Council goals continue to reflect an ongoing commitment to the overarching goals of:

♦Diversity ♦Citizen Involvement ♦Sustainability ♦Cost Efficiency

Council goals are also connected to both the Vision 2020 Statement Categories and the City Manager's Core Responsibilities:

SUSTAINABLE BUDGET

Council will achieve a sustainable budget where recurring revenues equal or exceed recurring expenditures in all City funds by continuing to seek expenditure efficiencies and by exploring and implementing a broad range of revenue sources.

Vision 2020 Statement Categories

Culture/Recreation
Central City
Economic Vitality
Education/Human Services
Governing and Civic Involvement
Protecting the Environment
Where we Live

City Manager's Core Responsibilities

Resident Well Being
Public Safety
Livability
Infrastructure
Economic Vitality

Accomplished through March 31, 2014:

- City staff completed work to develop a balanced budget, and a five year General Fund Financial Plan that projects a sustainable budget each year. The Proposed budget will be presented to the Budget Commission early in April.

Next Steps:

- The Budget Commission and City Council will review the Proposed Budget, hold public hearings, and recommend/adopt a balanced budget for FY 14-15.
- Public Works is proposing a department reorganization to reduce personnel costs through the elimination of two positions.
- Public Works is investigating the reduction of ongoing electrical expenses in the Street Lighting program by replacing high-pressure sodium lights with LEDs.
- Public Works is reducing costs for electricity at the treatment plants through two projects scheduled for FY 14-15. One will install a 150kW solar array to feed the wastewater plant and the other is a 32kW hydropower project to supply energy to the Rock Creek Water Treatment Plant.

ECONOMIC DEVELOPMENT

- **Economic Development Commission will review and possibly supplement the current economic development strategy incorporating aspects of agriculture-related businesses, local investment, arts and culture, as well as the City's overarching goals.**
- **The Economic Development Commission will provide recommendations to the Council by the end of 2013.**
- **Council takes action by mid-2014.**

Vision 2020 Statement Categories

Culture/Recreation
Central City
Economic Vitality

City Manager's Core Responsibilities

Resident Well Being
Public Safety
Livability
Infrastructure
Economic Vitality

The Economic Development Commission addressed and completed this goal in the first half of FY 2014 and presented their recommendations to the City Council. The City Council accepted the EDC's recommendation along with the following priorities for the coming year:

- The Economic Development Commission will:
  - Continue support for existing and emerging businesses;
  - Monitor the impact of the JOBS ACT (2012);
  - Explore and collaborate on Urban Renewal possibilities; and
  - Implement RAIN and OSU Advantage Accelerator programs.

<u>Accomplished through March 31, 2014:</u>

- The Economic Development Office assisted or facilitated:
  - 25 business start-ups
  - 16 business expansions
  - 5 business retentions
  - 23 business recruitments

<u>Next Steps</u>:

- The Economic Development Officer will continue to meet with existing businesses with a goal of 100 non-repeated visits for the year.
- The Economic Development Officer and Manager will meet with the existing client base to address on-going retention and expansion issues.
- The Economic Development Office (EDO) will continue to respond to business recruitment leads, manage the Enterprise Zones, and market the Airport Industrial Park.

CITY/ OSU COLLABORATION

The Collaboration Corvallis project will be completed by the end of 2014 with Council approved recommendations implemented or planned, including a collaboration framework for the future.

Vision 2020 Statement Categories
Central City Economic Vitality Education/Human Services Governing and Civic Involvement Where we Live

City Manager's Core Responsibilities
Resident Well Being Public Safety Livability Infrastructure Economic Vitality

Accomplished through March 31, 2014:

- The hiring process for one additional parking enforcement officer was conducted by the Police Department. One applicant was selected and is in the background process.
- Police staff has been working with Corvallis property owners/managers to develop a system to automate the notification of a police response to their properties. The system is currently in the testing phase.
- Officer Hurley staffed a booth at the OSU Off-Campus Housing Expo attended by 600 students.
- The Collaboration Steering Committee met in March to receive an update on the status of completed actions and ongoing efforts by OSU and the City to implement each of the 68 work group recommendations.
- The Planning Commission began review of LDC amendments initiated by the City Council based on recommendations from the City/OSU Collaboration's Neighborhood Planning Work Group.
- As recommended by the Steering Committee and authorized by the City Council, the Community Development Department hired Eric Adams to provide consulting services to assist staff in the development of amendments to LDC Neighborhood Design Standards proposed by the Collaboration Neighborhood Planning Work Group.
- Public input was solicited on the Residential Parking District design through a postcard mailed to affected properties in January. The February 4th Urban Services Committee meeting was devoted to hearing the public feedback from this outreach effort.
- The Urban Services Committee reached consensus on a Residential Parking District program design that was forwarded to the full City Council, who approved the proposal without changes.

Next Steps:

- Council review of LDC Package #1 which includes multiple Collaboration Project recommendations.
- The second package of LDC amendments authorized by the City Council is currently being prepared for review by fall 2014.
- The City Council is expected to provide direction regarding modifications to the demolition permit process and preparation of a Historic Preservation Plan.
- The City Council authorized, as part of a future Planning Commission Work Program, the development of a "Historic Preservation Lite" program.
- Final program details for the Residential Parking District project will be decided by the Urban Services Committee during April.
- Staff will develop Residential Parking District ordinance language for Urban Services Committee and Council review.
- A bid process for Residential Parking District sign creation and installation will be conducted.

HOUSING

By the end of 2013, the Council will have access to comprehensive and objective information about the demands for housing in the Corvallis Urban Growth Boundary and the causes of the current housing mix. By the end of 2014, the Council will create policies, regulations, and strategies to help meet the housing needs of those who live here or wish to live here.

Vision 2020 Statement Categories

Central City
Economic Vitality
Education/Human Services
Governing and Civic Involvement
Protecting the Environment
Where we Live

City Manager's Core Responsibilities

Resident Well Being
Livability
Infrastructure
Economic Vitality

Accomplished through March 31, 2014:

- Councilors Beilstein, Brauner and Brown have been selected to represent the City Council in completing this goal.
- Consultant ECONorthwest has been selected to conduct a study to assess demand for housing among commuters who work in Corvallis but live elsewhere.

Next Steps:

- An employer-based survey of in-commuters will be conducted in May, with results to be presented to the City Council in late June/early July.
- If the Council chooses to proceed with a second phase of the study after receiving commuter survey results, the consultant will develop additional data about housing supply and opportunities, and evaluate policy options the City Council might consider to better balance supply with demand.

Participate in the development of a plan to find a permanent solution by December 2014 for a cold weather shelter and daytime drop-in center.

Accomplished through March 31, 2014:

- The Corvallis Homeless Shelter Coalition has purchased a building at 530 SW Fourth Street, the site occupied by the agency's men's cold weather shelter for each of the last two winters.

Next Steps:

- The Coalition intends to demolish the existing building in the spring of 2015 and replace it with one better suited to housing the shelter, a daytime drop-in facility, and a meal center.
- The City will continue to provide technical assistance regarding building design and funding opportunities.

Vision 2020 Statement Categories

Central City
Education/Human Services
Governing and Civic Involvement
Where we Live

City Manager's Core Responsibilities

Resident Well Being
Livability
Infrastructure
Economic Vitality

PUBLIC PROCESS AND PARTICIPATION

By December 2014, the Council will revise its processes and structures into a more effective and efficient citizen engagement program to develop diverse future leaders, enhance communication between citizens and the Council, help connect citizens to each other to strengthen community and neighborhoods, and utilize the expertise of citizen-volunteers in solving community problems.

Vision 2020 Statement Categories
Culture/Recreation
Central City
Economic Vitality
Education/Human Services
Governing and Civic Involvement
Protecting the Environment
Where we Live

City Manager's Core Responsibilities
Resident Well Being

Accomplished through March 31, 2014:

- The Public Participation Task Force (PPTF) has been meeting weekly on Thursdays to work on draft recommendations in preparation for the public meeting.

Next Steps:

- A public meeting will be held on Monday April 28, 2014 to review draft recommendations PPTF plans to make to City Council.
- The PPTF plans to present its recommendations to the City Council on June 2, 2014.

ACCOMPLISHMENTS TOWARD THE OVERARCHING GOALS AND VALUES

- **CITIZEN INVOLVEMENT**:
  - Police worked with the Community Policing Forum to enhance citizen/organization membership.
- **SUSTAINABILITY**:
  - Public Works staff attended OSU's Parking Task Force Meeting to provide input on ways to improve the efficiency of the OSU Shuttle system.
  - Friends of the Library Annual Book Sale recycled thousands of books back into the community while raising over $20,000 for the Library.
- **DIVERSITY**:
  - New bi-lingual signage was installed at the City Hall block to make facilities more accessible to native Spanish speakers.
  - Police staff met or communicated with representatives of the MLK Commission, CASA Latinos Unidos de Benton County, LGBT and the NAACP to discuss assistance with future staff diversity and inclusion training.
  - Library continues to provide monthly bilingual programming and materials in Spanish.
- **COST EFFICIENCY**:
  - Public Works began site evaluation, and drafted and advertised a Request for Proposal for the grant-funded 150kW solar array installation 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.
  - Public Works 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 facility. This will improve pre-treatment in storm events and will increase plant reliability.
  - Two new CTS buses were delivered to Public Works. These buses, replacing the two oldest buses in the fleet, were procured with a Federal Transit Administration grant with a local match rate of 10.27%.
  - A reorganization of Library staff following the retirement of a Division Manager resulted in increased direct public service staff with no cost increase.

DEPARTMENT ACCOMPLISHMENTS

CITY MANAGER'S OFFICE

- The Economic Development Commission met four times in the 3rd Quarter and received presentations on the Regional Accelerator & Innovation Network, Oregon Business Plan, Local Investing survey, and a Community Development Update. Business Oregon representatives visited and shared how they work with community economic development organizations. The EDC also held a special meeting to discuss the Public Participation Task Force.

COMMUNITY DEVELOPMENT

- Housing staff worked with the City's Housing and Community Development Commission to develop a draft Action Plan to utilize $509,401 in Community Development Block Grant program funding and $278,985 in HOME Investment Partnerships program funding during FY 14-15.
- One down payment assistance loan was closed to support a low income family's purchase of their first home, a Willamette Neighborhood Housing Services Seavey Meadows Community Land Trust unit. A second loan to support a Seavey Meadows CLT home purchase was approved in March and will close in April. The remaining four CLT homes are expected to be completed and sold by the end of May.
- Housing received 192 Rental Housing Program-related contacts in the third quarter, 117 issues related to habitability and 272 of a non-habitability nature. Eighty of the habitability issues reported are or may be subject to the Rental Housing Code. Of the 192 contacts, 97 were received in January, the highest number received since program inception.
- Development Services staff processed 49 residential and 107 non-residential plan reviews for proposed construction projects, and conducted 2,149 construction inspections in February & March, and of the 437 plumbing, mechanical and electrical permits issued 229, (or 52%) were issued online.
- The Planning Division received 19 land use applications in the third quarter, including five Historic Preservation Permit applications. Decisions were issued on 12 land use applications, including denial of a Comprehensive Plan Amendment and Zone Change at Maxine Avenue, approval of a Land Development Code Text Amendment for OSU Zone – Street Standards, and approval of the Toyota of Corvallis application.
- The Planning Commission began review of the Package #1 Land Development Code Text Amendments with a public hearing on March 19. The proposed code amendments include recommendations from the Neighborhood Planning Work Group of the City/OSU Collaboration project, the Historic Resources Commission, and the Economic Development Commission. The Planning Commission is expected to deliberate and forward a recommendation to the City Council on the code amendments in April.

FINANCE DEPARTMENT

- Utility Billing staff completed installation and training on automated remittance software and completed work with Wells Fargo to initiate electronic remote deposit for utility billing.
- MIS moved forward with the selection of gtechna for an electronic parking citation solution. Implementation is expected to begin in April.

- Risk Management completed the on-site appraisal process with AssetWorks Inc., and a final report is currently being drafted.
- Financial Planning staff facilitated and participated in semi-annual defined contribution plans fiduciary committee meeting with Hyas Group consultant and ICMA-RC vendor, including review of quarterly results and various plan issues.
- MIS completed the upgrade to the Corvallis Police Department's Records Management System (RMS) and Computer Aided Dispatch (CAD) hardware.
- Accounting Specialist Dixon received certification from the Institute of Financial Management as an Accredited Payables Specialist.

FIRE DEPARTMENT

- Staff implemented a new field in the department's incident reporting software to flag incidents involving OSU students. This will enable management to collect hard data (for use in contract negotiations with OSU) on the university's impact on the department's resources.
- Progress continues on the development of an "Active Threat" operating guideline.
- The Fire Prevention Division is working through the code adoption process.
- The drill facility replacement project is ready to enter Phase II, which will include concrete work and the structure. If approved, construction will begin this July.

LIBRARY

- Purchase of the Fenner property and execution of a property management agreement were finalized. The Library plans to continue the facility as a rental until it is needed for library purposes. The property was purchased using a donation from the Library Foundation.
- The old bookmobile was sold to a library in Minnesota with the proceeds going to the Library's vehicle reserves. It was replaced several years ago with a more cost-efficient and smaller Sprinter van, which allows the Library to provide more flexible service.
- The Library continues to develop its technological capabilities and to provide technical assistance to the public. Text messaging of overdue and hold notices is now available and staff is pursuing the ability to pay fines online. Staff provided several e-book clinics to assist the public in downloading e-books—one was attended by 80 people. The ability to provide programming using 3D printing will be developed next.
- Staff is increasing outreach to schools in each community, including visiting classrooms, providing tours and library cards, and attending school resource and parent-teacher events.

POLICE DEPARTMENT

- A Tactical Action Plan (TAP) was implemented to address increased activity in the Downtown, OSU Campus and College Hill areas during the St. Patrick's Day Holiday.
- A TAP was implemented to address underage drinking issues utilizing funding provided from the State of Oregon Enforcing Underage Drinking Laws (EUDL) Grant Program. The TAP increases staffing using bicycle patrols.
- A TAP was implemented to address the increase in criminal violations throughout Downtown Corvallis and Central Park.
- A new Records Specialist, Stefanie Nash, was hired in January.
- Police Department staff participated in the annual Polar Plunge in support of Oregon Special Olympics.

- Police Department implemented a public information initiative of using door hangers to provide safety tips and information to residents regarding vehicle break-ins occurring in their neighborhoods.
- Detectives investigated an armed robbery at a gas station in Corvallis. The suspect's truck was identified through video surveillance and was spotted in Linn County several days later by a Street Crimes Detective. The suspect was arrested.
- The Community Police Forum met three times this quarter.
- The Community Police Review Board held their quarterly meeting
- Police Officers attended the Western Oregon University and the Linn-Benton Community College Career Fairs.

PUBLIC WORKS

- 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.
- Completed plans, received bids, and initiated construction of the joint OSU/City project to reconstruct 15th Street and improve the intersection of 15th Street & Washington Way.
- 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.
- 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.
- Responded to the largest snowfall event in recent history, over a five-day period beginning February 6. Staff worked around the clock to plow and sand City streets according to the City's Snow and Ice policy. Linn and Benton County vehicles and staff assisted the City during the response effort. City crews began cleaning up sand and debris immediately after the snow melted.
- Corvallis Transit System (CTS) operated its regular days and hours of service, with the exception of the late night Beaver Bus throughout and following the February snow event. Staff assisted numerous first time riders in planning trips.
- For the third quarter of FY 13/14, CTS bus ridership decreased 7.6%, and Philomath Connection decreased 2.2% over third quarter ridership last year. The decreases are partially due to the inclement weather event in February which caused OSU and Corvallis School District closings.
- Flood response meetings were held in anticipation of rising river levels in February. Drills were performed at the Wastewater Reclamation Plant in preparation for the event.
- Following up on customer complaints regarding hazardous trees and removal of debris from urban streams, 72.5 hours were spent working in drainage ways in February.
- Presented on the new CTS Vehicle Information System at the Northwest Transportation Conference, held at the CH2M Hill Alumni Center.
- Published the annual Consumer Confidence Report (Water Quality Report) on the City website.

Corvallis / Benton County Economic Development Office
Monthly Business Activity Report to Corvallis City Council
March 31, 2014

Start-ups:

- Responded to a request for information from a potential business start-up (Project Kadish)
- Responded to a request for information from a business startup (Project Hanson)
- Responded to a request for startup information (Project Song)
- Assisted a start-up business with resource info for Project Dash
- Responded to a request for info from a business start-up – Project Banzhaf

Retention / Expansion:

- Worked with an existing client to find additional space (Project Seed)
- Followed up meetings (21) with six existing expansion or relocation clients

Recruitment:

- Responded to RFI for project KIFC
- Responded to a RFI for project Zoom

Assisted with	Past Month	Since July 1, 2013
Start-up	5	25
Expansion	1	16
Retention	0	5
Economic Development Officer visits	3	57
Recruitment	2	23

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
- Assisted T. Gerding in getting the 4th and 5th year exemption

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
- Participation on the Investing in Manufacturing Communities Partnership

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), and we have been encouraging property owners to provide new, updated listings

   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 one new and six ongoing expansion projects

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

<u>Smaller Steps:</u>

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
- 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 – "Wearable Technology"
- 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 three new business visits the past month (See Report)

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
- Business Oregon Deputy Director and National Recruitment Specialists presented to the EDC

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, 86 businesses, and 125 executives have been greeted.

ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS

April 17, 2014

MEETING DATE	AGENDA ITEM
April 23	• Enterprise Zone Sustainability Criteria Follow-up • Visit Corvallis Second Quarter Report • Downtown Corvallis Association Economic Improvement District Second Quarter Report • Utility Rate Structure Review
May 7	• da Vinci Days Loan and Annual Report • Parks and Recreation Department Cost Recovery Update • Utility Rate Structure Review • Neighborhood/Property Maintenance Code Program
May 21	• Visit Corvallis Third Quarter Report • Downtown Corvallis Association Economic Improvement District Third Quarter Report • Council Policy Review and Recommendation: • 95-4.10, "Public Library Gifts and Donations Policy"
June 4	• Third Quarter Operating Report • Board and Commission Sunset Review: • Economic Development Commission
June 18	• Republic Services Annual Report
July 9	•
July 23	•
August 6	•
August 20	•
September 3	• Visit Corvallis Fourth Quarter Report • Downtown Corvallis Association Economic Improvement District Fourth Quarter Report
September 17	•

October 8	• Fourth Quarter Operating Report
	• Council Policy Reviews and Recommendations:
	  • 91-2.01, "Meeting Procedures"
	  • 94-2.08, "Council Liaison Roles"

October 22	• Utility Rate Annual Review
November 5	• FY 2013-14 Parks and Recreation Department Cost Recovery Review
November 19	•
December 3	• Visit Corvallis First Quarter Report • Downtown Corvallis Association Economic Improvement District First Quarter Report • Comprehensive Annual Financial Report • First Quarter Operating Report
December 17	•

<u>ASC PENDING ITEMS</u>

- Comcast Franchise Renewal Update — Public Works
- Council Policy Review and Recommendation:
  - 98-2.10, "Use of E-Mail by Mayor and City Council" (Jan 15) — CMO
  - 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

April 17, 2014

MEETING DATE	AGENDA ITEM
April 22	No meeting

May 6	• Liquor License Annual Renewals
	• Majestic Theatre Annual Report
	• Council Policy Reviews and Recommendations:
	  • 97-4.09, "Guidelines for Free Use of Parks and Recreation Facilities"
	  • 99-4.13, "Internet Access Policy for Corvallis-Benton County Public Library"
	  • 92-5.04, "Hate/Bias Violence"

May 20	•

June 3	• Social Services Allocations - Fiscal Year 2014-2015
	• Boards and Commissions Sunset Reviews:
	  • Arts and Culture Commission
	  • Citizens Advisory Commission on Civic Beautification and Urban Forestry
	  • 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: • 93-4.11, "Public Library Policy for Selecting and Discarding Materials"
October 21	•
November 4	• Council Policy Review and Recommendation: • 95-4.08, "Code of Conduct on Library Premises"
November 18	•

December 2	• 2015-2016 Social Services Priorities and Calendar
	• Council Policy Reviews and Recommendations:
	  • 91-1.03, "Naming of Public Facilities and Lands"
	  • 91-4.01, "Guidelines for Selling in Parks"

December 16	•

HSC PENDING ITEMS

- Council Policy Review and Recommendation:
  - 99-4.14, "Use of City Hall Plaza and Kiosk" — CMO
- 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

April 17, 2014

MEETING DATE	AGENDA ITEM
April 22	• Council Policy Review and Recommendation: • 91-7.04, "Building Permits" • Residential Parking Districts
May 6	•
May 20	• Residential Parking Districts • Cleveland Avenue Traffic Analysis

June 3	• Board and Commission Sunset Review:
	  • Airport Commission
	• Council Policy Review and Recommendation:
	  • 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program"

June 17	• Transportation System Plan update
July 8	• Transportation System Plan update, cont'd.
July 22	•
August 5	•
August 19	•
September 2	No meeting
September 16	• Council Policy Review and Recommendation: • 02-7.15, "Fee-in-Lieu Parking Program"
October 7	• Council Policy Review and Recommendation: • 08-9.07, "Traffic Calming Program"
October 21	•
November 4	• Council Policy Review and Recommendation: • 98-9.06, "Transportation Corridor Plans"
November 18	•
December 2	•
December 16	•

USC PENDING ITEMS

- Council Policy Review and Recommendation:
  - 91-7.08, "Sidewalk Policy" — Public Works
  - 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

APRIL – AUGUST 2014
(Updated April 17, 2014)

APRIL 2014

Date	Time	Group	Location	Subject/Note
~~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		No Government Comment Corner		
21	*5:15 pm*	*Economic Development Cmsn*	*OSU Int'l Livg-Learng Ctr*	*special meeting*
~~**21**~~	~~**6:00 pm**~~	~~**City Council Executive Session**~~	~~**Downtown Fire Station**~~	
21	**6:30 pm**	**City Council (work session immediately follows)**	**Downtown Fire Station**	
22		*No* Human Services Committee		
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~~ Osborn Aquatic Center	
22	7:00 pm	Budget Commission	Downtown Fire Station	
23	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
23	5:15 pm	Watershed Management Adv Cmsn	~~Madison Avenue Mtg Rm~~ Downtown Fire Station	
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	
28	6:30 pm	Public Participation Task Force	Library Main Mtg Rm	public forum
29	7:00 pm	Budget Commission	Downtown Fire Station	
~~30~~	~~5:15 pm~~	~~Economic Development Cmsn~~	~~OSU Kearney Hall Rm 112~~	

MAY 2014

Date	Time	Group	Location	Subject/Note
1	11:00 am	Public Participation Task Force	Madison Avenue Mtg Rm	work session
1	7:00 pm	Budget Commission	Downtown Fire Station	
2	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
3		No Government Comment Corner		
5	**5:30 pm**	**City Council Executive Session**	**Downtown Fire Station**	
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	
8	11:00 am	Public Participation Task Force	Madison Avenue Mtg Rm	
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	11:00 am	Public Participation Task Force	Madison Avenue Mtg Rm	work session
15	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
17		No Government Comment Corner		
19	**6:30 pm**	**City Council (Executive Session immediately follows)**	**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	4:00 pm	Public Art Selection Commission	Parks and Rec Conf Room	
21	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Room	
21	7:00 pm	Planning Commission	Downtown Fire Station	
22	11:00 am	Public Participation Task Force	Madison Avenue Mtg Rm	
24		No Government Comment Corner		
26		City holiday - all offices closed		
27	5:15 pm	Cmsn for Martin Luther King, Jr.	~~City Hall Meeting Room A~~ Osborn Aquatic Center	
28	***TBD***	***City Council***	***Madison Avenue Mtg Rm***	***PC/HRC interviews***
29	***TBD***	***City Council***	***Madison Avenue Mtg Rm***	***PC/HRC interviews***
31		No Government Comment Corner		

JUNE 2014

Date	Time	Group	Location	Subject/Note
2	**6:30 pm**	**City Council**	**Downtown Fire Station**	
3	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
3	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	4:00 pm	Downtown Parking Committee	Downtown Fire Station	
3	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
4	3:00 pm	Community Police Review Board	Walnut Community Room	
4	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
4	7:00 pm	Planning Commission	Downtown Fire Station	
4	7:30 pm	Library Board	Library Board Room	
6	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
7		No Government Comment Corner		
9	3:00 pm	Economic Development Cmsn	Madison Avenue Mtg Rm	
10	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm	
10	6:30 pm	Historic Resources Commission	Downtown Fire Station	
11	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
12	8:30 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Room	
14	10:00 am	Government Comment Corner	Library Lobby - Biff Traber	
16	**6:30 pm**	**City Council**	**Downtown Fire Station**	
17	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	12:00 pm	Housing and Comm Dev Cmsn	Madison Avenue Mtg Rm	
18	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Room	
18	7:00 pm	Planning Commission	Downtown Fire Station	
19	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
21		No Government Comment Corner		
24	5:15 pm	Cmsn for Martin Luther King, Jr.	Osborn Aquatic Center	
25	5:15 pm	Watershed Management Adv Cmsn	Madison Avenue Mtg Rm	

28	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	

JULY 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*	
5		*No Government Comment Corner*		
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*	
12	*10:00 am*	*Government Comment Corner*	*Library Lobby - PennyYork*	
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*	*Downtown Fire Station*	
18	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
19		*No Government Comment Corner*		
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*	
23	*3:30 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*	
23	*5:15 pm*	*Watershed Management Adv Cmsn*	*Madison Avenue Mtg Rm*	
22	*5:15 pm*	*Cmsn for Martin Luther King, Jr.*	*Osborn Aquatic Center*	
26		*No Government Comment Corner*		

AUGUST 2014

Date	Time	Group	Location	Subject/Note
1	*7:00 am*	*Bicycle and Pedestrian Adv Cmsn*	*Madison Avenue Mtg Rm*	
2		*No Government Comment Corner*		
4	***6:30 pm***	***City Council***	***Downtown Fire Station***	
5	*7:00 am*	*Airport Commission*	*Madison Avenue Mtg Rm*	
5	*2:00 pm*	*Human Services Committee*	*Madison Avenue Mtg Rm*	
5	*4:00 pm*	*Downtown Parking Committee*	*Downtown Fire Station*	
5	*5:00 pm*	*Urban Services Committee*	*Madison Avenue Mtg Rm*	
6	*3:30 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*	
6	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
6	*7:30 pm*	*Library Board*	*Library Board Room*	
9		*No Government Comment Corner*		
11	*3:00 pm*	*Economic Development Cmsn*	*Madison Avenue Mtg Rm*	
12	*8:20 am*	*Citizens Advisory Cmsn on Transit*	*Madison Avenue Mtg Rm*	
12	*6:30 pm*	*Historic Resources Commission*	*Downtown Fire Station*	
13	*5:30 pm*	*Downtown Commission*	*Madison Avenue Mtg Rm*	
14	*8:30 am*	*Citizens Advisory Cmsn on Civic Beautification and Urban Forestry*	*Parks and Rec Conf Room*	

16	*10:00 am*	*Government Comment Corner*	*Library Lobby - Mike Beilstein*
18	***6:30 pm***	***City Council***	***Downtown Fire Station***
19	*2:00 pm*	*Human Services Committee*	*Madison Avenue Mtg Rm*
19	*5:00 pm*	*Urban Services Committee*	*Madison Avenue Mtg Rm*
20	*12:00 pm*	*Housing and Comm Dev Cmsn*	*Madison Avenue Mtg Rm*
20	*3:30 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*
20	*5:30 pm*	*Arts and Culture Commission*	*Parks and Rec Conf Room*
20	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*
21	*6:30 pm*	*Parks, Natural Areas and Rec Brd*	*Downtown Fire Station*
23	*10:00 am*	*Government Comment Corner*	*Library Lobby - Julie Manning*
26	*5:15 pm*	*Cmsn for Martin Luther King, Jr.*	Osborn Aquatic Center
27	*5:15 pm*	*Watershed Management Adv Cmsn*	*Madison Avenue Mtg Rm*
30		*No Government Comment Corner*	

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

City of Corvallis
Neighborhood Tree Stewards Manual

Neighborhood Tree Stewardship Program

CORVALLIS
PARKS & RECREATION

"Spreading the practical knowledge of the urban forest through informing the people."

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Produced by the commission of
Civic Beautification and Urban Forestry
Corvallis Urban Forester
Pictures, Words, and Research by Matt Sanchez

Graphics by BLDesigns.biz

CBUF
Civic Beautification
Urban Forestry Commission

The Urban Forest

Simply put, the urban forest is the forest we live in. This forest includes a row of oaks outside your home, a giant sequoia in your backyard and even the remnant Douglas firs lingering at Avery Park. All trees, shrubs, and green spaces, both private and public, are considered the urban forest. The difference between the urban forest and forests associated with rural areas is that, as a community, we have a major influence on the livelihood of how these trees thrive in a harsh environment. This environment can be difficult to work with due to highly compacted soils, restricted growth space, and human impact in general. We must face these issues through an understanding of proper stewardship to provide benefits for all citizens.

Benefits

Our urban forest provides services that are recognized as benefits to both people and the environment, without them we would be limited in our ability to have a properly functioning urban ecosystem.

Stormwater Capture

The heart of the Willamette Valley is blessed with rainfall that results in highly productive ecosystems characterized by tall trees, beautiful flowers, and lush fruit. This rainfall is intercepted by vegetation and concrete that play differing roles in the water cycle. Vegetated structures are considered pervious, meaning that they can absorb stormwater allowing for a clean transport of the water throughout the system. Concrete structures are considered impervious, meaning that they cannot absorb stormwater resulting in pollutants accumulating, adversely affecting the ecosystem. By covering impervious structures with pervious ones the amount of pollution that results from rainfall run off has the potential to be reduced.

Air Pollution Reduction

Pollution unfortunately hurts our environment in different ways; fortunately through planting trees we can reduce pollution that is associated with our atmosphere. Air pollutants related to the burning of fuel and combustion of engines are harmful to our world. However, it has been researched that urban forests can remove these pollutants. Another concern related to the atmosphere is the presence of carbon dioxide, which increases global temperatures. Research has also suggested that the levels of carbon dioxide can be reduced by tree growth; trees take in carbon through their growth. In general, by adding more trees to the urban forest we are improving the quality of the atmosphere.

Energy Savings

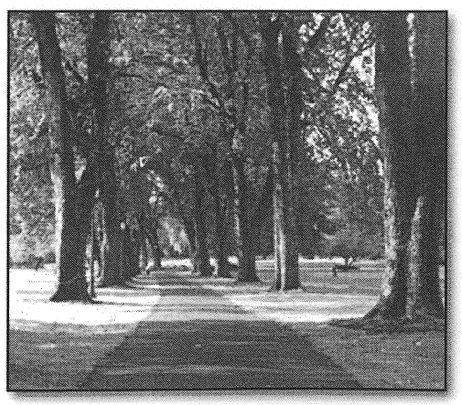
Monetary value provided by the urban forest can be evaluated on our energy bill, even though it may not be stated directly. It should be understood that the presence of trees near established properties is relevant to reduction in energy cost. The concept of saving money is simple; placing a deciduous tree near a home will cool a home during hot months and allow sun to warm a home during cool months.

Bettering of Businesses

Business owners are often attracted to purchase retail space in areas that are surrounded by trees. It has been shown that trees increase profit for business owners. Streets that are well-vegetated offer shade and comfort to consumers, resulting in extended shopping experiences and more money spent.

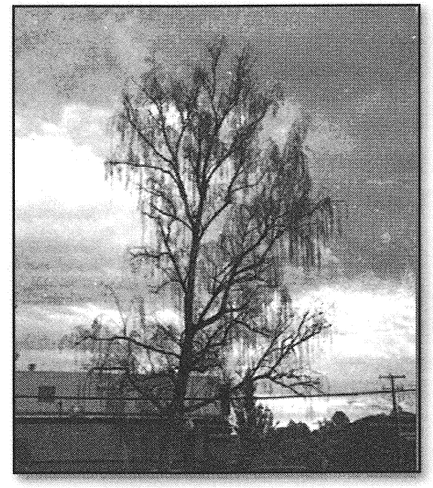
Human Wellness

We are constantly influenced about the natural world around us; this connection with nature improves human well being. Whether it is the aesthetic gratification of a massive tree, the comfort of shade on a hot day, or the fresh air we encounter on a walk. Planting and maintaining our urban forest is an important aspect of community livability



What is a Tree?

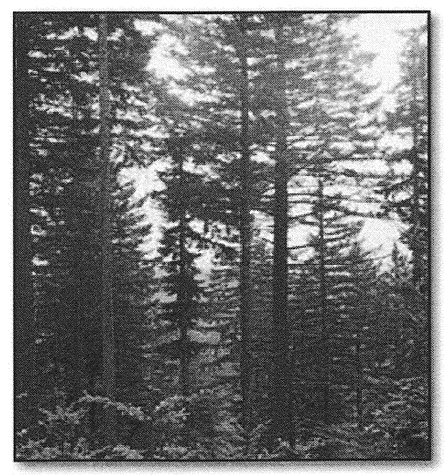
This answer may seem too obvious, but truly a tree is a complex organism that should be understood before planting and caring for it. It is necessary to be clear on the physiological factors associated with the giants we live among.



Deciduous Tree

This type of tree grows leaves during the spring and loses them during fall. Most often in the urban setting we plant this kind of tree to receive the most benefits possible, especially through energy savings. The most common deciduous characteristics are fragrant flowers, spread out canopy structure, and varying leaf types.

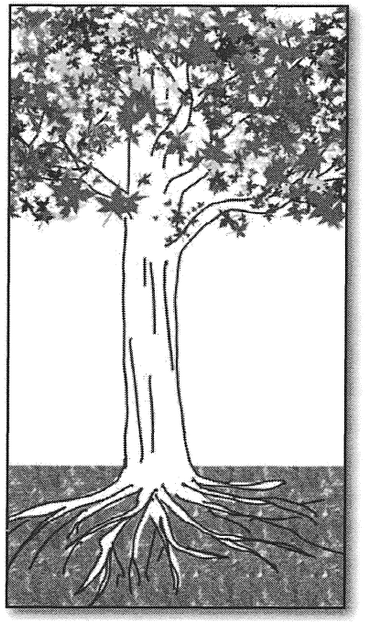
Examples of this type of tree are Oak, Maple, Sweetgum, and Elm



Conifer Tree

This type of tree retains leaves year round without annual shedding during fall. While this tree type is often widely outnumbered by deciduous species, it will often be very prominent in the landscape because of massive size and leaf retention during winter. The most common conifer characteristics are needle like leaves, seed bearing cones, and girth.

Examples of this type of tree are Fir, Cedar, Redwood, and Pine.



Basic Tree Structure

⇦ The **tree canopy** consists of the leaves and the branches that support them. This is the region that is associated with the most benefits to saving energy and reducing pollution.

⇦ The **trunk** is a vital passageway for the tree to transfer water and nutrients. It consists of multiple layers starting with the bark that keeps the tree safe from damage.

⇦ The **roots** are an important underground structure that uptake water and nutrients while supporting tree weight.

Growth

All plant growth, including tree growth and function are a result from interconnected actions the sun, water, carbon dioxide, and oxygen provide. For scientific benefit, it is necessary to understand the very basics of photosynthesis, respiration, and transpiration. These functional aspects of growth are what take over after a tree has been established in a landscape.

Photosynthesis

This is probably the most important function of plant growth, also probably the most well known. The process is done by converting energy from the sun, water, and carbon dioxide into chemicals that help a plant grow. Photosynthesis takes place primarily in the leaves of plants.

Respiration

This function is literally the reverse of photosynthesis, and results in the release of energy that has been harnessed from sun, water, and carbon dioxide. The process is

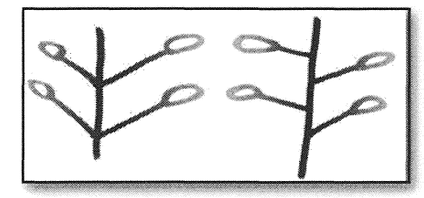
located in cells within the leaves, and occurs when oxygen and the chemicals created in photosynthesis combine forcing a release of stored energy.

Photosynthesis and respiration work together and can be broken down into a simple level of understanding. Think of photosynthesis as the plant absorbing raw materials so that it can grow and the process of respiration as the way the plant gets rid of the energy it has used… it is inhaling and exhaling, but on a more complex level.

Transpiration

This process is also very important, but the relationship isn't as tight knit as the previous processes. The function of transpiration is to rid of excess water that a plant ingests by allowing for water to be released through microscopic leaf pores.

Further Classification



Dichotomy is a means of separating two objects of similar nature based on their differences. The purpose of understanding dichotomy helps stewards differentiate between species based on specific characteristics. Understanding this way of thinking is useful when examining the difference between an Oak and a Maple. Telling the difference often starts with examining leaf and branching patterns. In the below example we are given two different growth characteristics that are used when determining a species. The image on the left is considered oppositely patterned, while the image on the right is considered alternately patterned.

Being able to comprehend basic differences like opposite and alternate patterned characteristics will help with determining a tree species. While this technique is not vital to deciding what tree to plant, it is a helpful skill to develop for advanced landscape enthusiasts. If you want to further you knowledge of dichotomy, Oregon State University has produced helpful publications both online and in print.

"Trees of the Pacific Northwest" by Ed Jensen and Betsy Littlefield
This is an excellent handheld guide to native species in our area.

http://oregonstate.edu/dept/ldplants/ website managed by Pat Breen
This is an excellent online guide to a wide variety of species associated with urban landscapes. There are both native and nonnative species described.

Right Tree, Right Place

This concept may be the most vital piece of information needed to successfully establish a fully functioning urban forest. "Right Tree, Right Place" means that when choosing to plant a tree in your landscape you must choose the species for the location. It may seem obvious to do this, but the excitement of picking a tree at a nursery may overwhelm the planning process. Before choosing a tree to plant, it is necessary to evaluate the location first. Imagining how big a tree will become after it has been planted is a good start.

The following is a list of factors to be aware of before planting:

- **Site access.** Is the tree you want to plant on private or public property? Planting on public property may be harder to accomplish versus planting on your own property.
- **Look up!** High voltage power lines above a planting area are an immediate sign that limits tree selection. Planting a tree that has a potential to reach utility lines can cause fire and power outage; a safe clearance between tree and wire is important.
- **"Call before you dig"** is a saying found on billboards and expressed by sewer and water companies. This is another factor to be aware of that is meant to prevent potential hazard when digging, running into a utility line would be unfortunate when trying to do good.
- **Distance from infrastructure.** Make sure the tree to be planted isn't too close to a home or business, by placing a tree too close it will inhibit growth and could potentially cause foundation damage.
- **Test the soil.** Doing a simple soil test will not only allow the planter to know how compacted the soil is, but also how acidic it may be (pH). Knowing the characteristics of soil will help determine species choice.
- **Is the desired location close to a walkway or parking spot?** Planting a tree that doesn't produce excess litter would be a good recommendation for areas of heavy traffic. This will reduce slip hazard.

Picking The Tree

Now the fun begins! Choosing a tree for the urban forest is an exciting process, but needs to be carefully understood before purchase at the local nursery. First of all, if confusion strikes at the nursery don't hesitate to ask questions of the nurserymen, give them the gathered site-specific factors of "right tree, right place".

The nursery will provide both conifer and deciduous tree species, identifying which type of tree you want for the site would be a good start. A few facts about tree selection regarding **cultivar, variety, native,** and **nonnative** will assist decision-making.

Cultivar: A cultivated variety of a plant. A named plant selection from which identical or near-identical plants can be produced, usually by vegetative reproduction or cloning (International Society of Arboriculture).

Variety: A plant that is related to a certain species, but considered a variation from the original species because of slight differences. Certain differences can be color or geographic location.

Native: A plant is native if it naturally occurs in a region; it did not originate in one region to be transferred to another. A notable native is the bigleaf maple.

Nonnative: A plant is nonnative if its origin is not related to the location it is currently growing; the intentional transfer of a plant to a location it is not from.

****A quick note on invasive species**

Invasive species are those that have been unintentionally transferred to a region they are not from, and as a result have negatively impacted ecosystems. Negative impacts include increased competition to natives and non-natives.

Choosing the Right Tree

This can be confusing when so many options are available; evaluating the health of the tree has the potential to be overlooked. Don't let this happen, make sure that the tree is in good health by examining the **roots, trunk, leaves,** and **canopy**. Differentiating between container grown, balled and burlapped, and bare root will also be useful.

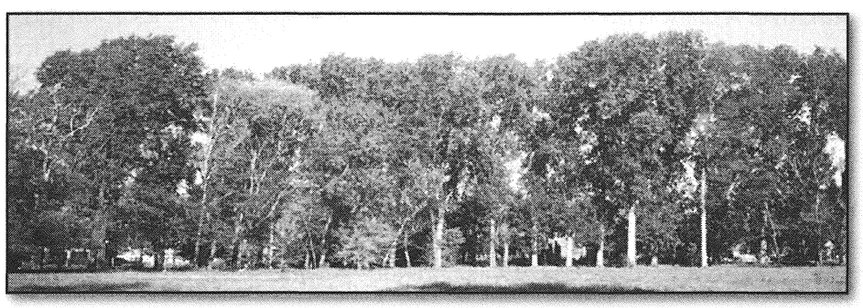
- Container grown means the roots are in a container
- Balled and burlapped means the roots are in a ball wrapped with burlap
- Bare root means that the roots are exposed without containment

The **roots** may be one of the most vital aspects to determining if the specimen is in healthy enough condition to survive in the urban environment. Looking for roots that circle around the trunk or other roots and kinked roots in which the main roots are bent. If these two types of root growth are noticed, avoid purchasing that tree.

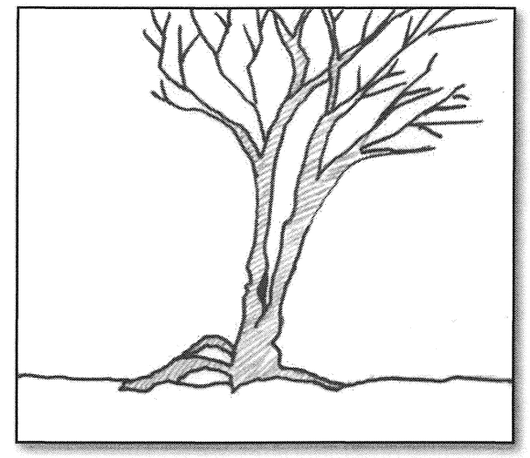
Trunk characteristics to be aware of is the ability to support the tree during windstorms, and be in overall healthy condition with out damage to the trunk. A useful classification system is called "Height-Caliper", in which the trunk width is compared to the tree height. See **American Association of Nurserymen**
http://hort.ifas.ufl.edu/woody/american-standard.shtml

The amount of **leaves** on the tree to be planted must be accounted for, if there are a lot of dead leaves, diseased leaves, or general lack thereof then the tree shouldn't be selected. If it is too early to determine leaf mass, look for buds on the branches or scars of where leaves may have once lived.

Examine the **canopy** of the selected species; it is the future of the tree. Look for a branch that appears to be the leader in growth and determine if it seems healthy and alive. If the canopy seems denser on the bottom half than the top, this is ok, it will allow for more wind resistance.



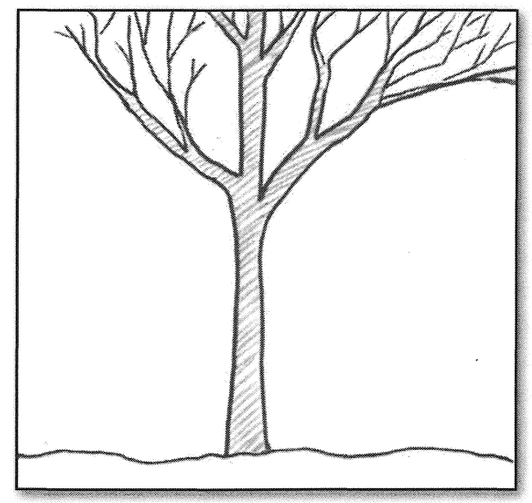
Comparing "Good" & "Bad" Tree Selection



What's "bad" about this tree?

- Circling/exposed roots
- Trunk damage
- Co-dominant stem
- Crowded branches
- Poor wind resistance

Not every "bad" tree will have these characteristics, noticing individual issues are important when making a tree selection.



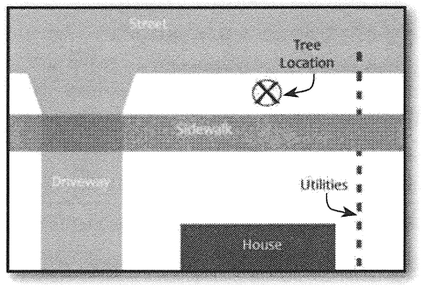
What's "good" about this tree?

- Mulch
- Good trunk condition
- One main dominant stem
- Evenly spaced branches
- Good wind resistance

Finding all of these qualities when choosing a tree will result in a higher chance of success after establishment.

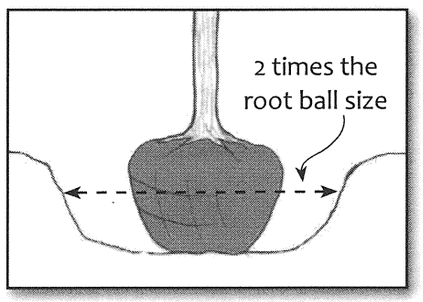
Planting

The time has finally come; you understand what a tree is, how to generally classify and examine it, and how to choose proper site location. The following is a step-by-step process to planting the tree you chose.



Step 1: Re-evaluate Location

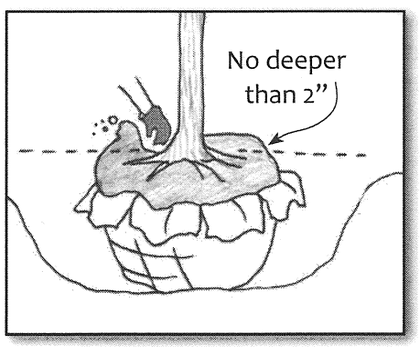
This is the last chance available to look over the planting location, make sure there aren't any utilities that will interfere with growth or that the tree won't be planted to close to a home.



Step 2: Dig the Hole

Call 811 to find out if any lines are under the site.

Then, prepare a hole that is 90% the length between the top most root and the bottom most root. Make sure the hole is 1.5 to 2 times the width of the root ball. Make sure the soil is loose for root growth.

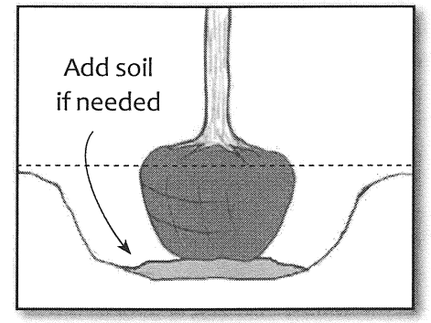


Step 3: Prepare the Roots

Make sure that the root crown is somewhat exposed so any defects can be taken care of prior to planting, the area of exposed root should be no larger than 2 inches into the root ball. Look for exposed roots that are circling and kinked and cut them prior to planting, this will be important for properly anchoring the tree.

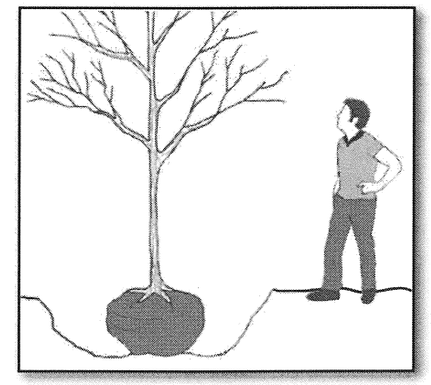
Step 4: Place Tree in Hole

This is as simple as the title; physically place the tree in the prepared hole.



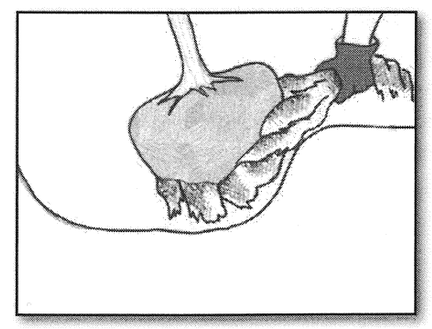
Step 5: Position Tree

It is better to plant the tree too high, than too low. It is okay if the root crown is 1-2 inches above the surface, if the tree seems too deep add soil under the tree on the planting site. Planting a tree too deep smothers roots causing the tree to spend energy growing a new root system.



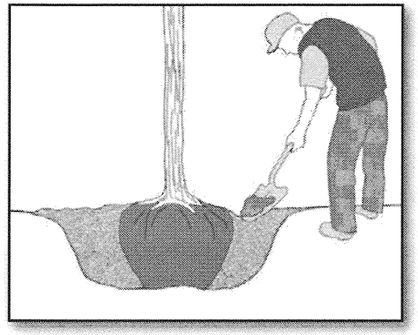
Step 6: Straighten Tree

Before adding soil to the tree, make sure it is straight by looking at it from different directions.



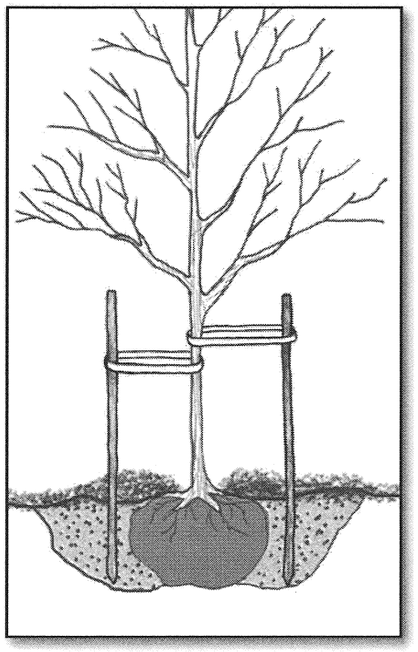
Step 7: Remove Synthetic Material

This step is most important for trees that have been wrapped in burlap or some other non-organic material. Remove any material around the roots that isn't soil, doing this will prevent stress to the roots and provide proper tree function.



Step 8: Backfill

This step requires the planter to fill up the hole the tree has been placed in. Pay careful attention to the root ball by firming it up with a shovel; push soil against ball. Moderately pack in the tree with backfill, do not strongly compress it.



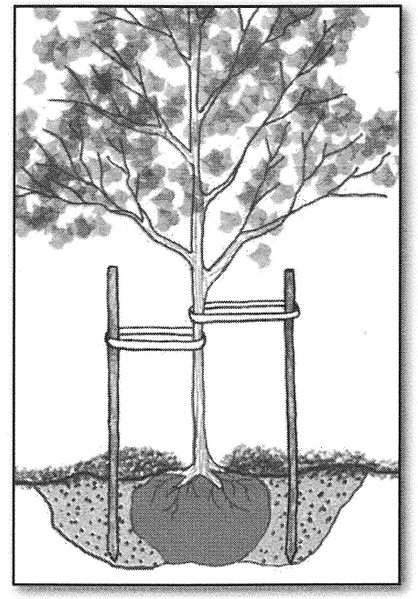
Step 9: Water and Mulch

Newly established trees need water, and lots of it. Initially water the newly planted tree and let it settle in first, and then add mulch to the area around the trunk. Add a 2-3 inch mulch layer with about a 4-6 foot diameter, but make sure the mulch isn't pressed against the trunk. A properly mulched tree will not have grass or weeds growing close to the trunk.

Step 10: Stake and Prune (if needed)

Not all trees will need to be staked, but if the structure seems weak it may be necessary to create support. Staking should only be applicable for about a year, or until a tree is established. Pruning a newly established tree should be limited to pruning for structure, dead branches, overcrowded branches, and branches competing with the leading stem on the canopy. At three years old a tree should become large enough that hand pruners no longer work, contact a professionally certified arborist before attempting to remove any large limbs. Be sure to keep a close watch during the first three years of the trees life. Watering and mulching are the most effective ways for a tree to survive. Once this has been accomplished, the tree will contribute to the many benefits the urban forest provides.

Properly Planting the Tree



- Only stake when necessary and remove once established for root growth.
- Place 2-4 inches of mulch away from the trunk flare and around the root zone.
- Gently replace the excavated soil back in the hole.
- Water during dry seasons during the first 3 years.

Closing Statement

The practice of stewardship in the urban forest is something that shouldn't be rushed, trees take time. Understand that being a part of the cause to increase canopy cover in Corvallis means more than just planting trees. A tree steward is someone who interconnects all of the aspects examined in this manual into one general understanding of urban forestry and its benefits. Being able to grasp the concepts of tree growth in function in relation to right tree, right place is the first bridge. Building the second bridge should be between choosing the right tree, and being able to properly plant and care for it.

Trees shape the urban world we live in; they sequester pollution, reduce temperature, and provide aesthetic pleasure. It is hard to imagine a world without trees, but very possible to imagine the world with more trees. Join us in creating an image of more trees in our community so future generations can benefit in the way we have.

Further Recommendation

Books

Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses by Michael A. Dirr

Arboriculture: Integrated Management of Landscape Trees, Shrubs, and Vines by Harris, Clark, & Matheny

Contacts

International Society of Arboriculture

ISA provides an active list of certified arborists that will professionally serve you. Follow these steps to find an arborist for hire in Corvallis.

1) Open a preferred web browser and enter "www.isaarbor.com/home.aspx"
2) Find the bluish box on the right side of the homepage titled "I am a"
3) Under the "Tree Care Owner" section select "find a tree care service"
4) Scroll down to search methods and select "location"
5) Enter "Oregon" and "Corvallis" followed by checking "for hire"
6) This will take you to a page that lists ISA arborists for hire

The ISA website is full of excellent information related to urban forestry, check it out!

The Commission on Urban Forestry and Civic Beautification

Any questions related to this manual or for further information about urban forestry in Corvallis, contact:

City of Corvallis Parks and Recreation
1310 SW Avery Park Dr., Corvallis, OR 97330
Ph. # (541)766-6918

-----Original Message-----
From: Ward 2
Sent: Thursday, April 17, 2014 1:43 PM
To: Holzworth, Carla
Subject: Fwd: Proposed Homeless Shelter

Carla,
Could you hand out copies of this email at the next council meeting.

And could staff follow up on the particular incidents noted in the email that occurred on her property.

Thanks.
--- Forwarded Message -----
From: Elizabeth Westland <elizabethwestland@[illegible]>
To: joan@downtowncorvallis.org, info@corvallischamber.com, ward2@council.corvallisoregon.gov
Sent: Wed, 16 Apr 2014 20:55:00 -0700 (PDT)
Subject: Proposed Homeless Shelter
The enclosed letter expresses my concerns on th3 proposed homeless shelter.....
For the last 7 years I've owned a property on the corner of 6th and Van Buren, downtown Corvallis. The property is a mixture of commercial office space, long term residences and 4 corporate apartments. This last year I've had a number of incidents that have caused me concern. The incidents range from people urinating on my property, people going through my trash, sleeping overnight outside the building, vandalism and those that just walk in and ask for money.
I have been reading the paper about the new 3 story Homeless shelter which will be downtown. I think this is very short sighted. Yes, of course we need a coordinated action plant to help those who can't help themselves, but I absolutely do not agree with its location, or the "institutional"
building style. I have three main concerns:
· First, we're looking at Homeless as all one group. It's not, It's addiction, it's the serial homeless, it's mental illness' registered sex offenders, and most likely "new" homeless. The "new" homeless I believe can be triaged when identified and as we know from other communities, can be given resources immediately.
· The women! This is a vulnerable "high risk" group with unique problems. Many of these women have been involved in situations we can hardly imagine. We would never consider women who go to CARDVA being so "exposed". What, because they are homeless, they deserve less? Abuse comes in many forms.
· Placing the shelter at the proposed location completely discounts the concerns and impact of the downtown community.
Look at COI and what they have accomplished. Why are we reworking the wheel? COI is local and accessible, yet their work, their very difficult tasks does not have a negative impact on local businesses. I'm not saying we don't need more involvement dealing with this very sad issue. I worked at both the men's and women's bad weather shelter. Truthfully, I was not equipped to deal with the mental illness, drug addictions and sexual predictors.
I'm counting on you as a leader in our community, to ask big questions, so we, as a community, can find appropriate answers. Please support the people who invest, live and work downtown. A downtown is the heart of a community.
We've won numerous awards and recognition because of the "vitality" of a progressive and positive downtown.
Elizabeth Westland-Schroff
Van Buren Court
[redacted]
Corvallis, Oregon
Elizabeth Westland

Fellow Corvallis Citizens and Stakeholders,

I am not one for getting involved with local issues; as I am far too busy running my own companies. However, recent incidents associated with a growing homeless population in downtown Corvallis compel me to write you.

My family has been fortunate to own the historic Kiger House on the corner of SW 5th and Jefferson for almost 40-years. It is the big gray house straddling downtown and the Jefferson Avenue gateway to OSU. Our tenants include three law offices, an award-winning author, a couple counselors, a couple international trade consultants and a tech venture spun out of OSU.

We have been able to attract a great tenant base after investing a considerable amount into the building in the last two years, with the latest investment being an advanced video security system, due to increasing vulgar and lewd behavior especially in recent months.

Some of the now common incidents within just the last 3 months include:

- Daily urinating in shrubs in the middle of the day
- Human fecal matter found on the front entry porch in the early morning
- Stolen bicycle components from under the carport (police report filed)
- Two tenant cars having their rear and side panels kicked in late at night (police report filed)
- Antennas broken off tenant cars
- Incessant panhandling on the sidewalk in front of the building for beer money and cigarettes
- Drug dealing in darkness of the rear garden entry
- Drug paraphernalia found in parking lot

- Increased litter/trash tossed in the yard (cigarette butts, empty beer bottles and spit all over steps on back porch)
- Teens (homeless?) using carport to congregate and smoke and drink
- Fighting among homeless outside the front entry
- Profanity being spewed out of mouths of passersby homeless
- Broken bottles on the sidewalk from cans and bottles that have fallen after being collected by homeless from OSU parties en route to collection facilities at Safeway
- Dogs belonging to homeless defecating on sidewalks in front and not cleaning after
- Public drunkenness in front of the building
- Broken branches on shrubs from homeless that stumble into them
- Strange cars loitering in the parking lot late at night

Being on the periphery of downtown, we have always had some of the occasional petty issues, such as garden hoses being stolen or trash tossed in our yard; however, the increasing frequency and vulgarity of behaviors have prompted our calls to the police almost monthly the last few months. In contrast, we used to have issues only every few years.

While working on renovating the exterior this past summer, I have come to know some of the homeless that pass by several times daily and continue to share cordial greetings with them. However, the bad outweighing the good has become such a problem in recent months that something needs to be done.

Last fall, we installed the aforementioned surveillance system, which seems to have no deterrent value. Burglars have remained quite brazen in stealing and mischief and have been caught on video. Therefore, we also invested a small fortune into outdoor lighting as a deterrent and requested more frequent police drive bys at night. Again, to no avail. We have consulted with police about what else we or they can do and they say there is little more that can be done

outside of installing a 6' tall wrought iron fence. Albeit, I am sure that the state and city historical preservation offices would have something to say about a fence, so the only recourse left is to appeal to a greater public platform, i.e. you.

If things keep up the way they are, losing our tenants is not a possibility, but a probability. Furthermore, we will not have any further incentive to continue investing in increasingly expensive repairs and maintenance for the building. Recent incidents are now starting to cost us real money.

To make things worse, I understand that that there is to be a new homeless shelter built only a few blocks from the Kiger House, capable of accommodating many more homeless. I am all for helping the homeless, but why must the downtown neighborhoods take the brunt of the burden? Those that support such facilities downtown do not have to spend 15-min. hosing off the vomit and dookie off their front porches and picking up trash first thing in the morning. I do. I wonder if the supporters would be as supportive if the shelters were only blocks from their homes?

Moreover, several of the homeless are capable and have talents, but choose the lifestyle. One with whom I have built a rapport is a Master Gardener who gives me gardening advice. I asked him once, "with such credentials, why do you live in a tent?" He told me he chooses that lifestyle because he "doesn't want to have the responsibility..." I am sure he is not alone and building a shelter will only invite those that are looking for handouts, not necessarily a hand up.

So no doubt, many of the homeless I see with cell phones will now be able to call their friends and inviting them to Corvallis to enjoy the new free facilities. Ironically, it all reminds me of my business trip to Tokyo just last week.

In the concrete jungle of Tokyo, I found a small haven - a small park

oasis, where I sat to enjoy a snack under the blossoming cherry trees and saw the cutest little bird. It was obviously attracted to the rice ball I had, so I broke off a grain and tossed it to him. A few seconds later, his friend appeared and I tossed him a grain too. Suddenly, a flock of pigeons watching my generosity were at my feet begging for food. I stopped feeding them, stood up and they went to find handouts from the next. I learned my lesson quick.

Now, I am all for helping little birds every now and again, but it seems as though those flocks of pigeons are honing in on Corvallis pretty darn fast. There must be a better way.

How is it that we are a small town (1/520 th the size of Tokyo) that claims such high livability standards, yet have the same big city issues?

Thank you for your time.